

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

1)	
2)	
3	FEDERAL TRADE COMMISSION,)	Case No. 2:09-CV-01349-PMP-RJJ
4	Plaintiff,)	
5	v.)	
6	GRANT CONNECT, LLC, et al.,)	
7	Defendants.)	

**STIPULATION AND PROPOSED ORDER TO
CONTINUE THE HEARING ON DEFENDANT JOHNNIE SMITH’S
MOTION TO DISMISS AND KYLE KIMOTO’S MOTION FOR SUMMARY
JUDGMENT AND/OR TO DISMISS COMPLAINT**

WHEREAS, a hearing on (1) Defendant Johnnie Smith’s Motion to Dismiss Pursuant to FRCP 12(b)(6) and FRCP 9(b) and to Postpone Discovery [D.E. 149] and (2) Defendant Kyle Kimoto’s Motion for Summary Judgment and/or to Dismiss Complaint [D.E. 155] is set for November 22, 2010 at 10:00 AM (the “November 22nd Hearing”).

WHEREAS, Defendants Johnnie Smith and Kyle Kimoto¹ and Plaintiff Federal Trade Commission wish to continue the November 22nd Hearing as they continue to negotiate a resolution of this matter.

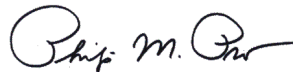
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

1. The November 22nd Hearing is continued and is reset for Monday, February 14, 2011, at 1:30 p.m. in Courtroom 7C.

¹ Pro se Defendant Kyle Kimoto, who is incarcerated, has informed the Federal Trade Commission in an email, attached herein as Exhibit A, that he wishes to continue the hearing on his Motion for Summary Judgment and/or to Dismiss the Complaint.

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IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: _ November 18, 2010

IT IS SO STIPULATED:

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**Attorneys for Plaintiff Federal Trade
Commission**

Certificate of Service

I hereby certify that on November 17, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send a notice of electronic filing to all counsel of record. Additionally, I served all of the counsel and parties listed on the attached Service List by the methods indicated therein.

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SERVICE LIST

Grant Connect, et al., Case No. 2:09-CV-01349-PMP-RJJ

Served Via CM/ECF

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**Settlement Counsel for Defendants Randy
D. O'Connell; James J. Gray; Grant
Connect, LLC; Horizon Holdings, LLC;
and O'Connell Gray, LLC**

Served Via United States Mail

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