

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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COUNSEL/PARTIES OF RECORD  
MAR - 6 2012  
CLERK US DISTRICT COURT  
DISTRICT OF NEVADA  
BY: \_\_\_\_\_ DEPUTY

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4 SECURITIES AND EXCHANGE

5 COMMISSIONS,

6 Plaintiff,

7 vs.

8 R. BROOKE DUNN AND NICHOLAS P.

9 HOWEY, et al.,

10 Defendants.

2:09-cv-02213-JCM-VCF

**STIPULATION AND ORDER VACATING  
TRIAL DATE**

11  
12 1. Whereas the staff of the Plaintiff Securities and Exchange Commission ("SEC") has  
13 agreed to recommend to the SEC the settlement of the above-captioned matter on terms agreeable to  
14 Defendants ; and

15 2. Whereas the terms of the settlement agreement provide that the issue of whether to  
16 impose an officer and director bar under Section 21(d)(2) of the Exchange Act [15 U.S.C §78(u)(d)(2)]  
17 (and, if so, of what duration), shall be submitted to the Court by motion;  
18

19 The Court hereby ORDERS that:

- 20 a. The April 23, 2012 trial date in this matter is vacated;
- 21 b. The SEC shall present final settlement papers to the Court for approval no later than  
22 April 23, 2012;
- 23 c. On April 23, 2012, Plaintiff SEC will file its motion and supporting documents in support  
24 of an Officer and Director bar; Defendant will then have 10 calendar days to file his response to the  
25 SEC's motion; Plaintiff SEC will then have 10 calendar days to file any reply to Defendant's response;

1 d. If the SEC fails to present final settlement papers to the Court by April 23, 2012, an order  
2 to show cause requiring personal appearance of all parties shall be issued;

3 e. If the SEC fails to present completed settlement papers to the Court by April 23, 2012,  
4 this matter shall be set for trial on the first available date after June 1, 2012.

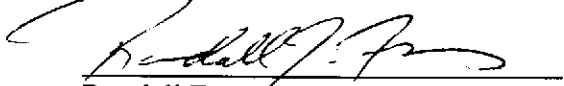
5 Dated this 5<sup>th</sup> day of March, 2012.

Dated this 5<sup>th</sup> day of March, 2012.

6 U.S. SECURITIES AND EXCHANGE  
7 COMMISSION

MORRISON & FOERSTER LLP

8 



9 Nancy J. Gegenheimer, Esq.  
10 Dugan Bliss, Esq.  
11 1801 California Street, Suite 1500  
12 Denver, CO 80202

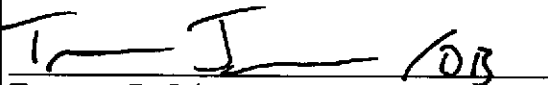
Randall Fons, Esq.  
12531 High Bluff Drive, Suite 100  
San Diego, CA 92130-2040

*Counsel for R. Brooke Dunn*

*Counsel for Securities and Exchange Commission*

13 Dated this 5<sup>th</sup> day of March, 2012.

14 VENABLE LLP

15 

16 Treazure R. Johnson, Esq.  
17 575 7<sup>th</sup> St. N.W.  
Washington, D.C. 20004

*Counsel for Nicholas P. Howey*

19 **ORDER**

20 IT IS SO ORDERED.

21 Dated this 6<sup>th</sup> day of March, 2012.

22  
23   
24 UNITED STATES DISTRICT JUDGE  
25