

1 WHEREAS, on March 13, 2019, the United States Court of Appeals for the Ninth Circuit
2 filed a mandate (ECF No. 145) regarding the November 29, 2018 judgment of the United States Court of
3 Appeals for the Ninth Circuit (ECF No. 141) that reversed this Court’s order dismissing the Second
4 Consolidated Amended Complaint for Violations of the Federal Securities Laws (“Amended Complaint”)
5 with prejudice (ECF No. 136) and remanded the matter to this Court;

6 WHEREAS, the parties intend to participate in a conference pursuant to Federal Rule of
7 Civil Procedure 26(f) before May 2, 2019 and, thereafter, to prepare for submission to this Court a
8 discovery plan and scheduling order with SPECIAL SCHEDULING REVIEW REQUESTED in
9 accordance with LR 26-1;

10 WHEREAS, following the Ninth Circuit’s decision, Defendants Scott A. Caldwell, Robert
11 M. Buchan, Randy E. Buffington, and Stephen M. Jones (“Defendants”) must file an Answer to the
12 Amended Complaint, and propose to do so by May 2, 2019;

13 WHEREAS, counsel for the parties have conferred regarding the time for Defendants to
14 file their Answer and Plaintiff does not object to Defendants’ proposed deadline for the filing of their
15 Answer;

16 WHEREAS, this Stipulation is entered into without prejudice to any position that the
17 parties may take in this Action;

18 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Plaintiff
19 and Defendants, by and through their respective counsel, and subject to the Court’s approval, that:

20 Defendants will file an Answer to Plaintiff’s Amended Complaint by May 2, 2019.

21
22
23
24
25
26
27

1 DICKINSON WRIGHT PLLC

2 /s/ John P. Desmond

3 John P. Desmond (SBN 5618)
4 Brian R. Irvine (SBN 7758)
5 Anjali D. Webster (SBN 12515)
6 100 West Liberty Street
7 Suite 940
8 Reno, Nevada 89501
9 Telephone: (775) 343-7500
10 Facsimile: (775) 786-0131
11 jdesmond@dickinson-wright.com
12 birvine@dickinson-wright.com
13 awebster@dickinson-wright.com

14 Robert A. Sacks (admitted pro hac vice)
15 SULLIVAN & CROMWELL LLP
16 1888 Century Park East
17 Los Angeles, California 90067
18 Telephone: (310) 712-6600
19 Facsimile: (310) 712-8800
20 sacksr@sullcrom.com

21 Laura Kabler Oswell (admitted pro hac vice)
22 1870 Embarcadero Road
23 Palo Alto, California 94303
24 Telephone: (650) 461-5600
25 Facsimile: (650) 461-5700
26 oswell@sullcrom.com

27 Attorney for Defendants Scott A. Caldwell,
28 Robert M. Buchan, Randy E. Buffington, and
Stephen M. Jones

MUCKLEROY LUNT, LLC

/s/ Martin A. Muckleroy


Martin A. Muckleroy (SBN 9634)
MUCKLEROY LUNT, LLC
6077 S. Fort Apache Rd., Ste. 140
Las Vegas, NV 89148
Telephone: (702) 907-0097
Facsimile: (702) 938-4065
martin@muckleroylunt.com

Charles J. Piven (admitted pro hac vice)
BROWER PIVEN
A Professional Corporation
1925 Old Valley Road
Stevenson, MD 21153
Telephone: (410) 332-0030
Facsimile: (410) 685-1300
piven@browerpiven.com

Attorneys for Plaintiff Andrey Slomnitsky

IT IS SO ORDERED

DATED this 8th day of April, 2019.


THE HONORABLE LARRY R. HICKS
UNITED STATES DISTRICT JUDGE