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 8 MAYNARD L. JENKINS

9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF ARIZONA

11  
 12 SECURITIES AND EXCHANGE  
 COMMISSION,

13 Plaintiff,

14 vs.

15 MAYNARD L. JENKINS,

16 Defendant.

CASE NO. CV-09-01510-PHX-RJB

**STIPULATION BETWEEN  
 PLAINTIFF SEC AND  
 DEFENDANT MAYNARD  
 JENKINS RE: SETTLEMENT AND  
 STAY OF PROCEEDINGS**

17  
 18 This stipulation is made by and between plaintiff the Securities and  
 19 Exchange Commission (“SEC”), on the one hand, and defendant Maynard L.  
 20 Jenkins with respect to the following recitals:

21 **WHEREAS**, Mr. Jenkins and the Staff of the Securities and Exchange  
 22 Commission have reached a tentative settlement agreement to resolve this matter;

23 **WHEREAS**, such tentative settlement agreement is subject to  
 24 approval by the Securities and Exchange Commissioners (the “Commission”), a  
 25 process that the parties anticipate will take between thirty and sixty days;

26 **WHEREAS**, if approved, the settlement agreement will avoid the  
 27 need for the parties to spend further resources prosecuting or defending these  
 28

1 claims;

2           **WHEREAS**, the Court has expressed concerns about the burden that  
3 that continued indemnified legal costs will impose on CSK Auto Corporation, the  
4 potential beneficiary of any monetary judgment awarded in this case (*see* Dkt. No.  
5 122 at 8-9);

6           **WHEREAS**, the parties have agreed that their interests -- as well as  
7 the interests of CSK Auto Corporation and the Court -- would best be served by a  
8 complete litigation standstill pending the Commission's consideration of the  
9 tentative settlement;

10           **NOW, THEREFORE, THE SEC AND MR. JENKINS HEREBY**  
11 **STIPULATE AND REQUEST THE COURT ORDER AS FOLLOWS:**

12           1. Pending final approval of the settlement by the Securities and  
13 Exchange Commissioners, any and all pending and/or future deadlines, including  
14 those regarding discovery, disclosures, and motion practice, shall be stayed;

15           2. The Court need not further consider or decide the pending  
16 summary adjudication motion pending completion of the settlement;

17           3. The failure by any party to participate in depositions or other  
18 discovery being taken in related actions -- including *SEC v. Fraser*, CV 09-00443  
19 PHX-RJB -- during the pendency of this stay shall not preclude said party from  
20 later taking such deposition or other discovery should the settlement be rejected;

21           4. Either party may terminate the stay on fourteen days' written  
22 notice to the Court and the other party;

23           5. In the event that the settlement is not approved, the deadline for  
24 the completion of discovery in this action, as well as all other deadlines, shall be  
25 extended by sixty days from entry of this order.

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1 DATED: March 24, 2011

Munger, Tolles & Olson LLP  
MATTHEW A. MACDONALD

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By: /s/ \_\_\_\_\_  
MATTHEW A. MACDONALD

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Attorneys for Defendant  
MAYNARD L. JENKINS

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7 DATED: March 24, 2011

Securities and Exchange Commission  
DONALD W. SEARLES

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By: /s/ \_\_\_\_\_  
DONALD W. SEARLES

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Attorneys for Plaintiff  
SECURITIES AND EXCHANGE  
COMMISSION

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CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 355 S. Grand Ave., Los Angeles, California, 90071.

I hereby certify that on March 24, 2011, I used the CM/ECF system to transmit a Notice of Electronic Filing to all attorneys of record registered for CM/ECF service in the instant action, notifying them of the filing of the following document: **STIPULATION BETWEEN PLAINTIFF SEC AND DEFENDANT MAYNARD JENKINS RE: SETTLEMENT AND STAY OF PROCEEDINGS.**

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Los Angeles, California on March 24, 2011.

/s/ Gigi Ruegsegger  
Gigi Ruegsegger