

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. SACR 08-00139-CJC
SACR 08-00140-CJC Date December 15, 2009

Present: The Honorable CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Interpreter None

George Cardona
Gregory W. Staples
Robb C. Adkins
Andrew D. Stolper

Michelle Urie
Deputy Clerk

Maria Dellaneve
Court Reporter/Recorder, Tape No.

Assistant U.S. Attorney

<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust.</u>	<u>Bond</u>	<u>Attorneys for Defendants:</u>	<u>Present</u>	<u>App.</u>	<u>Ret.</u>
William J. Ruehle	X		X	Richard Marmaro	X		X
				Jack P. DiCanio	X		X
Henry T. Nicholas	X			Brendan V. Sullivan, Jr.	X		X

- Proceedings:**
1. DEFENDANT WILLIAM J. RUEHLE'S RENEWED MOTION TO DISMISS INDICTMENT BASED ON CUMULATIVE PROSECUTORIAL MISCONDUCT (fld 12/14/09)
 2. DEFENDANT WILLIAM J. RUEHLE'S MOTION FOR JUDGMENT OF ACQUITTAL PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 29 (fld 12/14/09)

Motion hearing held. The Court orders for reasons stated on the record the stock-option backdating indictment against Mr. Ruehle dismissed with prejudice and enters a judgment of acquittal. The Court further orders the stock-option backdating indictment (SACR 08-00139-CJC) against Dr. Nicholas dismissed with prejudice. The Court schedules an order to show cause hearing on February 2, 2010 at 9:00 a.m. why the drug direction indictment (SACR 08-00140-CJC) against Dr. Nicholas should not be dismissed. In addition, the Court orders the stay imposed in the SEC civil stock-option backdating case (SACV 08-00539-CJC(RNBx)) lifted and dismisses the complaint without prejudice. The SEC has 30 days to file an amended complaint.

Initials of Deputy Clerk : 26
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