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FILED

Clerk of the Superior Court

FEB 28 2011

By: T. AHRENSBERG, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the CALIFORNIA CORPORATIONS COMMISSIONER,

Petitioner,

vs.

APPLIED DIGITAL TECHNOLOGIES, INC, a Delaware corporation,

Respondent.

Case No.: 37-2010-00105817-CU-MC-CTL

[PROPOSED] ORDER SETTING AN ORDER TO SHOW CAUSE HEARING RE: FAILURE TO COMPLY WITH SUBPOENA DUCES TECUM

Hearing Date: February 28, 2011
Hearing Time: 2:00 p.m.
Dept: 8

On February 28, 2011, Petitioner, the California Corporations Commissioner, by and through his attorney, Alex Calero, presented a Petition for an Order Setting an Order to Show Cause Hearing Re: Failure and Refusal to Comply with Subpoena Duces Tecum in Department 8 of the Superior Court for the County of San Diego. Upon reading the Petition and the documents filed in support, and good cause appearing therein:

IT IS HEREBY ORDERED that Respondent, Applied Digital Technologies, Inc., appear in Department 8 of the Superior Court for the County of San Diego, located at ~~330~~ 220 West Broadway, San Diego, CA 92101 on March 30th, 2011 at 2:30 a.m. / p.m. and show cause as to why it did not produce all of the documents and information requested in the administrative subpoena duces tecum issued by Petitioner, the California Department of Corporations.

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Opposition papers shall be filed and served no later than March 14, 2011. Reply papers shall be filed and served no later than March 21, 2011.

Petitioner shall serve this Order, the Petition and all documents filed in support thereof on Respondent no later than March 4, 2011, by U.S. mail.

Date: 2/28/11

Michael T. Smyth

JUDGE OF THE SUPERIOR COURT