

1 JOSEPH P. RUSSONIELLO, (SBN 44332)
 United States Attorney
 2 JOANN M. SWANSON (SBN 88143)
 Chief, Civil Division
 3 EDWIN L. JOE (SBN 112328)
 4 Special Assistant United States Attorney

5 455 Market Street, 6th Floor
 San Francisco, California 94105-2420
 6 Telephone: (415) 744-8494
 7 Facsimile: (202) 481-1810 or (415) 744-6812
 8 Email: edwin.joe@sba.gov

9 Attorneys for Federal Plaintiff

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

14 UNITED STATES OF AMERICA,)	
15 Plaintiff,)	E-Filing
)	
16 v.)	Civil Case No. C06 3879 SC
)	
17 ALTOTECH, II L.P.,)	Date: Sept. 25, 2009
)	Time: 10 AM
)	Ctrm: 1
19 Defendant.)	450 Golden Gate Ave.,
)	SF., CA
20 _____)	

21 **STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE STATEMENT**

22 Plaintiff and the appointed Receiver, the U.S. Small Business Administration (“SBA”)
 23 on behalf of the Defendant, Altotech II, L.P. (“Altotech”) jointly submit this Stipulation to
 24 Continue Case Management Statement and Proposed Order and request the Court adopt it as its
 25 Case Management Order in this case.
 26

27 Description of the Case

28 **C06 3879 SC – STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE STATEMENT**

1
2 1. Overview: Altotech was licensed by United States Small Business Administration
3 (“SBA”) as a Small Business Investment Company (“SBIC”) under section 301 (c) of 15 U.S.C.
4 §681(c). SBA determined in 2005 the SBIC to be capital impaired, unable to cure the capital
5 impairment, and placed in liquidation status. In 2006 SBA obtained the SBIC’s agreement to a
6 Consent Order for Receivership and for SBA to be appointed Receiver by the court.
7

8 2. Since the court has jurisdiction over SBIC receiverships, SBA obtained court approval
9 of the Consent Order for Receivership, and SBA was appointed Receiver on June 21, 2006.
10 Currently, there is approximately \$14,250,000 (principal) in outstanding Participating Securities
11 purchased by SBA.
12

13 3. Current Status: SBA as Receiver is about to submit its third Receiver’s Report to the
14 court for the annual accounting for the periods between July 1, 2008 through June 30, 2009.
15 The litigation in case number C07-4530 SC has been concluded, case dismissed, and all issues
16 resolved to the satisfaction of the parties.
17

18 5. Since a Consent Order of Receivership has been entered, no trial date is needed.
19 However, overall court supervision is needed until the Receiver completes the receivership. The
20 receiver intends to seek case closure of the Receivership after submitting the final
21 accounting for 2009 to 2010, shortly after the close of the fiscal year on September 30, 2010
22 The Receiver is currently negotiating the sale of any remaining securities or other assets.
23

24 6. Therefore, the parties agree to continue the Sept.25, 2009 Case Management
25 Conference until Friday, March 19, 2010 at 10 AM and to file a further Case Management
26 Conference one week beforehand.
27

28 **C06 3879 SC – STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE2
STATEMENT**

1 Dated: Sept. 22, 2009

/s/ Edwin L. Joe
Edwin L. Joe
Special Assistant United States Attorney

2

3

4

5

Respectfully submitted,

6

Dated: _____

Gerry McClure
Principal Agent for the Receiver
U.S. Small Business Administration as
Receiver for AltoTech II, LP
1100 G Street
Suite 200
Washington, D.C. 20005
Telephone: (703) 288-0095
Facsimile: (703) 288-0244

7

8

9

10

11

12

13

Of Counsel:

14

ARLENE MESSINGER
Assistant General Counsel for SBIC Enforcement
United States Small Business Administration
409 Third Street, S.W., 7th Floor
Washington, D.C. 20416
Tel: (202) 205-6857

15

16

17

18

CASE MANAGEMENT ORDER

19

20

21

This Case Management Statement and Proposed Order is hereby adopted by the Court as
the Case Management Order for the case and the parties are ordered to comply with this Order.

22

23

In addition the Court orders:

24

25

26

27

28

**C06 3879 SC – STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE3
STATEMENT**

1 Dated: Sept. 22, 2009

/s/ Edwin L. Joe

Edwin L. Joe

Special Assistant United States Attorney

2

3

4

5

Respectfully submitted,

6

Dated: 9/22/09

Gerry McClure

7

Gerry McClure

Principal Agent for the Receiver

8

U.S. Small Business Administration as

9

Receiver for AltoTech II, LP

10

1100 G Street

Suite 200

11

Washington, D.C. 20005

Telephone: (703) 288-0095

12

Facsimile: (703) 288-0244

13

Of Counsel:

14

ARLENE MESSINGER

15

Assistant General Counsel for SBIC Enforcement

United States Small Business Administration

16

409 Third Street, S.W., 7th Floor

17

Washington, D.C. 20416

Tel: (202) 205-6857

18

CASE MANAGEMENT ORDER

19

20

21

This Case Management Statement and Proposed Order is hereby adopted by the Court as

22

the Case Management Order for the case and the parties are ordered to comply with this Order.

23

In addition the Court orders:

24

25

26

27

28

**C06 3879 SC – STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCES
STATEMENT**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. The Case Management Conference for Sept. 25, 2009 at 10:00 AM is hereby continued until March 19, 2010. Parties are to file a Case Management Conference one week beforehand, no later than on or before March 12, 2010.

Dated: 9/25/09

