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9 Attorneys for Federal Plaintiff

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

14 <b>UNITED STATES OF AMERICA,</b>	)	
15 <b>Plaintiff,</b>	)	<b>E-Filing</b>
	)	
16 <b>v.</b>	)	<b>Civil Case No. C06 3879 SC</b>
	)	
17 <b>ALTOTECH, II L.P.,</b>	)	<b>Date: March 19, 2010</b>
	)	<b>Time: 10 AM</b>
	)	<b>Ctrm: 1</b>
18 <b>Defendant.</b>	)	<b>450 Golden Gate Ave.,</b>
	)	<b>SF., CA</b>
19	)	
20	)	

21 **CASE MANAGEMENT CONFERENCE STATEMENT; CMC ORDER**

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

27 Description of the Case

28 **C06 3879 SC – CASE MANAGEMENT CONFERENCE STATEMENT; CMC ORDER 1**

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: The litigation in case number C07-4530 SC has been concluded, case  
14 dismissed, and all issues resolved to the satisfaction of the parties. Three Receiver’s Report have  
15 been submitted so far. The latest Receiver Report for the period July 1 2009 - June 30 2010 is  
16 not yet due. The Fourth and likely last report will be filed within 90 days of the end of the  
17 reporting period, on or about the close of the fiscal year on September 30, 2010. Currently, there  
18 is one portfolio asset remaining in AltoTech, MBlox, Inc., located in Sunnyvale, CA. MBlox,  
19 Inc., is a mobile transaction network service provider specializing in the transmission of Short  
20 Message Service (SMS), mobile messaging, text messaging and financial settlement. The  
21 Receiver will seek a sale or transfer of this asset prior to the anticipated close of the receivership  
22 by September 30, 2010.  
23

24 4. Since a Consent Order of Receivership has been entered, no trial date is needed.  
25 However, overall court supervision is needed until the Receiver completes the receivership. The  
26 receiver intends to seek case closure of the Receivership after submitting the final  
27

1 Accounting for 2010, shortly after the close of the fiscal year on September 30, 2010.

2 5. Therefore, the parties suggest and stipulate to continuing the March 19, 2010 Case  
3 Management Conference until Friday, December 3, 2010, if needed. Further, should the Fourth  
4 and Final Receiver's Report be timely filed beforehand, the December 3, 2010 CMC date be  
5 vacated and no further CMC dates be set.  
6

7 Dated: March 12, 2010

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

9  
10  
11 Respectfully submitted,

12 Dated: March 12, 2010

/s/ Gerry McClure  
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  
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19 Of Counsel:

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CASE MANAGEMENT ORDER

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.

In addition the Court orders:

1. The Case Management Conference for March 19, 2010 at 10:00 AM is hereby continued to December 3, 2010, if needed. Should the Fourth and Final Receiver's Report be timely filed beforehand, the December 3, 2010 CMC date will be vacated and no further CMC dates will be set.

PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.

Dated: 3/15/10

HONORABLE JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
IT IS SO ORDERED  
*Samuel Conti*  
Judge Samuel Conti