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24 Attorneys for Defendant Thanos Triant

25 **UNITED STATES DISTRICT COURT**  
 26 **NORTHERN DISTRICT OF CALIFORNIA**  
 27 **SAN FRANCISCO DIVISION**

28 United States Small Business Administration in  
 its capacity as Receiver for Alto Tech II, L.P.,

Case No. C 07 4530 SC (WDB)

Plaintiff,

**JOINTLY STIPULATED REQUEST BY  
 ALL PARTIES FOR ORDER CHANGING  
 TIME AND [PROPOSED] ORDER**

vs.

Alto Tech Ventures, LLC, a Delaware limited  
 liability company; Alto Tech Management, LLC,  
 a California limited liability company; Gloria  
 Chen Wahl, an individual; Walter T.G. Lee, an  
 individual, and Thanos Triant, an individual,

No Hearing Required

Date Submitted: December 8, 2008

Judge: The Honorable Samuel Conti

Defendants.

1 Plaintiff UNITED STATES SMALL BUSINESS ADMINISTRATION (“SBA”), in its capacity  
2 as Receiver for ALTO TECH II, L.P., and Defendants GLORIA C. WAHL, WALTER LEE, and  
3 THANOS TRIANT, hereby stipulate and respectfully request that the pretrial conference currently set  
4 for Friday, January 9, 2009 at 10:00 a.m. and the trial date of Tuesday, January 20, 2009 be continued  
5 pending the Court’s determination of the pending Motions for Summary Judgment.

6 In support of this stipulation and joint motion, the Parties state as follows:

- 7 1. The pretrial conference is currently set for January 9, 2009 at 10:00 a.m.
- 8 2. The trial date is currently set for January 20, 2009.
- 9 3. The parties have each submitted detailed motions for summary judgment (including Rule  
10 56(f) requests) seeking summary judgment on some or all of the claims. The hearing on the summary  
11 judgment motions was originally set for December 5, 2008.

12 4. On December 2, 2008, the parties were informed by the Court that the December 5, 2008  
13 hearing on the summary judgment motions was being vacated and that the Court would deem the  
14 motions submitted and the Court would rule on the written submissions. All parties agree that the  
15 summary judgment motions raise important questions of law for the Court’s determination and the  
16 Court’s ruling on the motions will have an important impact on the precise scope of triable issues and  
17 will likely simplify and clarify the scope of what remains to be tried before the requested jury.

18 5. On November 10, 2008, the Court issued its Order re: Jury Trial Preparation for Judge  
19 Samuel Conti. The November 10, 2008 pretrial order directs the parties to prepare, *inter alia*, a joint  
20 agreed upon, brief statement of the case, proposed *voir dire* questions, trial briefs, list of exhibits and  
21 exhibit binders, list of witnesses (including statement of the content of witnesses’ testimony, deposition  
22 designations, joint jury instructions, proposed verdict form, and motions in limine. The deadline for  
23 these pretrial pleadings and documents is as early as December 30, 2008 for motions *in limine* and by  
24 the January 9, 2009 pretrial conference hearing for the remainder of the filings.

25 6. The pending motions for summary judgment may dispose of some or all of the claims at  
26 issue in this case and/or narrow the scope of the claims at issue for trial. Moreover, preparing for trial,  
27 including preparing the pretrial pleadings and documents, will be both time-consuming and impose a  
28 substantial financial burden on the parties, especially the defendants who are individuals and not

1 corporate entities. For these reasons and for the sake of economy and efficiency in accordance with  
2 Rule 1 of the Federal Rules of Civil Procedure and the Local Rules of this Court, the parties jointly  
3 agree and hereby request that the pretrial hearing and the trial date should be continued until after the  
4 motions for summary judgment have been decided and the parties can better gauge what issues and  
5 claims remains to be tried.

6 7. Accordingly, the parties respectfully request a continuance of the pretrial conference date  
7 of January 9, 2009 and the trial date of January 20, 2009. The parties respectfully request that the Court  
8 set a status conference for a date in early 2009 after the ruling on the motions for summary judgment at  
9 which time the Court can reset the pretrial conference date and the trial date.

10 8. The parties have agreed to meet and confer in person following the Court's ruling on the  
11 cross-motions for summary judgment and to seek to use said decision to reduce the number of trial days  
12 in this case, to clarify the exhibits, deposition testimony and other evidence to be admitted by stipulation  
13 in this case, and to otherwise engage in a meaningful discussion with the view of lowering the overall  
14 costs, expenses, and time consumption involved in this case in accordance with Rule 1 of the Federal  
15 Rules of Civil Procedure and the Local Rules of this Court.

16 9. Pursuant to Local Rules 6-2, this Stipulated Request is accompanied by the Declaration  
17 of Chung-Han Lee filed concurrently hereto.

18 10. The parties note that no previous time modifications have been requested or made in this  
19 case.  
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Respectfully submitted,

Date: December 8, 2008

/s/ Gregory C. Nuti

Counsel for Small Business Administration,  
in its Capacity as Receiver for AltoTech II, L.P.

Date: December 8, 2008

/s/ Chung-Han Lee

Counsel for Defendants Gloria C. Wahl and  
Walter T.G. Lee

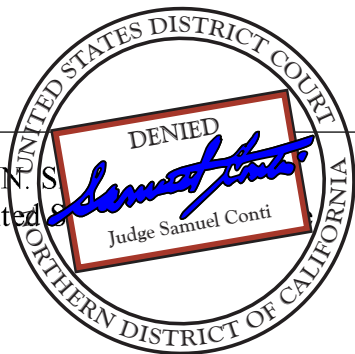
Date: December 8, 2008

/s/ Jack Russo

Counsel for Defendant Thanos Triant

**PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

Date: December 9, 2008

HON. S  
United States  
A circular seal for the United States District Court for the Northern District of California. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. In the center, there is a red rectangular stamp with the word "DENIED" in black capital letters. A blue ink signature is written across the stamp. Below the stamp, the text "Judge Samuel Conti" is printed.

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare that I am over the age of eighteen years and not a party to the within action. I am employed in the City of Chicago, County of Cook, Illinois; my business address is 225 West Wacker Drive, 28<sup>th</sup> Floor, Chicago, Illinois 60606.

On the date below, I served a copy, with all exhibits, of the following documents:

**STIPULATED REQUEST FOR ORDER CHANGING TIME AND [PROPOSED] ORDER**

on all interested parties in the action, as follows:

X **By ECF Filing on:**

Jack Russo, Esq.  
[jrusso@computerlaw.com](mailto:jrusso@computerlaw.com)

Gregory C. Nuti, Esq.  
[gnuti@schnader.com](mailto:gnuti@schnader.com)

Timothy C. Davis, Esq.  
[tdavis@sfdavislaw.com](mailto:tdavis@sfdavislaw.com)

X **By E-Mail on:**

Arlene P. Messinger, Esq.  
US Small Business Administration  
409 3<sup>rd</sup> Street SW 7<sup>th</sup> Floor  
Washington, DC 20416

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Chicago, Illinois on December 8, 2008.

/s/ Loretta Rosiejka \_\_\_\_\_