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11 Attorney for United States Small Business Administration  
12 in its capacity as Receiver for Rocket Ventures II SBIC,  
LP

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION  
16

17 UNITED STATES OF AMERICA,  
18

19 Plaintiff,

20 vs.

21 ROCKET VENTURES II SBIC, LP,  
22

22 Defendant.  
23

Case No. C08-02240 JSW

**ORDER MODIFYING STAY OF  
PROCEEDINGS FOR LIMITED  
PURPOSE**

24 This matter comes before the Court on the motion for an order modifying the stay of  
25 proceedings for a limited purpose filed by the U. S. Small Business Administration (“SBA”) as  
26 Receiver (“Receiver”) for Rocket Ventures II SBIC, LP (“Rocket SBIC”). After reviewing the  
27 pleadings,  
28

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1           **IT IS HEREBY ORDERED,**

2           1.       The Receiver's Motion to reopen this case and to partially lift the blanket judicial  
3 injunction and stay against the commencement of civil legal proceedings of any nature involving  
4 Rocket SBIC, for a limited purpose, is **GRANTED**; and

5           **THE COURT FINDS THAT:**

6           1.       The Receiver is charged with pursuing and preserving all claims and assets of  
7 Rocket SBIC.

8           2.       The relief proposed by the Receiver in its Motion filed herein is reasonable,  
9 necessary and in the best interest of the Rocket SBIC Receivership Estate.

10          3.       The Receiver has by sworn declaration indicated that certain individuals or  
11 entities have not fully tendered their full capital contributions to Rocket SBIC or the Rocket  
12 SBIC Receivership Estate. Specifically identified are Rocket Ventures II, L.P. ("RVII"), Rocket  
13 Ventures II CEO Fund, L.P. ("CEO Fund"), and Rocket Ventures SBIC Partners, LLC ("SBIC  
14 Partners") (collectively, "Defendants").

15          4.       Further investigation may reveal potential claims against the limited partners of  
16 RVII and CEO Fund ("Class B Limited Partners").

17           **IT IS HEREBY ORDERED AND DECREED THAT:**

18          1.       The blanket judicial injunction and stay previously imposed in this proceeding by  
19 the Court's Stipulation for Consent Order of Receivership filed September 4, 2008 ("Consent  
20 Order") is hereby partially lifted for the limited and sole purpose of authorizing the Receiver to  
21 commence separate litigation in this Court against the Defendants, and to the extent continuing  
22 investigation and discovery provide a basis in the judgment of the Receiver, against the Class B  
23 Limited Partners, and to take all steps necessary to collect on the obligation of each Defendant,  
24 its assignee or successor, and Class B Limited Partner, its assignee or successor, to pay its  
25 unfunded capital commitment, without further prior order of this Court.

26          2.       The Receiver is authorized, upon entry of this Order, to file a separate Complaint  
27 in the United States District Court for the Northern District of California against any or all of the  
28 following, their assignees and successors, and to serve process including but not limited to:

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- 1 (a) Rocket Ventures II, L.P. (“RVII”);
- 2 (b) Rocket Ventures II CEO Fund, L.P. (“CEO Fund”);
- 3 (c) Rocket Ventures SBIC Partners, LLC (“SBIC Partners”);
- 4 (d) Other subsequently discovered limited partners or general partners of Rocket SBIC
- 5 with unfunded capital contributions owed or owing to Rocket SBIC that the Receiver
- 6 determines upon due diligence and discovery; and
- 7 (e) Class B Limited Partners, to the extent the continuing investigation and discovery
- 8 provide a basis in the judgment of the Receiver. The Receiver is authorized to
- 9 prosecute claims against any Class B Limited Partners by amendment to Complaint
- 10 against the Defendants without further order of this Court, should the Receiver’s
- 11 continuing investigation and discovery reveal a basis for such claims after a
- 12 Complaint is filed pursuant to this Order.

13 3. The Receiver is further authorized to prosecute its causes of action against each of

14 the Defendants, their assignees or successors in each case, and to the extent continuing

15 investigation and discovery provide a basis in the judgment of the Receiver, against any Class B

16 Limited Partner, in this Court, and to take all steps necessary to collect on the obligation of each

17 Defendant, its assignee or successor, and Class B Limited Partner, its assignee or successor, to

18 pay its unfunded capital commitment to Rocket SBIC, without further prior order of this Court.

19 4. Except as specifically modified herein, the judicial injunction and stay previously

20 imposed in this proceeding remain in full effect.

21 5. This case is now administratively closed. The Receiver may move to re-open the

22 case for appropriate post-judgment relief at a later time. The Clerk shall close the file and

23 terminate any pending matters.

24 6. The Receiver is ordered to serve a copy of this Order on each Claimant at its last

25 known address, via first class mail, postage prepaid, and to file a Certificate of Service with the

26 Clerk of this Court.

27 Dated: September 2, 2010

  
 HONORABLE JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE