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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUOHUA ZHU, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

UCBH HOLDINGS, INC., THOMAS S. WU,  
and EBRAHIM SHABUDIN,

Defendants.

No. C 09-4208 JSW  
No. C 09-4429 JSW  
No. C 09-4449 JSW  
No. C 09-4513 JSW  
No. C 09-4505 JSW

**ORDER RESETTING HEARING  
ON PENDING MOTIONS TO  
APPOINT LEAD COUNSEL**

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HUY TRAN, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

UCBH HOLDINGS, INC., THOMAS S. WU,  
and CRAIG ON,

Defendants.

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DOMINIQUE DURBIN, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

UCBH HOLDINGS, INC., THOMAS S. WU,  
and CRAIG ON.

Defendants.

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1 WATERFORD TOWNSHIP GENERAL  
2 EMPLOYEES RETIREMENT SYSTEM,  
3 Individually and On Behalf of All Others  
4 Similarly Situated,

5 Plaintiff,

6 v.

7 UCBH HOLDINGS, INC., THOMAS S. WU,  
8 CRAIG ON, and EBRAHIM SHABUDIN,

9 Defendants.

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10 DANIEL NYGAARD, WENDY FONG,  
11 JAMES ELAM, Individually and On Behalf of  
12 All Others Similarly Situated,

13 Plaintiffs,

14 v.

15 UCBH HOLDINGS, INC., THOMAS S. WU,  
16 CRAIG ON, and EBRAHIM SHABUDIN,

17 Defendants.

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18 The Court hereby discharges the order to show cause. On November 25, 2009,  
19 Defendant UCBH Holdings, Inc. (“UCBH”) filed a Notice of Bankruptcy Filing and Automatic  
20 Stay. The Notice provides that on November 24, 2009, UCBH filed a voluntary bankruptcy  
21 petition in the United States Bankruptcy Court for the Northern District of California. Pursuant  
22 to 11 U.S.C. § 362(a), the filing of the petition operates as a stay as to all actions against  
23 UCBH. However, the Court finds that the stay with respect to UCBH does not preclude the  
24 Court from considering the claims against the non-debtor co-defendants, such as the debtor  
25 corporation’s officers and directors. *See Cohen v. Stratosphere Corp.*, 115 F.3d 695, 697 (9th  
26 Cir.1997); *see also In re AgriBio Tech Sec. Litig.*, 2000 WL 1277603, \*3 (D. Nev. March 2,  
27 2000).

28 The Court directed the parties to file a supplemental brief on the issue of whether  
hearing claims against the individual defendants, separate from the claims against UCBH,  
would be in the interests of judicial economy and conserving the parties’ resources. Only two

1 individual defendants responded and their response was to state in a conclusory fashion, without  
2 providing any argument or explanation, that the interests of judicial economy and conserving  
3 the parties' resources would be furthered by the Court staying this matter against all defendants.  
4 These conclusory arguments fail to convince the Court that this matter should be stayed against  
5 the non-debtor defendants. Therefore, the Court ORDERS that this action may proceed against  
6 the non-debtor defendants.

7           The Court FURTHER ORDERS that the motions to consolidate related actions, for  
8 appointment as lead plaintiffs and for approval of their selection of lead counsel filed by (1)  
9 Louisiana Municipal Police Employees' Retirement System and the City of Philadelphia Board  
10 of Pensions and Retirement, (2) Firefighters' Pension System of the City of Kansas City,  
11 Missouri, Trust, (3) Mark Cooper, (4) DeKalb County Pension Fund, (5) Pension Trust Fund for  
12 Operating Engineers, (6) Bai Zhi Yan, Yan Properties, Inc., and Daylee Home Brother, Inc., (7)  
13 Kyung Cho and the motion for appointment as lead plaintiffs and for approval of their selection  
14 of lead counsel filed by Lap Yin Chan and Wai Shan Chan shall be heard on January 29, 2010  
15 at 9:00 a.m.

16           **IT IS SO ORDERED.**

17  
18 Dated: December 23, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE