

1 KIEVE LAW OFFICES
 2 Loren Kieve (Bar No. 56280)
 3 lk@kivelaw.com
 4 5A Funston Avenue
 5 The Presidio of San Francisco
 6 San Francisco, California 94129-1110
 7 Telephone: (415) 364-0060
 8 Facsimile: (435) 304-0060

9 Counsel for plaintiff E. Lynn Schoenmann,
 10 as chapter 7 trustee of the bankruptcy estate of
 11 UCBH Holdings, Inc.

12 [Other Counsel Listed in Signature Block]

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

16 E. LYNN SCHOENMANN, Trustee of the
 17 Bankruptcy Estate of UCBH Holdings, Inc.,

18 Plaintiff,

19 v.

20 FEDERAL DEPOSIT INSURANCE
 21 CORPORATION, in its capacity as receiver
 22 for United Commercial Bank, and in its
 23 corporate capacity,

24 Defendant.

Case No. 3:10-cv-03989-CRB

**STIPULATION AND ~~PROPOSED~~
 ORDER TO MODIFY BRIEFING
 SCHEDULE AND RESET HEARING FOR
 DEFENDANTS' MOTION TO STRIKE
 AND DISMISS CERTAIN COUNTS OF
 AMENDED COMPLAINT**

Date: N/A
 Time: N/A
 Dept:

25 Subject to the approval of the Court, defendant Federal Deposit Insurance Corporation, as
 26 receiver for United Commercial Bank (the "FDIC-Receiver"), defendant Federal Deposit
 27 Insurance Corporation in its corporate capacity ("FDIC-Corporate"), and plaintiff E. Lynn
 28 Schoenmann, as chapter 7 trustee of the bankruptcy estate of UCBH Holdings, Inc. (the
 "Trustee"), stipulate and agree as follows:

WHEREAS:

A. UCBH Holdings, Inc ("UCBH") is a bank holding company that conducted its
 principal business through its wholly-owned bank subsidiary United Commercial Bank ("UCB").
 By order dated November 6, 2009, the California Department of Financial Institutions closed

1 UCB and appointed the FDIC-Receiver as its receiver. On November 24, 2009, UCBH filed a
2 petition under chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the
3 Northern District of California and the Trustee was appointed soon thereafter.

4 B. On September 7, 2010, the Trustee filed her complaint. In an opinion and order
5 entered on April 21, 2011, the Court granted in part and denied in part defendants' motions to
6 dismiss that complaint. On May 27, 2011, the Court denied defendants' motion for a certificate
7 of appealability of one aspect of that opinion and their motion to stay discovery pending a petition
8 for interlocutory appeal. The parties have been engaged in discovery since that time.

9 C. On April 27, 2012, the Trustee filed her amended complaint under seal. On
10 June 5, 2012, the FDIC-Receiver and FDIC-Corporate filed a joint motion to strike and dismiss
11 certain counts of the amended complaint. The motion has been noticed for a hearing on July 20,
12 2012.

13 D. Under the Court's local rules, the Trustee's opposition papers would be due by
14 June 19, 2012 and defendants' reply papers would be due by June 26, 2012. Subject to the
15 Court's approval, the parties have agreed to a modified briefing schedule to provide the Trustee
16 additional time to respond to complex arguments raised for the first time in defendants' motion
17 and to accommodate the schedules of counsel given the 4th of July holiday.

18 NOW THEREFORE, subject to the approval of the Court, the parties stipulate and agree
19 as follows:

20 1. The time for the Trustee to serve and file any papers in response to the pending
21 motion to strike and dismiss is extended through and including June 28, 2012.

22 2. The time for defendants to serve and file any reply submissions in further support
23 of the motion to strike and dismiss is extended through and including July 10, 2012.

24 3. The dates described in the preceding paragraphs call for briefing to be completed
25 on July 10, 2012, which is a Tuesday. To allow the Court sufficient time to consider the motion
26 and in deference to the schedules of counsel, the parties request that the Court set the hearing
27 regarding defendants' motion to strike and dismiss for July 20, 2012, which is the second Friday
28 after briefing will have been completed.

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IT IS SO STIPULATED.

Dated: June 11, 2012

KIEVE LAW OFFICES

By: /s/ Loren Kieve
Loren Kieve (Bar No. 56280)
lk@kivelaw.com

5A Funston Avenue
The Presidio Of San Francisco
San Francisco, California 94129-1110
Tel: 415.364.0060
Fax: 435.304.0060

Attorneys for Plaintiff E. Lynn Schoenmann,
as chapter 7 trustee for the bankruptcy estate of
UCBH Holdings, Inc.

DLA PIPER LLP (US)

Of Counsel:

By /s/ Todd C. Toral
Todd C. Toral
todd.toral@dlapiper.com

Kathryn R. Norcross
Senior Counsel

Dennis Early
Counsel

555 Mission Street, Suite 2400
San Francisco, California 94105-2933
Tel: 415.836.2500
Fax: 415.836.2501

Federal Deposit Insurance Corporation
3501 Fairfax Drive
Arlington, Virginia 22226
(703) 562-2739

and

John J. Clarke, Jr. (admitted *pro hac vice*)
DLA PIPER LLP (US)
1251 Avenue Of The Americas
New York, New York 10020

Attorneys for the
Federal Deposit Insurance Corporation,
as Receiver for United Commercial Bank

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BAKER & HOSTETLER LLP

By: /s/ Daniel R. Warren
Daniel R. Warren (admitted *pro hac vice*)
dwarren@bakerlaw.com
James A. Slater (admitted *pro hac vice*)
jslater@bakerlaw.com

PNC Center
1900 East Ninth Street, Suite 3200
Cleveland, Ohio 44114-3482
Tel.: 216.621.0200
Fax: 216.696.0740

Attorneys for the
Federal Deposit Insurance Corporation,
in its Corporate Capacity

ORDER

The requested extension of time are granted and the hearing on the motion to strike and dismiss is set for 10:00 A.M. on July 20., 2012.

Charles R. Breyer
United States District Judge

