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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 THOMAS S. WU  
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 13 Plaintiff,  
 14 v.  
 15 FEDERAL DEPOSIT INSURANCE  
 CORPORATION, in its capacity as receiver  
 of United Commercial Bank,  
 16 Defendant.

CASE NO. CV10-4085 JSW  
 Assigned to Hon. Jeffrey S. White

**STIPULATION AND ~~PROPOSED~~ ORDER  
 WITHDRAWING DEFENDANT FDIC-  
 RECEIVER'S MOTION TO DISMISS AND  
 CONTINUING CASE MANAGEMENT  
 CONFERENCE**

Date: December 17, 2010  
 Time: 9:00 a.m.  
 Location: Courtroom 11  
 Judge: Hon. Jeffrey S. White

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**STIPULATION**

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WHEREAS, Plaintiff filed the Complaint in this action on September 10, 2010;

WHEREAS, Defendant FDIC-Receiver has filed a motion to dismiss Plaintiff's Complaint (the "Motion to Dismiss"), scheduled to be heard on January 21, 2011;

WHEREAS, the parties have agreed that, in lieu of Plaintiff responding to the Motion to Dismiss, Defendant FDIC-Receiver will withdraw the Motion to Dismiss and Plaintiff will file an amended complaint (the "Amended Complaint");

WHEREAS, the initial Case Management Conference in this matter is currently set for December 17, 2010, and the Joint Case Management Statement and Rule 26(f) Report is due to be filed on December 10, 2010;

WHEREAS, the Court ordered that Plaintiff and Defendant serve upon one another initial disclosures by December 10, 2010;

WHEREAS, the parties have scheduled a mediation to take place on March 15-16, 2011 (the "Mediation"); and

WHEREAS, the parties believe that it would promote efficiency and the conservation of the Court's and the parties' resources to continue certain dates until after the Mediation;

THEREFORE, the parties, through their respective counsel of record, hereby agree and STIPULATE that:

1. Plaintiff shall file the Amended Complaint on or before January 10, 2011;
2. Defendant Motion to Dismiss shall be deemed withdrawn;
3. Defendant shall respond to the Amended Complaint within 30 days of the scheduled Mediation, and no later than April 15, 2011;
4. The Case Management Conference and all attendant matters – including the filing of the Joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial disclosures under Fed. R. Civ. P. 26(a) – shall be continued until after April 15, 2011 on a date to be set by the Court; and

