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7 Attorneys for Defendant  
 FEDERAL DEPOSIT INSURANCE CORPORATION  
 8 AS RECEIVER OF UNITED COMMERCIAL BANK

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION  
 13

14 THOMAS S. WU,  
 15  
 Plaintiff,  
 16  
 vs.  
 17  
 FEDERAL DEPOSIT INSURANCE  
 18 CORPORATION, in its capacity as receiver of  
 United Commercial Bank, and FEDERAL  
 19 DEPOSIT INSURANCE CORPORATION, in its  
 corporate capacity,  
 20  
 Defendants.  
 21  
 22

Case No. CV10-4085 JSW  
**STIPULATION AND ~~PROPOSED ORDER~~**  
**CONTINUING PRETRIAL DEADLINES**  
**BASED ON CONDITIONAL**  
**SETTLEMENT**

23 **STIPULATION**

24 WHEREAS on March 15-16, 2011, the Parties attended mediation with Hon. Daniel  
 25 Weinstein (Ret.). The mediation involved multiple claims arising from the failure of United  
 26 Commercial Bank ("UCB"), including Thomas Wu's claims against the Federal Deposit Insurance  
 27 Corporation in its capacity as receiver of UCB (the "FDIC"), and the FDIC's claims against Mr. Wu.

1 The parties reached a conditional settlement. The parties are negotiating the terms and conditions of  
2 a final agreement;

3 WHEREAS the parties believe that it would promote efficiency and the conservation of the  
4 Court's and the parties' resources to continue pretrial deadlines while the settlement is being  
5 finalized;

6 THEREFORE, the parties, through their respective counsel of record, hereby agree and  
7 stipulate that:

8 1. The FDIC's responsive pleading deadline shall be continued 45 days from April 15,  
9 2011, to May 31, 2011; and

10 2. The Case Management Conference and all attendant matters – including the filing of  
11 the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial  
12 disclosures under Rule 26(a) – shall be continued until after May 31, 2011 on a date to be set by the  
13 Court.

14 Dated: April 1, 2011

NIXON PEABODY LLP

17 By /s/ Andrew Neilson

18 \_\_\_\_\_  
19 Andrew R. Neilson  
20 *Attorneys for Defendant Federal Deposit  
Insurance Corporation, as receiver of  
United Commercial Bank*

21 Dated: April 1, 2011

LATHAM & WATKINS LLP

24 By /s/ Timothy Crudo

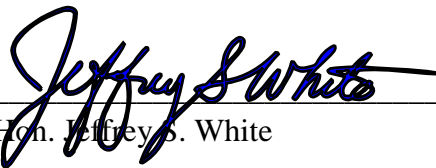
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26 Timothy P. Crudo  
27 *Attorneys for Plaintiff Thomas S. Wu*

**~~PROPOSED~~ ORDER**

The Case Management Conference currently scheduled for May 13, 2010, is hereby continued to June 10, 2011. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before June 3, 2011.

**IT IS SO ORDERED.**

Dated: April 4, 2010

  
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Hon. Jeffrey S. White