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

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

14 THOMAS S. WU,
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 Plaintiff,
 16
 vs.
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 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.
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Case No. CV10-4085 JSW
**SECOND 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 still negotiating the terms and
2 conditions of 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 from May 31, 2011 to
9 July 29, 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 July 29, 2011 on a date to be set by the
13 Court.

14 Dated: May 23, 2011

NIXON PEABODY LLP

17 By /s/ Gina Fornario

18 Gina Fornario
19 *Attorneys for Defendant Federal Deposit*
20 *Insurance Corporation, as receiver of*
United Commercial Bank

21 Dated: May 23, 2011

LATHAM & WATKINS LLP

24 By /s/ Timothy Crudo

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

PROPOSED ORDER

The Case Management Conference currently scheduled for June 10, 2010, is hereby continued to August 12, 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 August 5, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 24, 2010


Hon. Jeffrey S. White

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