

1 GREGORY P. O'HARA (SBN 131963)
 gohara@nixonpeabody.com
 2 ANDREW R. NEILSON (SBN 221694)
 aneilson@nixonpeabody.com
 3 GINA M. FORNARIO (SBN 246619)
 gforuario@nixonpeabody.com
 4 NIXON PEABODY LLP
 One Embarcadero Center, 18th Floor
 5 San Francisco, California 94111-3600
 Telephone: (415) 984-8200
 6 Fax: (415) 984-8300

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

Case No. CV10-4085 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER
 CONTINUING PRETRIAL DEADLINES
 BASED ON CONDITIONAL
 SETTLEMENT**

22
 23 **STIPULATION**

24 This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16,
 25 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). The
 26 mediation included participants and issues from several legal actions, including Thomas Wu's claims
 27 against the Federal Deposit Insurance Corporation in its capacity as receiver of UCB (the "FDIC")

1 and the FDIC’s claims against Mr. Wu (together, “the Parties”). The terms of a conditional global
2 settlement were reached. However, given the number of participants and the complexity of the
3 issues, the parties are still negotiating the terms and conditions of a final agreement;

4 WHEREAS the Parties believe that it would promote efficiency and the conservation of the
5 Court’s and the Parties’ resources to continue pretrial deadlines while the Parties negotiate the terms
6 and conditions of a final agreement;

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

9 1. The FDIC’s responsive pleading deadline shall be continued from October 31, 2011,
10 to February 1, 2012; and

11 2. The Case Management Conference and all attendant matters – including the filing of
12 the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties’ initial
13 disclosures under Rule 26(a) – shall be continued until after February 1, 2012, on a date to be set by
14 the Court.

15 Dated: October 7, 2011

NIXON PEABODY LLP

18 By /s/ Andrew Neilson

19 _____
Andrew Neilson
Attorneys for Defendant Federal Deposit
20 Insurance Corporation, as receiver of
21 United Commercial Bank

22 Dated: October 7, 2011

LATHAM & WATKINS LLP

25 By /s/ Timothy Crudo

26 _____
Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

~~PROPOSED~~ ORDER

The Case Management Conference currently scheduled for October 31, 2011, is hereby continued to March 2, 2012. 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 February 24, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 11, 2011



Hon. Jeffrey S. White

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28