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

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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
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14 THOMAS S. WU,
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 Plaintiff,
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 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. CV10-04085 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.). Since that
 26 time, pretrial deadlines in this case have been extended several times in anticipation of a global
 27 settlement involving the Parties to this matter, among others. After considerable negotiation, the

1 Parties have finalized and executed the terms of a global settlement which will be effective upon
2 approval by the Bankruptcy Court. At this time, the schedules of the Parties and their counsel
3 necessitate a further extension of pretrial deadlines so that they may discuss the status of this action in
4 light of the global settlement.

5 WHEREAS the Parties believe that it would promote efficiency and the conservation of the
6 Court's and the Parties' resources to continue pretrial deadlines at this time;

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 September 4, 2012,
10 to November 5, 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 November 5, 2012, on a date to be set by
14 the Court.

15 Dated: August 31, 2012

NIXON PEABODY LLP

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18 By /s/ Gina M. Fornario

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20 Gina M. Fornario
21 *Attorneys for Defendant Federal Deposit
22 Insurance Corporation, as receiver of
23 United Commercial Bank*

24 Dated: August 31, 2012

LATHAM & WATKINS LLP

25 By /s/ Timothy P. Crudo

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

PROPOSED ORDER

The FDIC's responsive pleading deadline shall be continued from September 4, 2012, to November 5, 2012. The Case Management Conference currently scheduled for September 14, 2012, is hereby continued to November 16, 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 November 9, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 7, 2012


Hon. Jeffrey S. White