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

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

13 THOMAS S. WU,  
 14

Plaintiff,

15 vs.  
 16

17 FEDERAL DEPOSIT INSURANCE  
 CORPORATION, in its capacity as receiver of  
 18 United Commercial Bank, and FEDERAL  
 DEPOSIT INSURANCE CORPORATION, in its  
 19 corporate capacity,

20 Defendants.  
 21

Case No. 3:10-cv-04085 JSW

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

22 **STIPULATION**

23 This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16,  
 24 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). Since that  
 25 time, pretrial deadlines in this case have been extended several times in anticipation of a global  
 26 settlement involving the Parties to this matter, among others. After considerable negotiation, the  
 27 Parties finalized and executed the terms of a global settlement which was approved by the

1 Bankruptcy Court on October 22, 2012, although a formal order has not yet been entered. At this  
2 time, the schedules of the Parties and their counsel necessitate a further extension of pretrial  
3 deadlines in order for the settlement to be completed.

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 at this time;

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 November 5,  
9 2012, to February 1, 2013; and

10 2. The Case Management Conference and all attendant matters – including the filing  
11 of 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 February 1, 2013, on a date to be set by  
13 the Court.

14 Dated: October 26, 2012

NIXON PEABODY LLP

17 By /s/ Gina M. Fornario

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

21 Dated: October 26, 2012

LATHAM & WATKINS LLP

24 By /s/ Timothy P. Crudo

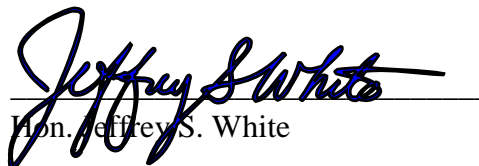
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26 Timothy P. Crudo  
27 *Attorneys for Plaintiff Thomas S. Wu*

**[PROPOSED] ORDER**

1  
2 The FDIC's responsive pleading deadline shall be continued from November 5, 2012, to  
3 February 1, 2013. The Case Management Conference currently scheduled for November 16, 2012, is  
4 hereby continued to March 1, 2013. The parties shall meet and confer and file a Joint Case  
5 Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before  
6 February 22, 2013.

7  
8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9 Dated: October 29, 2012

10  
11   
12 Hon. Jeffrey S. White