

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

Neil R. O’Hanlon, SBN 67018
Asheley G. Dean, SBN 245504
HOGAN LOVELLS US LLP
1999 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 785-4600
Facsimile: (310) 785-4601
Email: neil.ohanlon@hoganlovells.com
Email: asheley.dean@hoganlovells.com

Joel M. Miller (*pro hac vice*)
Charles R. Jacob III (*pro hac vice*)
Jeremy M. Sher (*pro hac vice*)
MILLER & WRUBEL P.C.
570 Lexington Avenue
New York, NY 10022
Telephone: (212) 336-3500
Facsimile: (212) 336-3555
Email: jmiller@mw-law.com

Attorneys for Plaintiff

Attorneys for Defendant

[Other Counsel on Signature Page]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PROVIDENT FUNDING ASSOCIATES,
L.P.,

Plaintiff,

v.

LYDIAN PRIVATE BANK,
VIRTUALBANK, A DIVISION OF LYDIAN
PRIVATE BANK, and Does 1 through 20,

Defendants.

Case No.: CV-11-1538 JCS

**STIPULATION AND ORDER
SUBSTITUTING FEDERAL DEPOSIT
INSURANCE CORPORATION, AS
RECEIVER, FOR DEFENDANT LYDIAN
PRIVATE BANK**

On August 19, 2011, the Office of the Comptroller of the Currency appointed the Federal Deposit Insurance Corporation (the “FDIC”) as Receiver for Defendant Lydian Private Bank (“Lydian”) pursuant to 12 U.S.C. §§ 1464(d)(2) and 1821(c)(5). A copy of the appointment is attached hereto as Exhibit A.

The FDIC accepted the appointment as Receiver for Lydian that same day. A copy of the FDIC’s acceptance of the appointment is attached hereto as Exhibit B.

1 Therefore, IT IS HEREBY STIPULATED AND AGREED THAT, pursuant to 12 U.S.C.
2 § 1819, the FDIC, as Receiver for Lydian, is now the real party in interest in this action and is
3 hereby substituted for Lydian in this action.

4 Dated: September 13, 2011

HOGAN LOVELLS US LLP
By: /s/ Neil R. O'Hanlon
R. O'Hanlon, SBN 67018
Asheley G. Dean, SBN 245504
HOGAN LOVELLS US LLP
1999 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 785-4600
Facsimile: (310) 785-4601
Email: neil.ohanlon@hoganlovells.com
Email: asheley.dean@hoganlovells.com
Attorneys for Plaintiff

12 Dated: September 13, 2011

MILLER & WRUBEL, P.C.
By: /s/ Joel M. Miller
Joel M. Miller (*pro hac vice*)
Charles R. Jacob III (*pro hac vice*)
Jeremy M. Sher (*pro hac vice*)
MILLER & WRUBEL P.C.
570 Lexington Avenue
New York, NY 10028
Telephone: (212) 336-3500
Facsimile: (212) 336-3555
email: jmiller@mw-law.com

ROBERT J. STUMPF, JR., SBN 72851
MARTIN WHITE, SBN 253476
SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111-4109
Telephone: (415) 434-9100
Facsimile: (415) 434-3947
Attorneys for Defendant

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: September 14, 2011

HON. 
Judge Joseph C. Spero
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

STIPULATION AND ORDER SUBSTITUTING FEDERAL
DERIVATIVE INSURANCE CORPORATION, AS RECEIVER,
FOR DEFENDANT LYDIAN PRIVATE BANK