

Greenfield

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ANGIE HSIA, AUSTIN WEICHYI SUN  
and EDWIN MING-CHEN CHIU

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

VC

11 INTEL CAPITAL (CAYMAN) CORPORATION,  
12 INTEL CAPITAL CORPORATION AND  
13 DEUTSCHE TELEKOM AG,,  
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Case No: CV 15 1287 ~~JCS~~

Petitioner,

vs.

15 ANGIE HSIA, AUSTIN WEICHYI SUN, AND  
16 EDWIN MING-CHEN CHIU,  
17

Respondent.

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO SET ASIDE THE  
DEFAULTS OF RESPONDENTS  
ANGIE HSIA, AUSTIN WEICHYI SUN  
AND EDWIN MING-CHEN CHIU  
AS MODIFIED**

18 This Stipulation, submitted with the accompanying proposed order, is entered into  
19 by and between Petitioners Intel Capital (Cayman) Corporation, Intel Capital  
20 Corporation, and Deutsche Telekom AG, on the one hand, and Respondents Angie Hsia,  
21 Austin Weichyi Sun and Edwin Ming-Chen Chiu, on the other hand (collectively the  
22 "Parties").

Reference is made to the following facts:

23  
24 A. On March 19, 2015 Petitioners filed a Petition to Confirm an Arbitration  
25 Award ("Petition") that was issued against Respondents by Christopher Monger, QC, in  
26 Case No. HKIAC.13043 before the Hong Kong International Arbitration Center and  
27 against Respondents ("Award", Dkt. No. 1).  
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1 B. On April 2, 2015 Petitioners filed Certificates of Service stating that  
2 Respondents were served with the Petition on the following dates: (1) Angie Hsia, March  
3 23, 2015 (Dkt. No. 5); Austin Weichyi Sun, March 19, 2015 (Dkt. No. 6); and Edwin Ming-  
4 Chen Chiu March 20, 2015 (Dkt. No. 7).

5 C. On April 30, 2015 Petitioners filed a Request for Clerk's Entry of Default,  
6 as the Respondents did not respond to the Petition in a timely manner (Dkt. No. 15).

7 D. On May 5, 2015 the Clerk of this Court entered Respondents' defaults  
8 (Dkt. No. 16).

9 E. On May 11, 2015, the law firm of Greenfield Draa & Harrington, LLP filed  
10 a Notice of Appearance of Counsel on behalf of Respondents Austin Weichyi Sun and  
11 Edwin Ming-Chen Chiu (Dkt. No. 17).

12 F. On May 12, 2015 Respondents filed a Motion to Set Aside Respondents'  
13 Defaults (Dkt. No. 18) together with the supporting declarations of Respondents (Dkt.  
14 Nos. 19 – 21).

15 G. On May 13, 2015 counsel for Petitioners and Respondents met and  
16 conferred and counsel for Petitioners communicated the fact that Petitioners were  
17 agreeable to setting aside the Respondents' defaults. The Parties now wish to litigate the  
18 substantive claims at issue such that this case may be resolved on its merits.

19 NOW, THEREFORE, the Parties, by and through their respective undersigned  
20 counsel, hereby stipulate and agree as follows:

21 1. **Scope of the Parties' Agreement**. This stipulation is only meant to  
22 memorialize the Parties' agreement that the Respondents' defaults should be set aside  
23 and that the Parties be permitted to submit written briefs in opposition to and support of  
24 the issues raised in the Petition.

25 2. **Setting Aside Respondents' Defaults**. The Respondents' defaults in this  
26 case, entered by the Clerk on May 5, 2015, are to be set aside;

27 3. **Response to the Petition**: The Respondents are to be afforded the  
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1 opportunity to file a written response to the March 19, 2015 Petition;

2 4. **Briefing Schedule**. The Parties are to adhere to the following briefing  
3 schedule:

4 A. Respondents' response to the Petition must be electronically filed  
5 with the Court and served on Petitioners, in accordance with all applicable rules of Court,  
6 no later than 30 days after the order on the instant stipulated agreement is entered by the  
7 Court.

8 B. Petitioners' reply to Respondents' response to the Petition must be  
9 electronically filed with the Court and served on Respondents, in accordance with all  
10 applicable rules of Court, no later than 30 days after the day on which Respondents file  
11 their response to the Petition.

12 5. **Hearing Date**. The Parties request that the Court, after receiving  
13 Petitioners' reply to the response to the Petition, set this matter for hearing on a date  
14 convenient for the Court.

15 IT IS SO STIPULATED AND AGREED:

16 Dated: May 18, 2015

**GREENFIELD DRAA & HARRINGTON LLP**

18 By: /S/ Stephanie Southwick Smith  
19 BERNARD S. GREENFIELD  
20 STEPHANIE SOUTHWICK SMITH  
21 Attorneys for Defendants  
ANGIE HSIA, AUSTIN WEICHYI SUN,  
and EDWIN MING-CHEN CHIU

22 Dated: May 18, 2015

**REED SMITH LLP**

23 By: /S/ David S. Reidy  
24 DAVID S. REIDY  
25 TYLER M. LAYTON  
26 Attorneys for Petitioners  
27 INTEL CAPITAL (CAYMAN)  
CORPORATION, INTEL CAPITAL  
CORPORATION and DEUTSCHE  
TELEKOM AG

~~[PROPOSED]~~

**ORDER** AS MODIFIED

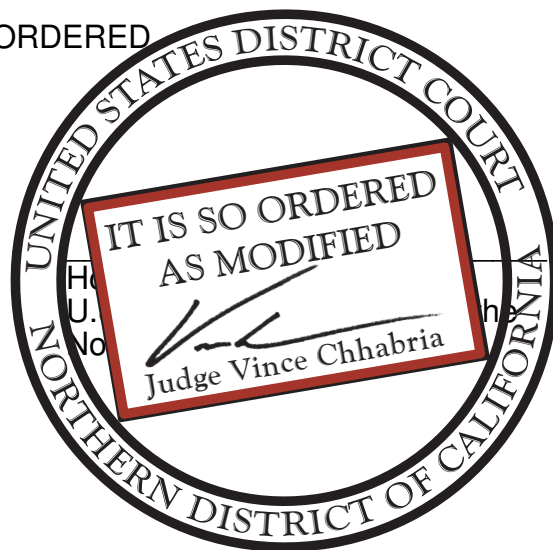
GOOD CAUSE HAVING BEEN SHOWN AND THE PARTIES HAVING STIPULATED TO AND AGREED THE SAME, the Court finds that the above-stated terms of the Parties' stipulated agreement is sanctioned by the Court, and shall be and now is the Order of the Court.

ACCORDINGLY, THE COURT HEREBY ORDERS AS FOLLOWS:

The Respondents' defaults, entered by the Clerk of the Court on May 5, 2015 (Dkt. No. 16), are set aside. The Parties are to adhere to the briefing schedule set forth at paragraph 4. A. and B., above. The Court will set this matter for hearing on ~~a date certain following the receipt of Petitioners' reply brief.~~ August 13, 2015, at 10:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: May 19, 2015



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