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6 Attorneys for Plaintiffs, Primarius Capital LLC;
Primarius China Fund LP; Primarius Focus LP;
7 Primarius Partners LP and Primarius Offshore
Partners Ltd.

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12
13 PRIMARIUS CAPITAL LLC;) **Case No.: C 07-01804-CW**
14 PRIMARIUS CHINA FUND LP;)
15 PRIMARIUS FOCUS LP; PRIMARIUS)
16 PARTNERS LP; and PRIMARIUS)
OFFSHORE PARTNERS LTD.,) **STIPULATION AND ORDER**
17) **CONTINUING CASE**
18 Plaintiffs,) **MANAGEMENT CONFERENCE**
19)
and)
20)
JAYHAWK CAPITAL)
21 MANAGEMENT, LLC; JAYHAWK)
22 CHINA FUND (CAYMAN), LTD.;)
23 JAYHAWK INVESTMENTS, LP;)
JAYHAWK INSTITUTIONAL)
24 PARTNERS, LP; KENT C.)
25 MCCARTHY and DOES 1 through 100,)
26 inclusive)
27)
Defendants.)
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Dated: 10/14/08

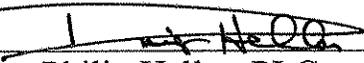
SHOOK, HARDY BACON LLP

By: 

Sara S. Tropea, Esq.
Attorneys for Respondents, Jayhawk
Capital Management LLC, Jayhawk China
Fund (Cayman), Ltd., and Jayhawk
Investments LP, Jayhawk Institutional
Partners, LP and Kent McCarthy

Dated: 10/14/08

FAGELBAUM & HELLER LLP

By: 

Philip Heller, PLC
Attorneys for Claimants, Primarius
Capital LLC; Primarius China Fund LP;
Primarius Focus LP; Primarius Partners
LP and Primarius Offshore Partners Ltd.

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

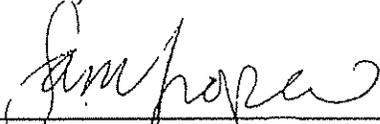
I, Philip Heller, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed above and below:

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on 10/14/08, at Los Angeles, California

Dated: 10/14/08

SHOOK, HARDY BACON LLP

By: 

Sara S. Tropea, Esq.
Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk China Fund (Cayman), Ltd., and Jayhawk Investments LP, Jayhawk Institutional Partners, LP and Kent McCarthy

Dated: 10/14/08

FAGELBAUM & HELLER LLP

By: ~~Philip Heller~~ 

Philip Heller, PLC
Attorneys for Claimants, Primarius Capital LLC; Primarius China Fund LP; Primarius Focus LP; Primarius Partners LP and Primarius Offshore Partners Ltd.

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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

The Case Management Conference shall be continue until after the January 2009
to
arbitration hearing is held and the arbitration panel issues an award, ~~but not later than~~
February 3, 2009, at 2:00 p.m. . **If an award has not yet issued, counsel may
stipulate to continue the Case Management Conference.**

10/15/08

Dated: _____



Hon. Claudia Wilken
United States District Judge

1 **PROOF OF SERVICE**

2 [Case No.: C 07-01804-CW]

3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES) ss

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
6 not a party to the within action; my business address is 2049 Century Park East, Suite 4250, Los
Angeles, California 90067.

7 On October 14, 2008, served the following document described as:

8 **STIPULATION AND ORDER CONTINUING CASE**
9 **MANAGEMENT CONFERENCE**

10 by placing a copy thereof enclosed in sealed envelopes addressed as follows:

11 *[See Attached Service List]*

12 BY U.S. MAIL - I deposited such envelope(s) in the mail at Los Angeles, California. The envelope
13 was mailed with postage thereon fully prepaid as follows: I am readily familiar with this firm's practice
14 of collection and processing correspondence for mailing. Under the practice it would be deposited with
15 the U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California
in the ordinary cause of business. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

16 BY FEDERAL EXPRESS - I deposited such envelope in the drop box at Los Angeles, California.
17 I am readily familiar with this firm's practice of collection and processing correspondence for Federal
Express. Under the practice it would be deposited in the Federal Express drop-box for pickup on the
same day at Los Angeles, California in the ordinary cause of business.

18 BY OVERNITE EXPRESS - I deposited such envelope in the drop box at Los Angeles, California.
19 I am readily familiar with this firm's practice of collection and processing correspondence for
20 OVERNITE EXPRESS. Under the practice it would be deposited in the Overnight Express drop-box for
pickup on the same day at Los Angeles, California in the ordinary cause of business.

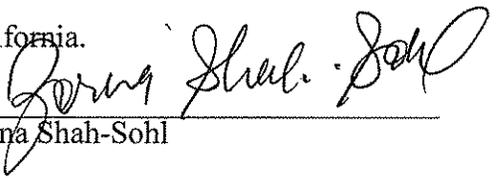
21 BY FACSIMILE - I caused such a document to be sent via facsimile to the appropriate facsimile
22 number(s) for the addressee(s) below, at or about _____ .m. from (310) 286-7086, and received
confirmation that the fax transmission was successfully completed.

23 BY PERSONAL SERVICE - I caused such an envelope to be hand delivered to the office of the
addressee.

24 [STATE] I declare under penalty of perjury under the laws of the State of California that the above
25 is true and correct.

26 [FEDERAL] I declare that I am in the office of a member of the bar of this court at whose
27 direction the service was made.

28 Executed on October 14, 2008, Los Angeles, California.


Zorina Shah-Sohl

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SERVICE LIST

[Case No.: C 07-01804-CW]

<p><u>BY E-MAIL AND FEDERAL EXPRESS</u></p> <p>Gregory T. Wolf, Esq. Sarah Lepak, Esq. Brian P. Baggott, Esq. SHOOK, HARDY, BACON LLP 2555 Grand Blvd. Kansas City, MO 64108-2613</p> <p>TEL: (816) 474-6550 FAX: (816) 421-5547</p> <p>Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk China Fund (Cayman), Ltd., and Jayhawk Investments LP, Jayhawk Institutional Partners, LP and Kent McCarthy</p>	<p><u>BY: E-MAIL AND FEDEX</u></p> <p>James McMullen, Chief Operating Officer and General Counsel JAYHAWK CAPITAL MANAGEMENT, LLC 5410 W. 61st Place, Suite 100 Mission, KS 66205</p> <p>Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk China Fund (Cayman), Ltd., and Jayhawk Investments LP, Jayhawk Institutional Partners, LP and Kent McCarthy</p>
<p><u>BY E-MAIL AND FEDERAL EXPRESS</u></p> <p>Sara S. Tropea, Esq. SHOOK, HARDY, BACON LLP 333 Bush Street, Suite 600 San Francisco, CA 94104 Telephone: (415) 544.1900 Facsimile: (415) 391.0281 e-mail: STROPEA@shb.com</p> <p>Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk China Fund (Cayman), Ltd., and Jayhawk Investments LP, Jayhawk Institutional Partners, LP and Kent McCarthy</p>	