1 2 3 4	Philip Heller, PLC (CA State Bar No. 113 ph@fhllplaw.com Peter DelVecchio, (CA State Bar No. 183 pmd@fhllplaw.com FAGELBAUM & HELLER LLP 2049 Century Park East, Suite 4250 Los Angeles, CA 90067 Telephone: 310.286.7666 Facsimile: 310.286.7086	3938) 456)
5 6 7 8	Attorneys for Plaintiffs, Primarius Capital Primarius China Fund LP: Primarius Focu Primarius Partners LP and Primarius Offs. Partners Ltd	LLC; is, LP; hore
9 10 11	UNITED STATES I FOR THE NORTHERN DIS	
12	OAKLAND	DIVISION
14 15 16 17	PRIMARIUS CAPITAL LLC; PRIMARIUS CHINA FUND LP; PRIMARIUS FOCUS LP; PRIMARIUS PARTNERS LP; and PRIMARIUS OFFSHORE PARTNERS LTD.  Plaintiffs,	Case No. 4:07-cv-01804 (CW)  STIPULATION AND ORDER CONTINUING CASE MANAGEMENT CONFERENCE [CORRECTED]
1.8  1.9  yhawk Capital Management, LLC et	and Doc. 41	Cture 2 4th Floor
20 21 22 23	JAYHAWK CAPITAL MANAGEMENT, LLC; JAYHAWK CHINA FUND (CAYMAN), LTD.; JAYHAWK INVESTMENTS, LP; JAYHAWK INSTITUTIONAL PARTNERS, LP; KENT C. MCCARTHY,	Ctrm: 2, 4 <sup>th</sup> Floor
24 25	Defendants.	
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27 28		
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Dockets.Justia.

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## RECITALS

WHEREAS, Plaintiffs filed their complaint and demand for jury trial on March 30, 2007, and filed their amended complaint on June 11, 2007.

WHEREAS, on September 27, 2007, Plaintiffs and Defendants agreed to submit their claims and counterclaims to binding arbitration under the auspices of Judicial Arbitration and Mediation Services, Inc. ("JAMS"), and requested that the Court stay this action and take all motions and dates off calendar.

WHEREAS, the parties have commenced arbitration before JAMS, with a hearing scheduled for the weeks of June 15 and 22, 2009.

WHEREAS, the parties have conferred and reached agreement that the Case Management Conference should be continued until after the arbitration hearing is held and the arbitration panel issues an award which, with anticipated post-hearing briefing, will most likely not occur before September 2009.

## STIPULATION

Plaintiffs, through their attorneys of record, and Defendants, through their attorneys of record, hereby stipulate that the Case Management Conference should be continued until September 29, 2009.

1	Dated: 01/30/09	_ SHOOK, HARDY BACON LLP
2		•
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4		By: My Sara S. Tropea Esq.
5		Sara S. Tropea, Esq.
6		Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk
7		China Fund (Cayman), Ltd., and
8		Jayhawk Investments LP, Jayhawk Institutional Partners, LP and Kent
9		McCarthy
10		
11	Data da la la caracteria	
12	Dated: 01/30/09	FAGELBAUM & HELLER LLP
13		R√ s/s Philip Heller
14		By: s/s Philip Heller Philip Heller, PLC
15		Attorneys for Claimants, Primarius
16		Capital LLC; Primarius China Fund LP; Primarius Partners
17		LP and Primarius Offshore Partners
18		Ltd.
19		
20		DICTE
21		ATES DISTRICT
22 <sup>.</sup>		
23		S TIS SO ORDERED (A)
24		IT IS SO ORDERED EX
25		Judge Claudia Wilken
26		Judge Claude
27		
28		DISTRICT OF CE

1	PROOF OF SERVICE (Case No. C 07-01804 (CW)	
2	STATE OF CALIFORNIA )	
3	COUNTY OF LOS ANGELES ) ss	
5 6	I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 4250, Los Angeles, California 90067.	
7 8	On January 30, 2009, served the foregoing document described as [Corrected] Stipulation and [Proposed] Order by placing a copy thereof enclosed in sealed envelopes addressed as follows:	
9	[See Attached Service List]	
10		
11	[X] BY U.S. MAIL - I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid as follows: I am readily familiar with	
12	this firm's practice of collection and processing correspondence for mailing. Under the practic it would be deposited with the U.S. Postal Service on the same day with postage thereon fur 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.	
13		
14	is more than one day after date of deposit for mailing in affidavit	
15	[ ] BY FEDERAL EXPRESS - I deposited such envelope in the drop box at Los Angeles, California. 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	
16 17	Express drop-box for pickup on the same day at Los Angeles, California in the ordinary ca of business.	
18 19	[] BY FACSIMILE – I caused such a document to be sent via facsimile to the appropriate facsimile number(s) for the addressee(s) below, at or aboutm. from (310) 286-7086, and received confirmation that the fax transmission was successfully completed.	
20	[] BY PERSONAL SERVICE - I caused such an envelope to be hand delivered to the office of the addressee.	
21	[ ] [State] I declare under penalty of perjury under the laws of the State of California that the	
22	above is true and correct.	
23	[X] [Federal] I declare that I am in the office of a member of the bar of this court at whose direction the service was made.	
24	Executed on January 30, 2009 at Los Angeles, California.	
25	Q Q Q Q	
26	Zorina Shah-Sohl	
27	Zoinig Shan-Soin	
28		

SERVICE LIST 1 [Case No. C07-01804 (CW) 2 Gregory T. Wolf, Esq. Sara S. Tropea, Esq. 3 Sarah Lepak, Esq. SHOOK, HARDY, BACON LLP Brian P. Baggott, Esq. 4 333 Bush Street, Suite 600 SHOOK, HARDY, BACON LLP San Francisco, CA 94104 2555 Grand Blvd. 5 Kansas City, MO 64108-2613 Telephone: (415) 544.1900 Facsimile: (415) 391.0281 6 TEL: (816) 474-6550 e-mail: STROPEA@shb.com FAX: (816) 421-5547 Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk China Fund Attorneys for Respondents, Jayhawk Capital 8 Management LLC, Jayhawk China Fund (Cayman), Ltd., and Jayhawk Investments LP and Kent McCarthy 9 (Cayman), Ltd., and Jayhawk Investments LP, Jayhawk Institutional Partners, LP and 10 **Kent McCarthy** 11 12 James McMullen, Chief Operating Officer and 13 General Counsel JAYHAWK CAPITAL MANAGEMENT, 14 LLC 5410 W. 61st Place, Suite 100 15 Mission, KS 66205 16 Telephone: 913-642-2611 17 18 Attorneys for Respondents, Jayhawk Capital Management LLC, Jayhawk China Fund 19 (Cayman), Ltd., and Jayhawk Investments LP and Kent McCarthy 20 21 22 23 24 25 26 27

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