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Attorneys for Plaintiff
FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR INNOVATIVE BANK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL DEPOSIT INSURANCE)
CORPORATION AS RECEIVER FOR)
INNOVATIVE BANK,)

Plaintiff,

vs.

SEONG HOON HONG; DAVID CHIU; JIN)
YOUNG KIM (AKA JIMMY KIM); JUNG)
MIN MOK; YOUNG HO WON;)
SANGCHOL AN; CHANG K. CHANG;)
SUNG SANG CHO; HARRY MOOK)
CHOI; YONG OH CHOI; TONY HUEY;)
CHONG KIM; JUNG KIM; BHUPENDRA)
PATEL,)

Defendants.)
_____)

CV-12-2658 CW

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
STIPULATION TO CONTINUE APRIL 2,
2014 CASE MANAGEMENT
CONFERENCE TO JUNE 4, 2014;
~~PROPOSED~~ ORDER THEREON**

1 WHEREAS, the parties reached a settlement in principal of this matter following mediation
2 with Judge Warren (Ret.) on November 5, 2013;

3 WHEREAS, the parties are still working to reduce the settlement to a written agreement but
4 have encountered difficulty over the past several months agreeing on the scope and precise terms of
5 the written agreement;

6 WHEREAS, in late February 2014, the parties agreed to re-engage the mediator, Judge
7 Warren (Ret.), for assistance and guidance in finalization of the written settlement agreement;

8 WHEREAS, the parties thereafter held a further telephonic session with Judge Warren (Ret.)
9 to work out details of the written settlement agreement and related documentation of the settlement;

10 WHEREAS, following Judge Warren's further involvement, the FDIC-R recently circulated a
11 further revised settlement draft and related documentation of the agreement for consideration;

12 WHEREAS, the parties are still working through the drafting issues and Judge Warren (Ret.)
13 has stated he is available for additional consultation and oversight of this process;

14 WHEREAS the Court previously vacated all pending case dates, including the trial date, in
15 this matter and set a Case Management Conference ("CMC") for April 2, 2014; at 2:00 P.M., at
16 which time the parties were to report on finalization of the settlement and release agreement;

17 WHEREAS the parties believe that a further two month extension of the CMC will facilitate
18 finalization of the settlement and allow them to work through the remaining drafting issues with
19 oversight by Judge Warren (Ret.) on an as needed basis, and allow all parties and the Court to avoid
20 unnecessary expenses and prevent wasting of judicial resources.

21 IT IS HEREBY STIPULATED by and between the parties through their designated counsel
22 that the April 2, 2014 CMC be continued to June 4, 2014 at 2:00 P.M. or as soon thereafter as is
23 convenient for the Court.

1 Dated: March 26, 2014

Respectfully submitted,

2 **NIXON PEABODY LLP**

3 By: /s/ Marcie K. Farano

4 Marcie K. Farano

Attorneys for Plaintiff

5 FEDERAL DEPOSIT INSURANCE
6 CORPORATION AS RECEIVER FOR
7 INNOVATIVE BANK

8 The undersigned have given authority to Marcie K. Farano to file this Stipulation and [Proposed]
9 Order on their behalf.

10 Dated: March 26, 2014

11 **KIM, SHAPIRO, PARK & LEE**

12 By: /s/ Steve E. Shapiro

13 Steve Shapiro, Esq.

Attorney for Defendants

14 CHANG K. CHANG, JUNG MIN MOK,
15 YONG OH CHOI, DAVID CHIU, TONY
16 HUEY, JUNG KIM, BHUPENDRA
PATEL AND SANGCHOL AN

17 Dated: March 26, 2014

18 **PARK & SYLVA**

19 By: /s/ Daniel E. Park

20 Daniel Eal Young Park, Esq.

Attorney for Defendant

21 SEONG HOON HONG

22 Dated: March 26, 014

23 **NASSIRI & JUNG LLP**

24 By: /s/ Kassra Powell Nassiri

25 Kassra Powell Nassiri, Esq.

Attorney for Defendant

26 YOUNG HO WON

27 ///

28 ///

///

1 Dated: March 26, 2014


LAW OFFICES OF ROBERT LANE

2 By: /s/ Robert Lane
3 Robert Lane, Esq.
4 Attorney for Defendant
5 HARRY MOOK CHOI
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1 **PROPOSED ORDER**

2 Pursuant to Stipulation, it is ordered that the April 2, 2014 CMC in the above captioned
3 matter be continued to June 4, 2014 at 2:00 P.M.
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6 Dated: 3/31/2014

7 
8 Hon. Claudia A. Wilken
9 United States District Court Judge
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PROOF OF SERVICE

I, the undersigned, certify that I am employed in San Francisco, California; that I am over the age of eighteen years and not a party to the within action; and that my business address is Nixon Peabody LLP, One Embarcadero Center, 18th Floor, San Francisco, CA 94111.

The following document(s):

JOINT CASE MANAGEMENT ORDER AND STIPULATION TO CONTINUE APRIL 2, 2014 CASE MANAGEMENT CONFERENCE TO JUNE 4, 2014; PROPOSED ORDER THEREON

were served on the dates and on the parties stated below, through their attorneys of record, by placing a true copy thereof in sealed envelopes addressed as shown below by the following means of service:

- ☐ (BY FACSIMILE) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ (BY MAIL) by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at San Francisco, California addressed as set forth below.
- ☐ (BY OVERNIGHT COURIER) I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day
- ☐ (BY COURIER) by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to an agent for delivery.
- ☒ (BY E-MAIL) by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Addressee(s)

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Robert Dart, Esq.
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7 Robert K. Lane, Esq.
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9 Oakland, CA 94610-2009
10 Email: r_k_lane@pacbell.net
11 *Counsel for Defendant Harry Mook Choi*

12 I declare under penalty of perjury that the foregoing is true and correct. Executed on
13 March 26, 2014, at San Francisco, California.

14
15 /s/ Donna L. Day
16 Donna L. Day

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