

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
REYNOLD L. SIEMENS #177956
2 Email: reynold.siemens@pillsburylaw.com
725 South Figueroa Street, Suite 2800
3 Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
4 Facsimile: (213) 629-1033

5 PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON #76342
6 Email: bruce.ericson@pillsburylaw.com
GEORGE ALLEN BRANDT #264935
7 Email: allen.brandt@pillsburylaw.com
50 Fremont Street
8 Post Office Box 7880
San Francisco, CA 94120-7880
9 Telephone: (415) 983-1000
Facsimile: (415) 983-1200

10 Attorneys for Defendants ROBERT JOHN BURRELL, WILLIAM CHENEY,
11 GORDON DAMES, ROBERT H. HARVEY, JR., JAMES JORDAN,
TIMOTHY M. KRAMER, ROBIN LENTZ, JOHN M. MERLO, WARREN
12 NAKAMURA, BRIAN OSBERG, DAVID RHAMY and SHARON UPDIKE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

NATIONAL CREDIT UNION
ADMINISTRATION BOARD AS
LIQUIDATING AGENT FOR
WESTERN CORPORATE FEDERAL
CREDIT UNION,

Plaintiff,

vs.

ROBERT A. SIRAVO, et al.,

Defendants.

No. CV 10-01597 GW (MANx)

**ORDER GRANTING MOTION
TO DISMISS SECOND
AMENDED COMPLAINT
FILED BY THE DIRECTOR
DEFENDANTS**

Honorable George H. Wu
Courtroom 10,
312 North Spring Street,
Los Angeles, CA

1 The motion, filed April 18, 2011, of Defendants William Cheney,
2 Gordon Dames, Robert H. Harvey, Jr., James Jordan, Timothy M. Kramer,
3 Robin Lentz, John M. Merlo, Warren Nakamura, Brian Osberg, David Rhamy
4 and Sharon Updike (collectively, “the Director Defendants”) to dismiss
5 Plaintiff’s Second Amended Complaint for Damages For Breach of Fiduciary
6 Duty, Fraud and Unjust Enrichment filed February 22, 2011 (Doc. 116) (the
7 “SAC”) duly came on for hearing on July 7 and 25, 2011. Bruce A. Ericson of
8 Pillsbury Winthrop Shaw Pittman LLP appeared for the Director Defendants.
9 Michael H. Bierman and Michael E. Pappas of Luce, Forward, Hamilton &
10 Scripps LLP appeared for Plaintiff National Credit Union Administration
11 Board as Liquidating Agent for Western Corporate Federal Credit Union (the
12 “NCUA”). Attached as Exhibit A is a copy of the Court’s Civil Minutes dated
13 July 25, 2011 (Doc. 151). The Court having reviewed the moving papers
14 (Doc. 122-123), the NCUA’s opposition (Doc. 129-130), the reply papers
15 (Doc. 135-136), the Director Defendants’ supplemental requests for judicial
16 notice (Doc. 140, 148) and the NCUA’s responses thereto (Doc. 146, 150),
17 and having heard oral argument, and being fully advised, and good cause
18 appearing,

19 IT IS HEREBY ORDERED that:

20 1. For the reasons stated in the Court’s tentative ruling of July 7,
21 2011, filed July 11, 2011 (Doc. 147) incorporating the analysis of its prior
22 rulings (Doc. 110 and 115) and on the record in court on July 7 and 25, 2011,
23 the Director Defendants’ motion to dismiss is GRANTED, and the SAC is
24 DISMISSED WITH PREJUDICE as to the Director Defendants only.

25 ///

26 ///

27 ///

28

1 2. The Director Defendants' requests for judicial notice (Doc. 123,
2 140, 148) are GRANTED.

3 IT IS SO ORDERED.

4 Dated: August 1, 2011

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Hon. George H. Wu
United States District Judge