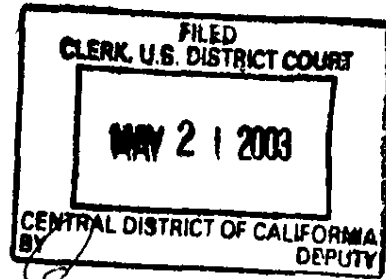


Cats and Dogs Animal Hospital, Inc. v. Yelp! Inc.

Doc.



1 CHAD BIGGINS, Bar No. 206922
 2 **BIGGINS & ASSOCIATES**
 233 Wilshire Blvd., Suite 400
 3 Santa Monica, CA 90401

4 Tel: (310)899-3808
 4 Fax: (310)899-3804

5 Attorneys for PLAINTIFFS
 6 MANJEHR HABIBI,
 7 individually and as Guardian ad Litem
 for KARN NANDA aka AMIR NANDA, a minor

Priority
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 JS-2/US-3

ORIGINAL

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 10 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

11 **MANJEHR HABIBI,**
 12 individually and as Guardian ad Litem
 13 for KARN NANDA aka AMIR
 NANDA, a minor,

Case No. SA CV 03-0602 CJC

Hon. Judge Cormac J. Carney

14 Plaintiff(s),

**STIPULATION AND PROPOSED
 ORDER SUBSTITUTING TOYS 'R'
 US-DELAWARE, INC., AS A
 DEFENDANT IN PLACE OF DOE 1
 AND EXTENSION OF TIME TO
 ADD ADDITIONAL PARTIES**

15 vs.

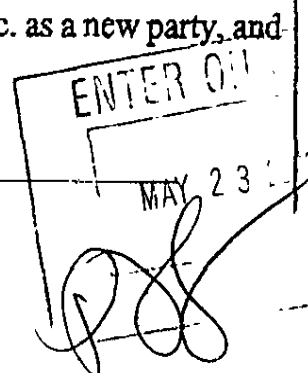
16 FISHER PRICE, INC., et al.

17 Defendant(s).
 18
 19

Complaint filed: April 26, 2002

20
 21 **STIPULATION AND PROPOSED ORDER**

- 22 1. This is a products' liability case, where the primary allegation is that a
 23 product manufactured by Fisher Price caused a minor injuries.
 24
 25 2. On April 7, 2003, the court set a deadline of May 20, 2003, for the
 26 plaintiffs to amend the pleadings to add new claims or parties.
 27
 28 3. Plaintiffs intend to add Toys 'R' Us-Delaware, Inc. as a new party, and



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potentially add other parties, to this lawsuit when they are subsequently discovered. Toys 'R' Us-Delaware, Inc. is a Delaware corporation and its principal place of business is not in the state of California, therefore the joinder of Toys 'R' Us will not divest the court of jurisdiction of this action.

4. Plaintiffs remain ignorant of the exact Toys 'R' Us store where the product was purchased.

5. Plaintiffs have been diligent in that the parties were discussing early settlement, which ultimately failed. Plaintiff did not purchase the product and other than the name "Toys-R-Us," Plaintiff has been unable to ascertain far been unable to determine the location through third party sources, although it was purchased in Southern California. The remainder of the potential defendants cannot reasonably be ascertained by Plaintiffs until sufficient discovery into this matter has been conducted.

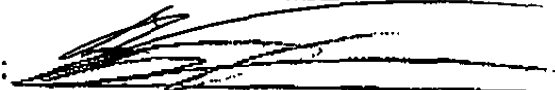
6. For these reasons, the parties stipulate to add TOYS 'R' US-DELAWARE, INC. as a defendant in place of DOE 1.

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Dated: 5/20/03

Respectfully submitted,

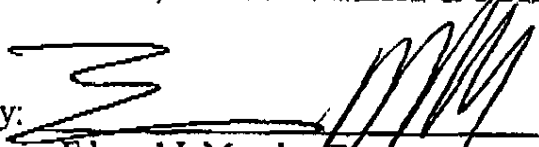
BIGGINS & ASSOCIATES

By: 

Chad Biggins
Attorneys for PLAINTIFFS
MANIJEH HABIBI,
individually and as Guardian ad Litem
for KARNNANDA aka AMIRNANDA,
a minor

Dated: 5/20/03

WILLIAMS, MONTGOMERY & JOHN

By: 

Edward J. Murphy, Esq.
David E. Kravitz, Esq.
C. Barry Montgomery, Esq.
Attorneys/Co-counsel for Defendant
FISHER PRICE, INC.

ORDER

For good cause shown, the Court hereby GRANTS the stipulation to add TOYS
'R' US-DELAWARE, INC. as a Defendant in place of DOE 1 in Plaintiffs' complaint
on file in this action.

IT IS SO ORDERED.

Dated: May 21, 2003



Hon. Judge Cormac J. Carney
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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 233 Wilshire Blvd., Suite 400, Santa Monica, California 90401.

On this date, I served the foregoing document(s) described as **STIPULATION & PROPOSED ORDER** upon the parties and in the above action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Dana Alden Fox, Esq.
Lynberg & Watkins
888 S. Figueroa St., 16th Fl.
Los Angeles, CA 90017-5449

Edward J. Murphy, Esq.
David E. Kravitz, Esq.
C. Barry Montgomery, Esq.
Williams, Montgomery & John
20 N. Wacker Dr., Ste 2100
Chicago, IL 60606

tel: 213-624-8700
fax: 213-892-2763

tel: 312-443-3200
fax: 312-630-8586

Co-counsel for Defendant Fisher Price, Inc.

Co-counsel for Defendant Fisher Price, Inc.

By (MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. Postal Service on the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than (1) day after date of deposit for mailing contained in this affidavit.

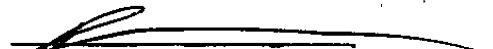
By (HAND) I cause said documents to be delivered by hand to the above-referenced attorney.

By (FEDEX) I cause said documents to be delivered via overnight carrier to the above-referenced address.

By (FAX) I cause said documents to be delivered via facsimile before 5:00 p.m. on this date.

Executed on May 20, 2003 at Santa Monica, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Chad Biggins