

PAUL L. REIN, Esq. (SBN 43053)
 JULIE A. OSTIL, Esq. (SBN 215202)
 CELIA McGUINNESS, Esq. (SBN 159420)
 LAW OFFICES OF PAUL L. REIN
 200 Lakeside Dr., Suite A
 Oakland, CA 94612
 Tel: (510) 832-5001
 Fax: (510) 832-4787

Attorneys for Plaintiff
 ANDI MILLARD

BRIAN J. O'GRADY, Esq. (SBN 077622)
 GAZZERA, O'GRADY & STEVENS
 1134 West El Camino Real
 Mountain View, CA 94040
 Tel: (650) 968-9612
 Fax: (650) 968-1627

Attorneys for Defendants:
 LAURA-LOU, INC., DBA CLARKE'S CHARCOAL BROILER; AND
 METROPOLITAN LIFE INSURANCE CO.

TED BACON, Esq. (SBN 115395)
 SCOTT STILMAN (SBN 120239)
 ADORNO, YOSS, ALVARADO & SMITH
 1 MacArthur Pl #200
 Santa Ana, CA 92707
 Tel: (714) 852-6800
 Fax: (714) 852-6899

Attorneys for Defendant:
 J.P. MORGAN CHASE BANK, N.A., Successor to WASHINGTON MUTUAL

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANDI MILLARD,
 Plaintiff,

CASE NO. C07-06014 MMC
Civil Rights

v.

**STIPULATION AND [PROPOSED]
 ORDER FOR FILING OF SECOND
 AMENDED COMPLAINT**

LAURA-LOU, INC. dba CLARKE'S
 CHARCOAL BROILER;
 WASHINGTON MUTUAL BANK, FA;
 METROPOLITAN LIFE INSURANCE
 COMPANY; and DOES 1-10, Inclusive,

AND ORDER THEREON

Defendants.

/

1 Plaintiff ANDI MILLARD filed her Complaint on November 28, 2007, naming as
2 defendants LAURA-LOU, INC. dba CLARKE'S CHARCOAL BROILER; METROPOLITAN
3 LIFE INSURANCE COMPANY; and DOES 1-10, Inclusive, based on information obtained
4 from public records and Westlaw databases.

5 On July 1, 2008, the Court issued an order extending the deadline to conduct mediation
6 through September 30, 2008, and further ordered plaintiff to file, no later than July 25, 2008, a
7 stipulation to amend the complaint to add Washington Mutual Bank, FA, as a defendant.
8 Pursuant to that Order and subsequent stipulation of the parties, plaintiff filed its First
9 Amended Complaint on June 30, 2009, naming LAURA-LOU, INC. dba CLARKE'S
10 CHARCOAL BROILER; WASHINGTON MUTUAL BANK, FA; METROPOLITAN LIFE
11 INSURANCE COMPANY; and DOES 1-10, INCLUSIVE.

12 Subsequent to answering the First Amended Complaint, Washington Mutual went into
13 Receivership. J.P. Morgan Chase Bank, N.A., thereafter purchased from the receiver, the
14 FDIC, certain assets and further assumed certain limited rights and duties of Washington
15 Mutual, one of which is the leasehold interest at issue in this matter. J.P. Morgan Chase Bank,
16 N.A., is therefore a proper party in this lawsuit.

17
18 Plaintiff has prepared a Second Amended Complaint naming LAURA-LOU, INC. dba
19 CLARKE'S CHARCOAL BROILER; METROPOLITAN LIFE INSURANCE COMPANY;
20 J.P. MORGAN CHASE BANK, N.A as successor in interest to WASHINGTON MUTUAL
21 BANK, FA; and DOES 1-10, Inclusive as defendants.

22 Therefore, IT IS HEREBY STIPULATED by and between the parties that Plaintiff may
23 file a Second Amended Complaint, a copy of which is attached hereto.

24 //

25 //

26 //

27 //

28 //

1 Dated: April 7, 2009

PAUL L. REIN
JULIE OSTIL
CELIA McGUINNESS
LAW OFFICES OF PAUL L. REIN

4 /s/ Celia McGuinness
5 Attorneys for Plaintiff
6 ANDI MILLARD

7 Dated: April 6, 2009

BRIAN J. O'GRADY, Esq.
GAZZERA, O'GRADY & STEVENS

10 /s/ Brian J. O'Grady
11 Attorney for Defendants
12 LAURA-LOU, INC., DBA CLARKE'S
13 CHARCOAL BROILER; AND
14 METROPOLITAN LIFE INSURANCE CO.

14 Dated: April 6, 2009

TED BACON, Esq.
ADORNO, YOSS, ALVARADO & SMITH

17 /s/ Ted Bacon
18 Attorney for Defendant
19 WASHINGTON MUTUAL BANK, F.A.

20 **ORDER**

21 Pursuant to stipulation, and for good cause shown, IT IS SO ORDERED. The attached Second
22 Amended Complaint is ordered to be filed.

24 Dated: April 10, 2009 _____

25 
26 HON. MAXINE M. CHESNEY
27 U.S. DISTRICT JUDGE