Eric Grant (Bar No. 151064)
grant@hicks-thomas.com
Hicks Thomas LLP
8001 Folsom Boulevard, Suite 100
Sacramento, California 95826
Telephone: (916) 388-0833
Facsimile: (916) 691-3261

Counsel for Defendant
R.R. STREET & CO. INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

KFD ENTERPRISES, INC., a California corporation dba Norman's Dry Cleaner, Plaintiff, v. CITY OF EUREKA, et al., Defendants, AND ALL RELATED CROSS-CLAIMS AND THIRD-PARTY CLAIMS.	No. 3:08-cv-04571-MMC **STIPULATION AND ~~PROPOSED~~ ORDER WITH RESPECT TO DEFENDANT CITY OF EUREKA'S SECOND AMENDED COMPLAINT AGAINST DEFENDANT R.R. STREET & CO. INC.** **[Civil L.R. 7-12]**

Pursuant to Civil L.R. 7-12, Defendant City of Eureka ("Eureka") and Defendant R.R. Street & Co. Inc. ("Street") hereby stipulate and request judicial action as follows:

WHEREAS, Eureka's Second Amended Complaint (Doc. 140, filed Nov. 9, 2009) is, vis-à-vis Street, substantively identical to Eureka's First Amended Complaint (Doc. 46, filed July 24, 2009); and

WHEREAS, Eureka and Street have previously stipulated—and this Court has previously so ordered pursuant to stipulation (Doc. 101, filed Sept. 8, 2009)—that Paragraph 92 of Eureka's First Amended Complaint (claiming punitive damages) is stricken as to Street on certain terms and conditions;

THEREFORE, Eureka and Street stipulate that

(1) Street's answer to Eureka's First Amended Complaint (Doc. 99, filed Sept. 4, 2009) shall be deemed responsive to Eureka's Second Amended Complaint; and

(2) Paragraph 102 of Eureka's Second Amended Complaint is stricken as to Street on the same terms and conditions as was previously stricken Paragraph 92 of Eureka's First Amended Complaint.

Dated: November 23, 2009.

Respectfully submitted,

/s/ Eric Grant
Eric Grant
Hicks Thomas LLP

Counsel for Defendant
R.R. STREET & CO. INC.

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatory below.)

DAVIDOVITZ & BENNETT LLP

/s/ Charles Bolcom
MORIS DAVIDOVITZ
CHARLES BOLCOM

Attorneys for Defendant, Counter-Complainant, and Third-Party Plaintiff CITY OF EUREKA

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 25, 2009

MAXINE M. CHESNEY
United States District Judge

HICKS THOMAS LLP
8001 Folsom Boulevard, Suite 100
Sacramento, California 95826
Telephone: (916) 388-0833