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 28 Attorneys for Plaintiff
 RICHARD SKAFF

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

21 RICHARD SKAFF,
 22 Plaintiff,
 23 v.
 24 REAL MEX RESTAURANTS, INC.;
 25 GENERAL GROWTH PROPERTIES, INC.
 26 and DOES 1-25, Inclusive,
 27 Defendants.

Case No. C09-05518 JSW

**STIPULATION; DECLARATION;
~~PROPOSED~~ ORDER FOR
 ENLARGEMENT OF TIME TO
 SCHEDULE AND PARTICIPATE IN
 MEDIATION**

Stipulation; Declaration; ~~Proposed~~ Order for Enlargement of Time to Schedule and Participate in Mediation
 Case No. C09-05518 JSW

STIPULATION

1
2 Defendants REAL MEX RESTAURANTS, INC. and GENERAL GROWTH
3 PROPERTIES, INC., and Plaintiff RICHARD SKAFF (collectively "Parties"), by and through
4 their attorneys of record, hereby stipulate to an extension of time, from August 9, 2010 to October
5 6, 2010, by which to schedule and participate in mediation pursuant to the Court's Scheduling
6 Order and General Order 56.

7 Plaintiff and Defendant GENERAL GROWTH PROPERTIES, INC. ("GGP") further
8 stipulate that GGP will provide a written response to each item in Plaintiff's expert's report two (2)
9 weeks prior to the date of the scheduled mediation. Said written response will specify: (1) whether
10 GGP is willing to undertake the corrective action proposed by Plaintiff, or has an alternate
11 proposal; (2) the factual basis for any claim GGP may make that Plaintiff's proposed corrective
12 action is not readily achievable; and (3) information in GGP's possession or control regarding the
13 construction or alteration history of the property if GGP intends to dispute liability based on the
14 construction or alteration history of the property, consistent with and to the extent required under
15 General Order 56.

16 The Parties further stipulate that this Stipulation may be signed in counterparts and that
17 facsimile or electronically transmitted signatures shall be as valid and binding as original
18 signatures.

19 IT IS SO AGREED AND STIPULATED.

20 Dated: August 4, 2010

JACKSON LEWIS LLP

21
22 By: /s/ Cara Ching-Senaha
Jamerson C. Allen
23 Cara Ching-Senaha
Attorneys for Defendant
24 General Growth Properties, Inc.

25 Dated: August 5, 2010

SIDNEY J. COHEN
PROFESSIONAL CORPORATION

26
27 By: [Signature]
Sidney J. Cohen
28 Attorneys for Plaintiff

Stipulation; Declaration; [Proposed] Order for Enlargement of Time to Schedule and
Participate in Mediation Case No. C09-05518 JSW

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Richard Skaff
GREENBERG TRAURIG

Dated: August 4, 2010

By: /s/ Michael Chilleen
Gregory Hurley
Michael J. Chilleen
Attorneys for Defendant
Real Mex Restaurants, Inc.

DECLARATION OF CARA CHING-SENAHA

I, Cara Ching-Senaha, hereby declare on the basis of personal knowledge:

1. I am an attorney with Jackson Lewis LLP, counsel of record for Defendant General Growth Properties, Inc. ("GGP") in this action. I am an attorney in good standing and licensed to practice in the courts of California, in the United States District Court for the Northern, Eastern, and Central Districts, and in the United States Court of Appeals for the Ninth Circuit. If called upon to testify, I would testify as follows.

2. All Parties though their counsel have jointly agreed to extend the time to participate in mediation, to no later than October 6, 2010, based on the following:

a. Plaintiff's report is over 100 pages long and itemized over 200 claimed elements or alleged barriers to access covering almost the entire common area property that consists of Stonestown Galleria;

b. It has taken Defendant General Growth Properties a significant amount of time to evaluate whether there are readily achievable alternatives to the claimed elements in Plaintiff's report which has included the retention of multiple experts to provide cost estimates and evaluate Plaintiff's proposed changes and whether readily achievable alternative means exist to remove the alleged barriers;

c. It took General Growth Properties some time to identify and then retain an expert to provide cost estimates for remedying each of the claimed barriers identified in the report. Defendant's experts now have been working diligently to provide Defendant with cost estimates and, as may be necessary, potential readily

Stipulation; Declaration; ~~Proposed~~ Order for Enlargement of Time to Schedule and Participate in Mediation
Case No. C09-05518 JSW

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achievable alternatives; and

d. Defendant anticipates this information will be completed in mid- to late-September, which would enable the parties to meaningfully participate in mediation by October 6, 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of August, 2010 in San Francisco, California.

/s/ Cara Ching-Senaha
Cara Ching-Senaha

ORDER

Having considered the Parties' Stipulation and the supporting Declaration, and for good cause shown, the Court hereby extends the date by which the parties must schedule and participate in mediation from August 9, 2010 to October 6, 2010.

IT IS SO ORDERED.

Date: August 6, 2010

Jeffrey S. White
Jeffrey S. White
United States District Judge

4842-6989-5175, v. 2

Stipulation; Declaration; [Proposed] Order for Enlargement of Time to Schedule and Participate in Mediation
Case No. C09-05518 JSW