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Attorneys for Defendant
D.M. JACOBSON & SONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES,

Plaintiff,

VS.

D.M. JACOBSON & SONS, INC., aka
JACOBSON AND SONS BUILDING,

Defendant.

CASE NO.: CV 10-0055 MEJ

**STIPULATION AND [PROPOSED]
ORDER RE: TRIAL BY JURY**

Plaintiff Craig Yates (“Plaintiff”) and Defendant D.M. Jacobson & Sons, Inc. (“Defendant”) through their undersigned counsel of record, hereby STIPULATED AND AGREED as follows, and jointly request that the Court issue the following Stipulated Order:

1. Plaintiff and Defendant agree that the above-captioned matter will be tried by a jury.

IT IS SO STIPULATED.

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1 DATED: September 8, 2011

BOWLES & Verna LLP

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4 By: /s/ Jeremy C. Berla
5 Jeremy C. Berla
6 Attorneys for Defendant

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8 DATED: September 8, 2011

9 THOMAS E. FRANKOVICH, A
10 PROFESSIONAL LAW CORPORATION

11 By: /s/ Thomas E. Frankovich
12 Thomas E. Frankovich
13 Attorneys for Plaintiff

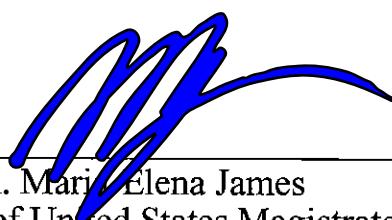
14 **[PROPOSED] ORDER**

15 The Court, having read and considered the stipulation of the parties, and for good
16 cause shown, hereby ORDERS that:

17 1. The above-captioned matter will be a jury trial.

18 IT IS SO ORDERED.

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20 Dated: September 12, 2011

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Hon. Maria Elena James
Chief United States Magistrate Judge

PROOF OF SERVICE

I, the undersigned, declare as follows: I am a citizen of the United States, over the age of 18 years, and not a party to, or interested in the within entitled action. I am an employee of BOWLES & Verna LLP, and my business address is 2121 N. California Blvd., Suite 875, Walnut Creek, California 94596.

On September 8, 2011, I served the following document(s):

STIPULATION AND [PROPOSED] ORDER RE: TRIAL BY JURY

on the following parties in this action addressed as follows:

Attorneys for Craig Yates

Thomas E. Frankovich

Thomas E. Frankovich, P

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Suite 300

San Rafael, C.

415-674-8600

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frankovich@disabilitieslaw.com

(BY MAIL) I caused each such envelope, with postage thereon fully paid, to be placed in the United States mail at Walnut Creek, California. I am readily familiar with the business practice for collection and processing of mail in this office. That in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service in Walnut Creek on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

xxx **(BY EMAIL OR ELECTRONIC TRANSMISSION)** I caused each such person to be served via electronic mail at the email addresses listed above or via the Court's ECF System.

(BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to each addressee above.

(BY OVERNIGHT DELIVERY) I caused each envelope, with delivery fees provided for, to be deposited in a box regularly maintained by UPS/FEDERAL EXPRESS. I am readily familiar with Bowles & Verna's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Bowles & Verna's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS/FEDERAL EXPRESS or delivered to an authorized courier or driver authorized by UPS/FEDERAL EXPRESS to receive documents on the same date that it is placed at Bowles & Verna for collection.

(BY FACSIMILE) By use of facsimile machine number (925) 935-0371 or (925) 256-1755, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on September 8, 2011, at Walnut Creek, California.

/s/ Erica L. Dorrington
Erica Dorrington