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20 Attorneys for Plaintiff
 21 DOLLAR TREE STORES, INC.

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 DOLLAR TREE STORES, INC.,
 25 Plaintiff,
 26 v.

27 TOYAMA PARTNERS, LLC; COMERICA
 28 BANK; PETER PAU d/b/a SAND HILL
 29 PROPERTY COMPANY, a sole proprietorship;
 30 PETER PAU, in his individual capacity and as
 31 partner of SAND HILL PROPERTY
 32 MANAGEMENT COMPANY; SUSANNA
 33 PAU, in her capacity as partner of SAND HILL
 34 PROPERTY MANAGEMENT COMPANY;
 35 SAND HILL PROPERTY MANAGEMENT
 36 COMPANY, and CAPELLA-MOWRY, LLC,
 37 Defendants.

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Attorneys for Defendants and
 Counterclaimants TOYAMA PARTNERS,
 LLC; PETER PAU d/b/a SAND HILL
 PROPERTY COMPANY, a sole
 proprietorship; PETER PAU, in his individual
 capacity and as partner of SAND HILL
 PROPERTY MANAGEMENT COMPANY;
 SUSANNA PAU, in her capacity as partner
 of SAND HILL PROPERTY
 MANAGEMENT COMPANY; SAND HILL
 PROPERTY MANAGEMENT COMPANY,
 and CAPELLA-MOWRY, LLC.

Case No. CV 10 0325 SI

**STIPULATION GRANTING LEAVE TO
 FILE AMENDED ANSWER TO
 DOLLAR TREE'S FIRST AMENDED
 AND CONSOLIDATED COMPLAINT**

Judge: Honorable Susan Illston

Case No. CV-10-0325 SI

Complaint filed: January 22, 2010
 Trial Date: February 6, 2012

STIPULATION GRANTING LEAVE TO FILE AMENDED
 ANSWER TO DOLLAR TREE'S FIRST AMENDED AND
 CONSOLIDATED COMPLAINT

CASE NO: CV-10-0325 SI

1 Plaintiff Dollar Tree Stores, Inc. (“Dollar Tree”) and Defendants Toyama Partners, LLC
2 (“Toyama”), Peter Pau individually and d/b/a Sand Hill Property Company (“Pau”), Susanna Pau
3 (“Ms. Pau”), Sand Hill Property Management Company (“SH Management”), and Capella-
4 Mowry, LLC (“Capella”) (collectively, “Defendants” and, with Dollar Tree, the “Parties”), by
5 their undersigned counsel, file the following Stipulation Granting Leave to File Amended
6 Answer to Dollar Tree’s First Amended and Consolidated Complaint (“Stipulation”), stating as
7 follows:

8 1. Dollar Tree filed its First Amended Consolidated Complaint against Defendants
9 (“Complaint”) on October 26, 2011.

10 2. Defendants filed their Answer to Dollar Tree’s Complaint (“Answer”) on
11 November 9, 2011.

12 3. In paragraph 153 of the Complaint, Dollar Tree averred that a Second Amendment
13 to the Sale Agreement by which Toyama transferred the Mowry Crossing Shopping Center to
14 Capella was drafted after the closing.

15 4. Defendants asserted objections to paragraph 153 based on the attorney-client
16 privilege and the attorney work product doctrine and denied the averments on this basis.

17 5. As a result of subsequent conferences between counsel, Defendants agreed to
18 withdraw their objections to paragraph 153 and file an amended Answer to the Complaint that
19 incorporates an amended response to paragraph 153.

20 6. Under Fed. R. Civ. P. 15(a)(2), a party may amend its pleading with the opposing
21 party’s written consent.

22 7. In light of the foregoing, the Parties stipulate to Defendants filing an Amended
23 Answer with regard to paragraph 153 and ask that the Court enter this Stipulation granting
24 Defendants leave to do so.

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1 DATED: November 28, 2011

FOX ROTHSCHILD, LLP

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3 By: /s/ Jay D. Marinstein
Jay D. Marinstein
Attorneys for Plaintiff/Counterdefendant
4 DOLLAR TREE STORES, INC.

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6 DATED: November 28, 2011

REHON & ROBERTS
A Professional Corporation

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8 By: /s/ Peter M. Rehon
Peter M. Rehon
9 Attorneys for Defendants and
Counterclaimants TOYAMA PARTNERS,
10 LLC; PETER PAU d/b/a SAND HILL
PROPERTY COMPANY, a sole
11 proprietorship; PETER PAU, in his
individual capacity and as partner of SAND
12 HILL PROPERTY MANAGEMENT
COMPANY; SUSANNA PAU, in her
13 capacity as partner of SAND HILL
PROPERTY MANAGEMENT COMPANY;
14 SAND HILL PROPERTY MANAGEMENT
COMPANY, and CAPELLA-MOWRY,
15 LLC.

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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11/28/11

19 The Honorable Susan Illston
20 U.S. District Court Judge
Northern District of California

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