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5 Attorneys for Plaintiff
CRAIG YATES, an individual
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual,) CASE NO. CV-10-0546-BZ
10 Plaintiff,)
11) STIPULATION RE CONTINUING
12 v.) DEADLINE FOR THE PARTIES TO
13) CONDUCT THE JOINT SITE
14) INSPECTION; AND ~~PROPOSED~~ ORDER
15) THEREON
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PETE'S BAR-B-QUE, ANDREW M.)
GIOVANNI and ALICE Y. GIOVANNI,)
TRUSTEES OF THE GIOVANNI LIVING)
TRUST; and PETE KOUTOULAS, an)
individual dba PETE'S BAR-B-QUE,)
Defendants.)

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20 Plaintiff CRAIG YATES and defendant PETE KOUTOULAS, an individual dba PETE'S
21 BAR-B-QUE, by and through their respective counsel, respectfully request and stipulate, as
22 follows:

23 1. **Whereas**, defendant PETE KOUTOULAS filed his answer to the complaint on
24 April 12, 2010;

25 2. **Whereas**, plaintiff CRAIG YATES submitted his injunctive relief to defendant
26 PETE KOUTOULAS on May 24, 2010;

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STIPULATION RE CONTINUING DEADLINE FOR THE PARTIES TO CONDUCT THE JOINT SITE INSPECTION AND
~~PROPOSED~~ ORDER THEREON

1 3. **Whereas**, defendants ANDREW M. GIOVANNI and ALICE Y. GIOVANNI,
2 TRUSTEES OF THE GIOVANNI LIVING TRUST have not responded to plaintiff's complaint.
3 Plaintiff's counsel has not heard from any attorney/representation for defendants ANDREW M.
4 GIOVANNI and ALICE Y. GIOVANNI, TRUSTEES OF THE GIOVANNI LIVING TRUST;

5 4. **Whereas**, defendant ANDREW M. GIOVANNI TRUSTEE OF THE GIOVANNI
6 LIVING TRUST was served with the summons and complaint by sub-service on March 24,
7 2010. Defendant ANDREW M. GIOVANNI, TRUSTEE OF THE GIOVANNI LIVING
8 TRUST answer to plaintiff's complaint was due on April 23, 2010;

9 5. **Whereas**, defendant ALICE Y. GIOVANNI, TRUSTEE OF THE GIOVANNI
10 LIVING TRUST was served with the summons and complaint by personal service on March 24,
11 2010. Defendant ALICE Y. GIOVANNI, TRUSTEE answer to plaintiff's complaint was due on
12 April 14, 2010;

13 6. **Whereas**, plaintiff submitted his letter regarding default to defendants ANDREW
14 M. GIOVANNI and ALICE Y. GIOVANNI, TRUSTEES OF THE GIOVANNI LIVING
15 TRUST on May 24, 2010;

16 7. **Whereas**, due to these circumstances, the parties have not been able to conduct
17 the joint site inspection as Ordered by General Order 56, ¶3,4;

18 8. **Whereas**, in light of the above, by continuing the joint site inspection, counsel
19 for the plaintiff believes this will allow defendants ANDREW M. GIOVANNI and ALICE Y.
20 GIOVANNI, TRUSTEES OF THE GIOVANNI LIVING TRUST sufficient time to hire an
21 attorney, answer and/or otherwise respond to plaintiff's complaint and the parties can conduct the
22 joint site inspection as required by General Order 56. If plaintiff's counsel is unsuccessful in
23 attempting to notify defendants ANDREW M. GIOVANNI and ALICE Y. GIOVANNI,
24 TRUSTEES OF THE GIOVANNI LIVING TRUST via mail regarding default, then counsel for
25 the plaintiff will proceed with filing a notice to request a default be entered against defendants
26 ANDREW M. GIOVANNI and ALICE Y. GIOVANNI, TRUSTEES OF THE GIOVANNI
27 LIVING TRUST; and

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STIPULATION RE CONTINUING DEADLINE FOR THE PARTIES TO CONDUCT THE JOINT SITE INSPECTION AND
[PROPOSED] ORDER THEREON

1 9. **Whereas**, plaintiff CRAIG YATES and defendant PETE KOUTOULAS, agree,
2 stipulate and respectfully request that the last day for the parties and counsel to conduct the joint
3 inspection of the premises be continued up to and including July 2, 2010.

4 Respectfully submitted,

5 Dated: May 24, 2010

THOMAS E. FRANKOVICH, Esq.

A PROFESSIONAL LAW CORPORATION

By: _____/s/_____

Thomas E. Frankovich
Attorneys for Plaintiff CRAIG YATES, an individual

12 Dated: 5/28/10, 2010

Roger L. Meredith, Esq.

LAW OFFICES OF ROGER L. MEREDITH,

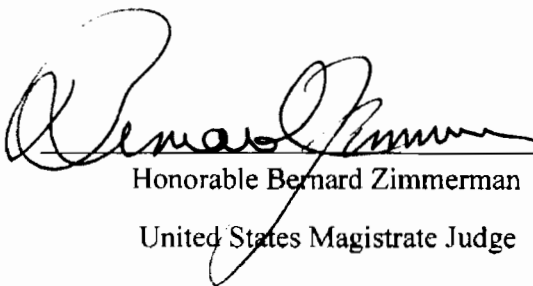
By: _____
Roger L. Meredith, Esq.

Attorneys for Defendant PETE KOUTOULAS, an
individual dba PETE'S BAR-B-QUE, an individual

ORDER

21 **IT IS SO ORDERED** that the last day for the parties and counsel to conduct the joint
22 site inspection of the premises be continued up to and including July 2, 2010.

25 Dated: 2 June, 2010


Honorable Bernard Zimmerman
United States Magistrate Judge