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8 Attorneys for Plaintiff
9 CRAIG YATES

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 CRAIG YATES, an individual,) CASE NO. CV-10-3279-BZ
13 Plaintiff,) STIPULATION AND ~~PROPOSED~~
14 v.) ORDER RE PLAINTIFF'S LEAVE TO
15 TURTLE TOWER RESTAURANT;) AMEND THE COMPLAINT
16 WBCMT 2007-C31 BUCHANAN)
17 STREET, LTD; and PHAM LLC, a)
18 California limited liability company,)
19 Defendants.)

20 Plaintiff CRAIG YATES, an individual, and Defendants WBCMT 2007-C31
21 BUCHANAN STREET, LTD; and PHAM LLC, a California limited liability company, by and
22 through the parties respective counsel in the above-mentioned case hereby make the following
23 stipulation:

24 1. **Whereas**, defendant PHAM LLC, a California limited liability company
25 is the tenant and previously filed its answer to plaintiff's complaint on October 4, 2010; and
26 2. **Whereas**, the original landlord, defendant CITI PROPERTIES DE LLC, a
27 Delaware limited liability company was foreclosed upon by defendant WBCMT 2007-C31
28 BUCHANAN STREET, LTD, who became the second landlord in this litigation; and

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1 3. **Whereas**, plaintiff CRAIG YATES and defendant WBCMT 2007-C31
2 BUCHANAN STREET, LTD have reached a monetary settlement agreement regarding the
3 above-captioned matter, and dismissal papers will be filed shortly between plaintiff and
4 defendant WBCMT 2007-C31 BUCHANAN STREET, LTD; and

5 4. **Whereas**, defendant WBCMT 2007-C31 BUCHANAN STREET, LTD sold the
6 property to AP SF 631 Larkin LLC before the equitable relief could be addressed; and

7 5. Whereas, AP SF 631 Larkin LLC is now the current landlord and is jointly and
8 severally liable for the removal of barriers with its tenant, defendant PHAM LLC, a California
9 limited liability company; and

10 6. **Whereas**, plaintiff CRAIG YATES encountered barriers on July 6, 2011, August
11 25, 2011 and August 29, 2011, while AP SF 631 Larkin LLC owned the property; and

12 7. **Whereas**, plaintiff seeks to prosecute his action against AP SF 631 Larkin
13 LLC for injunctive relief and monetary damages.

14 IT'S STIPULATED and requested that plaintiff CRAIG YATES be permitted to file a
15 Second Amended Complaint naming "AP SF 631 Larkin LLC " as a defendant in the above-
16 captioned matter.

Respectfully Submitted,

Dated: October 10, 2011

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

21 By: /s/Thomas E. Frankovich
22 Thomas E. Frankovich
Attorneys for Plaintiff CRAIG YATES, an individual

23 Dated: October 10, 2011 JASON G. GONG,
24 **LIVINGSTON LAW FIRM**

26 By: /s/Jason G. Gong
27 Jason G. Gong
28 Attorneys for Defendant PHAM LLC, a California limited
liability company

1 Dated: 10/10, 2011

2 PHILIPPE A. TOUDIC,
3 **DUANE MORRIS LLP**

4 By: 

5 Philippe A. Toudic

6 Attorneys for Defendant WBCMT 2007-C31 BUCHANAN
7 STREET, LTD

8 **ORDER**

9 Pursuant to the parties' stipulation, **IT IS ORDERED** that plaintiff may file a Second
10 Amended Complaint to name AP SF 631 Larkin LLC as a defendant and that the answer
11 previously filed by defendant PHAM LLC, a California limited liability company on October 4,
12 2010, may serve as defendant's answer to the Second Amended Complaint.

13 Dated: 18 Oct, 2011

14 Bernard Zimmerman
15 Honorable Bernard Zimmerman
16 UNITED STATES MAGISTRATE JUDGE