

1 THOMAS E. FRANKOVICH (State Bar No. 074414)
THOMAS E. FRANKOVICH,
2 *A Professional Law Corporation*
4328 Redwood Hwy, Suite 300
3 San Rafael, CA 94903
Telephone: 415/674-8600
4 Facsimile: 415/674-9900

5 Attorneys for Plaintiff
CRAIG YATES

6 UNITED STATES DISTRICT COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual,

10 Plaintiff,

11 v.

12 TURTLE TOWER RESTAURANT;
13 WBCMT 2007-C31 BUCHANAN
STREET, LTD; and PHAM LLC, a
California limited liability company,

14 Defendants.
15

) CASE NO. CV-10-3279-BZ

) STIPULATION AND ~~PROPOSED~~
) ORDER RE PLAINTIFF'S LEAVE TO
) AMEND THE COMPLAINT

16
17
18 Plaintiff CRAIG YATES, an individual, and Defendants WBCMT 2007-C31
19 BUCHANAN STREET, LTD; and PHAM LLC, a California limited liability company, by and
20 through the parties respective counsel in the above-mentioned case hereby make the following
21 stipulation:

22 1. **Whereas**, defendant PHAM LLC, a California limited liability company
23 is the tenant and previously filed its answer to plaintiff's complaint on October 4, 2010; and

24 2. **Whereas**, the original landlord, defendant CITI PROPERTIES DE LLC, a
25 Delaware limited liability company was foreclosed upon by defendant WBCMT 2007-C31
26 BUCHANAN STREET, LTD, who became the second landlord in this litigation; and

27 ///

28 ///

1 Dated: 12/12, 2011

PHILIPPE A. TOUDIC,
DUANE MORRIS LLP

2
3
4 By: 

Philippe A. Toudic

Attorneys for Defendant WBCMT 2007-C31 BUCHANAN
STREET, LTD

5
6
7 **ORDER**

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

12
13 Dated: 18 Oct, 2011

14 
Honorable Bernard Zimmerman

15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28