

1 THOMAS E. FRANKOVICH (State Bar No. 074414)
 THOMAS E. FRANKOVICH,
 2 **A PROFESSIONAL LAW CORPORATION**
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5 Attorneys for Plaintiff CRAIG YATES

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

10 CRAIG YATES, an individual,)
 11 Plaintiff,)
 12 v.)
 13 ORIGINAL BUFFALO WINGS; THE)
 UNG CORPORATION, dba ORIGINAL)
 14 BUFFALO WINGS; PATRICIA)
 MONTAGUE, an individual; and)
 15 PATRICIA MONTAGUE, as trustee of the)
 PATRICIA MONTAGUE FAMILY)
 16 TRUST of 2004,)
 17 Defendants.)

CV-10-3582-EMC
STIPULATION EXTENDING TIME
FOR DEFENDANTS TO RESPOND TO
PLAINTIFF’S COMPLAINT

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 20 Pursuant to Local Rule 6.1(a), Plaintiff CRAIG YATES, and Defendants ORIGINAL
 21 WINGS, CORPORATION (erroneously sued as THE UNG CORPORATION, dba ORIGINAL
 22 BUFFALO WINGS); PATRICIA MONTAGUE, an individual; and PATRICIA MONTAGUE,
 23 as trustee of the PATRICIA MONTAGUE FAMILY TRUST of 2004, by and through their
 24 respective counsel, respectfully request and make the following stipulation:

- 25 1. Whereas, defendants have been served with the summons and complaint; and
- 26 2. Whereas, defendants have retained counsel and requested additional time to
- 27 respond to plaintiff’s complaint; and

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1 3. Whereas, the parties are currently trying to negotiate a settlement in the above-
2 referenced case, and wish to reduce fees, costs and litigation expenses in so doing; and

3 4. Whereas, the parties conducted the General Order 56 joint site inspection at
4 ORIGINAL BUFFALO WINGS, located at/near 2499 Lombard Street, San Francisco, California
5 on November11, 2010; and

6 5. Whereas, the parties believe it would be in the interests of efficiency and economy
7 to extend the deadline for defendants ORIGINAL WINGS, CORPORATION (erroneously sued
8 as THE UNG CORPORATION, dba ORIGINAL BUFFALO WINGS); PATRICIA
9 MONTAGUE, an individual; and PATRICIA MONTAGUE, as trustee of the PATRICIA
10 MONTAGUE FAMILY TRUST of 2004 to respond to the complaint, and to allow time to
11 negotiate an agreement; and

12 6. Whereas, plaintiff has agreed to grant additional time for defendants ORIGINAL
13 WINGS, CORPORATION (erroneously sued as THE UNG CORPORATION, dba ORIGINAL
14 BUFFALO WINGS); PATRICIA MONTAGUE, an individual; and PATRICIA MONTAGUE,
15 as trustee of the PATRICIA MONTAGUE FAMILY TRUST of 2004 to respond to the
16 complaint; and

17 7. Whereas, defendants' counsel further stipulate that defendants will comply with
18 any and all due dates dictated by the Federal Rules of Civil Procedure, the Local Rules of Court,
19 and/or any scheduling order issued by this court prior to the date on which defendants' responsive
20 pleading is due.

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1 **IT IS STIPULATED:**

2 That the last day for defendants ORIGINAL WINGS, CORPORATION (erroneously sued
3 as THE UNG CORPORATION, dba ORIGINAL BUFFALO WINGS); PATRICIA
4 MONTAGUE, an individual; and PATRICIA MONTAGUE, as trustee of the PATRICIA
5 MONTAGUE FAMILY TRUST of 2004, to answer or otherwise respond to plaintiff's complaint
6 shall be extended up to and including January 4, 2011.

7 Respectfully submitted,

8 Dated: November 15, 2010

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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11 By: _____/s/_____
Thomas E. Frankovich
12 Attorneys for Plaintiff CRAIG YATES, an
individual

13 Dated: November 15, 2010

BRENDA CRUZ-KEITH,
LAW OFFICES OF BRENDA CRUZ-KEITH

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16 By: _____/s/_____
Brenda Cruz-Keith
17 Attorneys for Defendant ORIGINAL WINGS,
18 CORPORATION (erroneously sued as THE UNG
19 CORPORATION, dba ORIGINAL BUFFALO
WINGS)

20 Dated: _____, 2010

JEFFREY HARTSFIELD BELOTE,
MORRIS POLICH & PURDY LLP

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23 By: _____
Jeffrey Hartsfield Belote
24 Attorneys for Defendants PATRICIA MONTAGUE,
25 an individual; and PATRICIA MONTAGUE, as
26 trustee of the PATRICIA MONTAGUE FAMILY
TRUST of 2004
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7 Respectfully submitted,

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THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

9
10 By: _____/s/_____
11 Thomas E. Frankovich
12 Attorneys for Plaintiff CRAIG YATES, an
individual

13 Dated: _____, 2010

BRENDA CRUZ-KEITH,
LAW OFFICES OF BRENDA CRUZ-KEITH

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15
16 By: _____
17 Brenda Cruz-Keith
18 Attorneys for Defendant ORIGINAL WINGS,
CORPORATION (erroneously sued as THE UNG
19 CORPORATION, dba ORIGINAL BUFFALO
WINGS)

20 Dated: 11/15, 2010

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MORRIS POLICH & PURDY LLP

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