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5 Attorneys for Plaintiff
 CRAIG YATES

6 UNITED STATES DISTRICT COURT
 7 NORTHERN DISTRICT OF CALIFORNIA
 8

9	CRAIG YATES, an individual,)	CASE NO. CV-10-3747-RS
10	Plaintiff,)	STIPULATION AND [PROPOSED]
11	v.)	ORDER RE PLAINTIFF'S LEAVE TO
12)	AMEND THE COMPLAINT
13	MANGOSTEEN; WBCMT 2007-C31)	
14	BUCHANAN STREET, LTD; and PHILIP)	
15	TRI NGUYEN, an individual dba)	
16	MANGOSTEEN,)	
17	Defendants.)	

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 20 Plaintiff CRAIG YATES, an individual, and Defendants WBCMT 2007-C31
 21 BUCHANAN STREET, LTD; and PHILIP TRI NGUYEN, an individual dba MANGOSTEEN,
 22 by and through the parties respective counsel in the above-mentioned case hereby make the
 23 following stipulation:

- 24 1. **Whereas**, defendant PHILIP TRI NGUYEN, an individual dba MANGOSTEEN
 25 is the tenant and previously filed his answer to plaintiff's complaint on November 15, 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

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 601 Larkin LLC before the equitable relief could be addressed; and

7 5. **Whereas**, AP SF 601 Larkin LLC is now the current landlord and is jointly and
8 severally liable for the removal of barriers with its tenant, defendant PHILIP TRI NGUYEN, an
9 individual dba MANGOSTEEN; and

10 6. **Whereas**, plaintiff CRAIG YATES encountered barriers on July 4, 2011,
11 August 1, 2011 and August 27, 2011, while AP SF 601 Larkin LLC owned the property; and

12 7. **Whereas**, plaintiff seeks to prosecute his action against AP SF 601 Larkin LLC
13 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 601 Larkin LLC" as a defendant in the above-
16 captioned matter.

17 Respectfully Submitted,

18 Dated: October 10, 2011

19 THOMAS E. FRANKOVICH,
 A PROFESSIONAL LAW CORPORATION

20
21 By: /s/Thomas E. Frankovich
 Thomas E. Frankovich
22 Attorneys for Plaintiff CRAIG YATES, an individual


23 Dated: October 10, 2011

24 JASON G. GONG,
 LIVINGSTON LAW FIRM

25
26 By: /s/Jason G. Gong
 Jason G. Gong
27 Attorneys for Defendant PHILIP TRI NGUYEN, an
28 individual dba MANGOSTEEN

1 Dated: 10/10, 2011

PHILIPPE A. TOUDIC,
DUANE MORRIS LLP


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3 By: 
4 Philippe A. Toudic

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

7 **ORDER**

8 Pursuant to the parties' stipulation, **IT IS ORDERED** that plaintiff may file a Second
9 Amended Complaint to name AP SF 601 Larkin LLC as a defendant and that the answer
10 previously filed by defendant PHILIP TRI NGUYEN, an individual dba MANGOSTEEN on
11 November 15, 2010, may serve as defendant's answer to the Second Amended Complaint.

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13 Dated: October 11, 2011


14 Honorable Richard Seeborg
15 UNITED STATES DISTRICT JUDGE