

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-Filed 10/17/11

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CRAIG YATES,

No. C 10-03747 RS

Plaintiff,

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

v.

MANGOSTEEN, and PHILIP TRI
NGUYEN, an individual d/b/a as
MANGOSTEEN,

Defendants.

On August 24, 2011, after receiving notice from the parties that the above-entitled action had settled, this Court entered a standby Order to Show Cause requiring the parties to appear on October 20, 2011, and show why the case should not be dismissed. However, on October 10, 2011, the parties stipulated to the fact that the defendant, WBCMT 2007-C31 Buchanan Street, Ltd., sold the property to AP SF 601 Larkin LLC (Dkt. No. 13), prior to the resolution of plaintiff's plea for injunctive relief. Plaintiff therefore moved for leave to amend the complaint to name AP SF Larkin LLC, and leave was granted on October 11, 2011. The parties subsequently stipulated to dismissal of WBCMT 2007-C31 Buchanan Street, Ltd., under Federal Rule of Civil Procedure 41, with each party bearing its own costs, and the court entered an order to that effect on October 12, 2011 (Dkt. No. 16). By filing leave to amend to name a substituted defendant, plaintiff has discharged the Order to Show Cause why the action should not be dismissed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The parties are further advised that, upon filing a Second Amended Complaint naming the substituted landlord defendant, plaintiff must comply with General Order 56 and Civil Local Rule 7-11. In addition, the case will be subject to a new Scheduling Order for cases asserting denial of right of access under Americans with Disabilities Act Title II & III.

IT IS SO ORDERED.

Dated: 10/17/2011



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE