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6 Attorneys for Defendants
GORDON BIRSCH BREWERY RESTAURANT and
7 CRAFTWORKS RESTAURANTS AND BRWERIES, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

14 SEBASTIAN DEFRANCESCO, SCOTT POPE,
and SIMON WONG,

15 Plaintiffs,

17 v.

18 GORDON BIRSCH BREWERY
RESTAURANT; CRAFTWORKS
19 RESTAURANTS AND BREWERIES, INC.;
PPF OFF 345 SPEAR STREET, LP; MORGAN
20 STANLEY; AND DOES 1-10,
Inclusive,

21 Defendants.

Case No.: C11-00224 SI

**STIPULATION BY ALL PARTIES FOR
BRIEF EXTENSION OF TIME FRAMES TO
"MEET AND CONFER" RE SETTLEMENT
AND FILE NOTICE OF NEED TO
MEDIATE UNDER NORTHERN DISTRICT
OF CALIFORNIA GENERAL ORDER
NO. 56**

24 Pursuant to the court's Order dated April 1, 2011, the Honorable Judge Susan Illston approved of
25 the Stipulation among all parties to postpone certain timeframes for case activities which arose by
26 operation of Northern District of California General Order No. 56 for litigation involving the Americans
27 with Disabilities Act.

1 Since the Court issued the April 1, 2011 Order, the Parties have accomplished the Initial
2 Disclosures and Joint Site Inspection required under General Order No. 56 and the April 1, 2011 Order.

3 Unfortunately, after the Joint Site Inspection attended by all parties, Plaintiffs' expert became
4 unexpectedly and seriously ill, and he was unable to complete his report regarding his findings from the
5 inspection within the originally contemplated timeframe. Therefore, the Parties postponed their "meet
6 and confer" efforts regarding settlement (because they are and were dependent upon the expert report to
7 undertake such negotiations.) As a result, Plaintiffs postponed filing their "Notice of Need for
8 Mediation" under General Order No. 56.

9 Due to the continuing illness of Plaintiffs' expert and the related delays described above, the
10 parties entered into a Stipulation to extend the timeframes set forth in General Order No. 56 and the
11 Court's April 21, 2010 Order to allow more time to receive Plaintiffs' expert report, and in turn to "meet
12 and confer regarding settlement" and more time for the filing of a "Notice of Need for Mediation."

13 Plaintiff's expert report was recently circulated on October 12, 2011. However, the parties still
14 must evaluate the report, "meet and confer" and discuss settlement, and if necessary thereafter file a
15 notice for need for mediation. Due the delays described above, the parties wish to enter into an
16 additional Stipulation to briefly extend the timeframes set forth in General Order No. 56 and the Court's
17 April 21, 2010 Order to allow more time to "meet and confer regarding settlement" and more time for
18 the filing of a "Notice of Need for Mediation." In doing so, the parties are cognizant of the time they
19 will need to evaluate Plaintiff's report in order to meet and confer and respond, as well as readily
20 apparent challenges related to availability of counsel and the parties during the impending Holiday
21 season. As such, the parties have discussed and arrived at a schedule which will allow the parties to
22 undertake the activities described above, while also continuing their efforts to diligently move this
23 matter forward.

24 Therefore, the parties hereby STIPULATE, and request that the Court enter an Order affirming,
25 that the timeframes for the following activities be extended as follows:

- 26 1) On or before Monday, December 5, 2011, the parties shall meet and confer in person
27 regarding settlement of the action; and

1 2) On or before Monday, December 12, 2011, the Plaintiffs shall file a Notice of Need for
2 Mediation if the parties are unable to reach a settlement agreement by way of their meet and
3 confer efforts.

4 ACCORDINGLY, the Parties agree to the Stipulation, upon the conditions set forth above.

5 This Stipulation may be executed in counterparts and facsimile signatures will be deemed original
6 signatures.

7 Dated: October 27, 2011

LORBER, GREENFIELD & POLITO, LLP

8
9 By: /s/ Lisa M. Cappelluti

LISA M. CAPPELLUTI

SHERYL A. TRAUM

Attorneys for Defendants PPF OFF 345

SPEAR STREET, LP and MORGAN

STANLEY

10
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12
13 Dated: October 27, 2011

LAW OFFICES OF PAUL L. REIN

14
15 By: /s/ Paul L. Rein

PAUL L. REIN

CELIA MCGUINESS

CATHERINE M. CABALO

Attorneys for Plaintiffs SEBASTIAN

DEFRANCESCO, SCOTT POPE, and SIMON

WONG

16
17
18
19 Dated: October 27, 2011

ANDREWS LEGASSE BRANCH & BELL LLP

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21
22 By: /s/ Michael J. O'Connor, Jr.

MARGARET C. BELL

MICHAEL J. O'CONNOR, JR.

Attorneys for Defendants GORDON BIERSCH

BREWERY RESTAURANT and

CRAFTWORKS RESTAURANTS AND

BRWERIES, INC.



| UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA | COURT USE ONLY |
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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address); TELEPHONE NO.: MARGARET C. BELL (SBN: 156879) Tel: (858) 345-5080 MICHAEL J. O'CONNOR, JR. (SBN: 202734) ANDREWS · LAGASSE · BRANCH & BELL LLP 11232 El Camino Real, Suite 250 San Diego, CA 92130 | |
| SHORT CASE TITLE DeFrancesco, et al. v. Gordon Biersch, et al. | |
| ATTORNEY FOR DEFENDANT: Gordon Biersch Brewery Restaurant | CASE NUMBER C11-00224-SI |

I, the undersigned, declare and state as follows:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11232 El Camino Real, Suite 250, San Diego, California 92130.

On **October 31, 2011**, I electronically filed and served a true and correct copy of the within document(s):

1. STIPULATION BY ALL PARTIES FOR BRIEF EXTENSION OF TIME FRAMES TO “MEET AND CONFER” RE SETTLEMENT AND FILE NOTICE OF NEED TO MEDIATE UNDER NORTHERN DISTRICT OF CALIFORNIA GENERAL ORDER NO. 56

- I am familiar with the United States District Court, Northern District of California’s practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the Court. The Court’s CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the Court’s transmission facilities. Under said practice, the following CM/ECF users were served:

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OFF 345 SPEAR STREET LP

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 31, 2011, at San Diego, California.


Cirila Trujillo