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5 Attorneys for Plaintiff CRAIG YATES

6 UNITED STATES DISTRICT COURT  
 7 NORTHERN DISTRICT OF CALIFORNIA

8 CRAIG YATES, an individual, )  
 9 Plaintiff, )  
 10 v. )  
 11 )  
 12 HOME PLATE CAFÉ; NICHOLAS W. )  
 13 JOHNSON and TERRI PIPER-JOHNSON, )  
 14 CO-TRUSTEES of the NICK JOHNSON )  
 and TERRI PIPER-JOHNSON, 2005 )  
 15 TRUST, UAD OCTOBER 17, 2005; )  
 REBECCA FISHER STORY and )  
 16 WALLACE L. AMUNDSON, TRUSTEES )  
 17 of the REBECCA C. FISHER TRUST dated )  
 OCTOBER 17, 2005; MATTHEW )  
 18 HOWELL; JAMES AGAPOFF JR.; MARY )  
 19 PEGEEN CARDOZA, an individual dba )  
 20 HOME PLATE CAFÉ and OLIVER DYER- )  
 BENNETT, )  
 21 Defendants. )

**CASE NO. CV-11-1371-EMC**  
**STIPULATION AND [PROPOSED]**  
**ORDER CONTINUING DEADLINE FOR**  
**THE PARTIES TO CONDUCT THE JOINT**  
**SITE INSPECTION**

1 Plaintiff CRAIG YATES, an individual and Defendants NICHOLAS W. JOHNSON and  
2 TERRI PIPER-JOHNSON, CO-TRUSTEES of the NICK JOHNSON and TERRI PIPER-  
3 JOHNSON, 2005 TRUST, UAD OCTOBER 17, 2005; REBECCA FISHER STORY and  
4 WALLACE L. AMUNDSON, TRUSTEES of the REBECCA C. FISHER TRUST dated  
5 OCTOBER 17, 2005; MARY PEGEEN CARDOZA, an individual dba HOME PLATE CAFÉ;  
6 and OLIVER DYER-BENNETT, by and through the parties respective counsel in the above-  
7 mentioned case respectfully request and hereby make the following stipulation:

8 1. **WHEREAS**, plaintiff CRAIG YATES attempted and requested the General  
9 Order 56 joint site inspection as ordered by the court to be conducted on October 5, 2011; and

10 2. **WHEREAS**, prior to the reassignment of this case, plaintiff's counsel Thomas E.  
11 Frankovich committed to moving a portion of his office and his primary residence to Mazatlan,  
12 Mexico and will be out of the country October 17, 2011 through November 2, 2011 and  
13 December 19, 2011 through January 2, 2012; and

14 3. **WHEREAS**, due to scheduling conflicts and the above-mentioned circumstances,  
15 the parties were unable to conduct the joint site inspection; and

16 4. **WHEREAS**, the parties are currently scheduled to conduct the joint site  
17 inspection of the subject premises on Wednesday, December 7, 2011; and

18 5. **WHEREAS**, the parties, hereto agree, stipulate and respectfully request that the  
19 last day for the parties and counsel to conduct the joint inspection of the premises be continued  
20 up to and including December 15, 2011.

21 **IT IS STIPULATED.**

22  
23 Dated: October 17, 2011

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

24  
25 By: /s/Thomas E. Frankovich  
Thomas E. Frankovich  
26 Attorney for Plaintiff CRAIG YATES

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1 Dated: October 17, 2011

GAIL F. FLATT,  
PROVENCHER & FLATT LLP

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By: Gail F. Flatt

Gail F. Flatt

Attorneys for Defendant MARY PEGEEN CARDOZA, an individual dba HOME PLATE CAFÉ

Dated: \_\_\_\_\_, 2011

CRIS C. VAUGHAN,  
VAUGHAN & ASSOCIATES

By: \_\_\_\_\_

Cris C. Vaughan

Attorneys for Defendants NICHOLAS W. JOHNSON and TERRI PIPER-JOHNSON, CO-TRUSTEES of the NICK JOHNSON and TERRI PIPER-JOHNSON, 2005 TRUST, UAD OCTOBER 17, 2005; REBECCA FISHER STORY and WALLACE L. AMUNDSON, TRUSTEES of the REBECCA C. FISHER TRUST dated OCTOBER 17, 2005; and OLIVER DYER-BENNETT

**ORDER**

**IT IS SO ORDERED** that the last day for the parties and counsel to conduct the General Order (56) joint inspection of the premises be continued up to and including December 15, 2011.

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Honorable Edward M. Chen  
United States District Judge

1 Dated: \_\_\_\_\_, 2011

**GAIL F. FLATT,  
PROVENCHER & FLATT LLP**

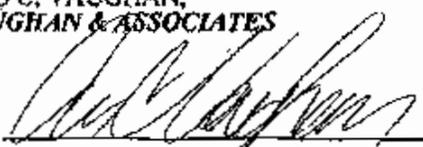
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Gail F. Flatt

Attorneys for Defendant MARY PEGEEN CARDOZA, an individual dba HOME PLATE CAFÉ

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6 Dated: 10/17, 2011

**CRIS C. VAUGHAN,  
VAUGHAN & ASSOCIATES**

7  
8  
9 By: 

Cris C. Vaughan

Attorneys for Defendants NICHOLAS W. JOHNSON and TERRI PIPER-JOHNSON, CO-TRUSTEES of the NICK JOHNSON and TERRI PIPER-JOHNSON, 2005 TRUST, UAD OCTOBER 17, 2005; REBECCA FISHER STORY and WALLACE L. AMUNDSON, TRUSTEES of the REBECCA C. FISHER TRUST dated OCTOBER 17, 2005; and OLIVER DYER-BENNETT

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16 **ORDER**

17 **IT IS SO ORDERED** that the last day for the parties and counsel to conduct the General  
18 Order (56) joint inspection of the premises be continued up to and including December 15, 2011.  
19

20 Dated: October 19, 2011

Honorable Edward M. Chen  
United States

