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5 Attorneys for Plaintiff IRMA RAMIREZ;
 DAREN HEATHERLY

6 UNITED STATES DISTRICT COURT
 7
 8 NORTHERN DISTRICT OF CALIFORNIA

9 IRMA RAMIREZ; and DAREN)
 HEATHERLY,)

10 Plaintiffs,)

11 v.)

12)
 13 MI PUEBLITO; CAROLINE C.)
 BATTAGLIA and MARK M.)
 14 BATTAGLIA, Trustees of the THOMAS A.)
 and CAROLINE C. BATTAGLIA FAMILY)
 15 TRUST dated July 22, 1975 - SURVIVORS)
 16 TRUST; and CAROLINE C. BATTAGLIA)
 and MARK M. BATTAGLIA, Trustees of)
 17 the THOMAS A. and CAROLINE C.)
 18 BATTAGLIA FAMILY TRUST dated July)
 22, 1975 - RESIDUARY TRUST,)

19 Defendants.)
 20)

CASE NO. CV-12-0474-JCS
STIPULATION AND [PROPOSED]
ORDER CONTINUING DEADLINE FOR
THE PARTIES TO CONDUCT THE JOINT
SITE INSPECTION

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 22 Plaintiffs IRMA RAMIREZ and DAREN HEATHERLY, and Defendant MARK M.
 23 BATTAGLIA, as Successor Trustee of (i) The Thomas A. & Caroline C. Battaglia Family Trust
 24 dated July 22, 1975 - Survivors Trust and (ii) The Thomas A. & Caroline C. Battaglia Family
 25 Trust dated July 22, 1975 - Residuary Trust, by and through the parties respective counsel in the
 26 above-mentioned case respectfully request and hereby make the following stipulation:

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1 1. **WHEREAS**, defendant MARK M. BATTAGLIA, as Successor Trustee of (i)
2 The Thomas A. & Caroline C. Battaglia Family Trust dated July 22, 1975 - Survivors Trust and
3 (ii) The Thomas A. & Caroline C. Battaglia Family Trust dated July 22, 1975 - Residuary Trust
4 was served via personal service with the summons and complaint on March 16, 2012;

5 2. **WHEREAS**, defendant Caroline C. Battaglia died October 17, 2011, and
6 plaintiffs will be filing a Notice of Voluntary Dismissal shortly;

7 3. **WHEREAS**, defendant MARK M. BATTAGLIA, as Successor Trustee of (i) The
8 Thomas A. & Caroline C. Battaglia Family Trust dated July 22, 1975 - Survivors Trust and (ii)
9 The Thomas A. & Caroline C. Battaglia Family Trust dated July 22, 1975 - Residuary Trust
10 has answered plaintiffs' complaint;

11 4. **WHEREAS**, pursuant to the General Order 56 ¶ 3 & 4, the parties are to
12 have the joint site inspection at Mi Pueblito Restaurant located 7600 Commerce Boulevard,
13 Cotati, California 94931 completed by May 9, 2012;

14 5. **WHEREAS**, Plaintiffs' counsel, Thomas E. Frankovich, is currently out of the
15 country until May 15, 2012;

16 6. **WHEREAS**, due to this circumstance, the parties are unable to conduct the
17 joint site inspection of the premises by May 9, 2012;

18 7. **WHEREAS**, the parties are currently in the process of coordinating a date(s) to
19 conduct the joint site inspection; and

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1 8. **WHEREAS**, therefore, the parties, hereto agree, stipulate and respectfully request
2 that the last day for the parties and counsel to conduct the joint inspection of the premises be
3 continued up to and including June 7, 2012.

4 **IT IS STIPULATED.**

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6 Dated: May 8, 2012

THOMAS E. FRANKOVICH, ESQ.
A PROFESSIONAL LAW CORPORATION

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8 By: /s/Thomas E. Frankovich
Thomas E. Frankovich
Attorney for Plaintiffs IRMA RAMIREZ; and
DAREN HEATHERLY

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11 Dated: May 8, 2012

**KEEGIN HARRISON SCHOPPERT SMITH &
KARNER LLP**

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13
14 By: [Signature]
Jeffrey S. Schoppert
Attorneys for Defendant MARK M. BATTAGLIA,
as Successor Trustee of (i) The Thomas A. &
Caroline C. Battaglia Family Trust dated July 22,
1975 - Survivors Trust and (ii) The Thomas A. &
Caroline C. Battaglia Family Trust dated July 22,
1975 - Residuary Trust

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20 **ORDER**

21 **IT IS SO ORDERED** that the last day for the parties and counsel to conduct the General
22 Order (56) joint inspection of the premises be continued up to and including June 7, 2012.

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24 Dated: May 9, 2012

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26 HONORABLE
United States

