

1 Nandor B. Krause (Bar No. 148718)
 nkrause@archernorris.com
 2 Derek H. Lim (Bar No. 209496)
 dlim@archernorris.com
 3 Chad D. Greeson (Bar No. 251928)
 cgreeson@archernorris.com
 4 ARCHER NORRIS
 2033 North Main Street, Suite 800
 5 Walnut Creek, CA 94596-3759
 Telephone: 925.930.6600
 6 Facsimile: 925.930.6620

7 Attorneys for Defendant and Cross-Defendant
 THE FEDERAL RESERVE BANK OF SAN
 8 FRANCISCO

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 LAI SIM LAI, individually and by and
 13 through her Guardian ad Litem, ERIC
 LAI,,
 14
 Plaintiff,
 15
 v.
 16 THE FEDERAL RESERVE BANK OF
 17 SAN FRANCISCO, THE CITY AND
 18 COUNTY OF SAN FRANCISCO and
 DOES ONE through ONE HUNDRED,
 19 Defendants.

Case No. 3:14-cv-04443 RS

STIPULATION TO AMEND CROSS-CLAIM

Action Filed: August 10, 2014

20 AND RELATED CROSS-ACTIONS.
 21

The Parties, by and through their counsel of record, hereby agree as follows:

23 **Whereas**, on October 2, 2014, Defendant and Cross-complainant THE FEDERAL
 24 RESERVE BANK OF SAN FRANCISCO, (hereinafter "Federal Reserve Bank") filed a Cross-
 25 complaint in the Superior Court of the State of California, County of San Francisco, Civil Case
 26 No. CGC-14-541259, against THE CITY AND COUNTY OF SAN FRANCISCO (hereinafter
 27 "CCSF") and ROES 1-50 for equitable indemnity, implied indemnity, contribution and
 28 apportionment, and declaratory relief;

CI1453/1990397-1

STIPULATION TO FILE FIRST AMENDED
 CROSS-CLAIM WITHOUT LEAVE OF COURT
 3:14-CV-04443 RS

1 **Whereas**, on October 3, 2014, Defendant and Cross-complainant Federal Reserve Bank
2 filed a Notice of Removal of Removal of Civil Action from the Superior Court of the State of
3 California, County of San Francisco, Civil Case No. CGC-14-541259;

4 **Whereas**, on October 30, 2014, CCSF filed an answer to the Cross-complaint of Federal
5 Reserve Bank containing an affirmative defense for failure to comply with the Tort Claims Act, at
6 Government Code section 810, et seq., and 905, et seq.

7 **Whereas**, on October 30, 2014, CCSF also filed a Cross-claim against Federal Reserve
8 Bank for equitable contribution and indemnification and declaratory relief.

9 **Whereas**, on or about January 9, 2015, Federal Reserve Bank filed a written Claim for
10 Damages with CCSF with respect to the injuries alleged by Plaintiff that are the subject of the
11 operative Complaint, in accordance with the appropriate sections of the California Government
12 Code, including but not limited to section 945.4;

13 **Whereas**, on January 13, 2015, CCSF rejected Federal Reserve Bank's Claim for
14 Damages in writing.

15 **To avoid unnecessary law and motion practice, the Parties herein, by and through**
16 **their counsel of record, hereby stipulate as follows:**

17 1. Defendant and Cross-claimant Federal Reserve Bank may file a First Amended
18 Cross-claim hereinafter "FAC") against CCSF without having to file a motion with the Court for
19 leave to amend the Cross-claim.

20 2. Federal Reserve Bank's FAC may include an allegation that the Cross-
21 complainant, Federal Reserve Bank, provided written Notice of a Claim for Damages to CCSF on
22 January 9, 2015, in compliance with the notice requirements of California's Tort Claim Act,
23 including but not limited to those set forth at Government Code section 945, et seq.

24 3. Federal Reserve Bank's FAC may include an allegation that CCSF rejected its
25 Claim for Damages in writing on January 13, 2015.

26 4. Federal Reserve Bank's FAC may include an allegation that its amended Cross-
27 claim against CCSF was timely filed within the provisions of the California Government Code,
28 including but not limited to section 945.6

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5. Federal Reserve Bank's proposed FAC with is attached hereto as Exhibit A.

6. The Parties stipulate that Federal Reserve Bank's FAC shall be deemed to have been filed on the date when the Order is granted.

7. The Parties stipulate that Federal Reserve Bank's FAC shall be deemed served on the date when all Parties are served with the Court's signed Order.

8. Finally, the Parties stipulate that Cross-defendant CCSF shall have 30 days after service (as defined in the preceding paragraph) to file a responsive pleading to Federal Reserve Bank's FAC.

IT IS SO STIPULATED:

Dated: March 12, 2015

WALKUP, MELODIA, KELLY & SCHOENBERGER

/s/ Spencer J. Pahlke

RICHARD H. SCHOENBERGER
SPENCER J. PAHLKE
Attorneys for Plaintiff

Dated: March 12, 2015

ARCHER NORRIS

/s/ Chad D. Greeson

CHAD D. GREESON
Attorneys for Defendant The Federal Reserve Bank of San Francisco

Dated: March 12, 2015

SAN FRANCISCO CITY ATTORNEY'S OFFICE

/s/ David Delbon

DAVID DELBON
Attorneys for Defendant City and County of San Francisco

IT IS SO ORDERED:

Date: 3/13/15



Judge of U.S. District Court