1 2 3 4 5 6 7 8	Nandor B. Krause (Bar No. 148718) nkrause@archernorris.com Derek H. Lim (Bar No. 209496) dlim@archernorris.com Chad D. Greeson (Bar No. 251928) cgreeson@archernorris.com ARCHER NORRIS 2033 North Main Street, Suite 800 Walnut Creek, CA 94596-3759 Telephone: 925.930.6600 Facsimile: 925.930.6620 Attorneys for Defendant and Cross-Defendant THE FEDERAL RESERVE BANK OF SAN FRANCISCO			
9	UNITED STATES DISTRICT COURT			
10	NORTHERN DISTRICT OF CALIFORNIA			
11				
12	LAI SIM LAI, individually and by and	Case No. 3:14-cv-04443 RS		
13	through her Guardian ad Litem, ERIC LAI,,	[PROPOSED ORDER] AND		
14	Plaintiff,	STIPULATION TO FILE FIRST AMENDED CROSS-CLAIM		
15	V.	Action Filed: August 10, 2014		
16	THE FEDERAL RESERVE BANK OF			
17	SAN FRANCISCO, THE CITY AND COUNTY OF SAN FRANCISCO and DOES ONE through ONE HUNDRED,			
18	DOES ONE through ONE HONDRED, Defendants.			
19				
20	AND RELATED CROSS-ACTIONS.			
21				
22	On March 13, 2015, the Court entered an Order allowing Federal Reserve Bank of San			
23	Francisco to file an Amended Cross-claim pursuant to stipulation (Document 23). However, the			
24	Stipulation filed in support of this Order included an incorrect version of the Federal Reserve			
25	Bank of San Francisco's First Amended Cross-claim. Therefore, the parties submit the following			
26	Stipulation to file a First Amended Cross-claim, which attaches the correct version of the First			
27	Amended Cross-claim as Exhibit "A".			
28	/ / / CH453/1998570-1	1		
	[PROPOSED ORDER] AND STIPULAT	ION TO FILE FIRST AMENDED CROSS-CLAIM . 3:14-CV-04443 RS		

1	The Parties, by and through their counsel of record, hereby agree as follows:			
2	Whereas, on October 2, 2014, Defendant and Cross-complainant THE FEDERAL			
3	RESERVE BANK OF SAN FRANCISCO, (hereinafter "Federal Reserve Bank") filed a Cross-			
4	complaint in the Superior Court of the State of California, County of San Francisco, Civil Case			
5	No. CGC-14-541259, against THE CITY AND COUNTY OF SAN FRANCISCO (hereinafter			
6	"CCSF") and ROES 1-50 for equitable indemnity, implied indemnity, contribution and			
7	apportionment, and declaratory relief;			
8	Whereas, on October 3, 2014, Defendant and Cross-complainant Federal Reserve Bank			
9	filed a Notice of Removal of Removal of Civil Action from the Superior Court of the State of			
10	California, County of San Francisco, Civil Case No. CGC-14-541259;			
11	Whereas, on October 30, 2014, CCSF filed an answer to the Cross-complaint of Federal			
12	Reserve Bank containing an affirmative defense for failure to comply with the Tort Claims Act, at			
13	Government Code section 810, et seq., and 905, et seq.			
14	Whereas, on October 30, 2014, CCSF also filed a Cross-claim against Federal Reserve			
15	Bank for equitable contribution and indemnification and declaratory relief.			
16	Whereas, on or about January 9, 2015, Federal Reserve Bank filed a written Claim for			
17	Damages with CCSF with respect to the injuries alleged by Plaintiff that are the subject of the			
18	operative Complaint, in accordance with the appropriate sections of the California Government			
19	Code, including but not limited to section 945.4;			
20	Whereas, on January 13, 2015, CCSF rejected Federal Reserve Bank's Claim for			
21	Damages in writing.			
22	To avoid unnecessary law and motion practice, the Parties herein, by and through			
23	their counsel of record, hereby stipulate as follows:			
24	1. Defendant and Cross-claimant Federal Reserve Bank may file a First Amended			
25	Cross-claim hereinafter "FAC") against CCSF without having to file a motion with the Court for			
26	leave to amend the Cross-claim.			
27	2. Federal Reserve Bank's FAC may include an allegation that the Cross-			
28	complainant, Federal Reserve Bank, provided written Notice of a Claim for Damages to CCSF on 2			
	[PROPOSED ORDER] AND STIPULATION TO FILE FIRST AMENDED CROSS-CLAIM CASE NO. 3:14-CV-04443 RS			

1	January 9, 2015, in compliance with the notice requirements of California's Tort Claim Act,			
2	including but not limited to those set forth at Government Code section 945, et seq.			
3	3.	3. Federal Reserve Bank's FAC may include an allegation that CCSF rejected its		
4	Claim for Da	Claim for Damages in writing on January 13, 2015.		
5	4.	Federal Reserve Bank's FAC may include an allegation that its amended Cross-		
6	claim agains	claim against CCSF was timely filed within the provisions of the California Government Code,		
7	including but not limited to section 945.6			
8	5.	Federal Reserve Bank's proposed FAC with is attached hereto as Exhibit A.		
9	6.	The Parties stipulate that Federal Reserve Bank's FAC shall be deemed to have		
10	been filed on the date when the Order is granted.			
11	7.	The Parties stipulate that Federal Reserve Bank's FAC shall be deemed served on		
12	the date when all Parties are served with the Court's signed Order.			
13	8.	8. Finally, the Parties stipulate that Cross-defendant CCSF shall have 30 days after		
14	service (as defined in the preceding paragraph) to file a responsive pleading to Federal Reserve			
15	Bank's FAC.			
16	IT IS SO STIPULATED:			
17	Dated: Marc	ch 18, 2015	WALKUP, MELODIA, KELLY & SCHOENBERGER	
18				
19			/s/ Spencer J. Pahlke	
20			RICHARD H. SCHOENBERGER SPENCER J. PAHLKE	
21			Attorneys for Plaintiff	
22	Dated: Marc	ch 18, 2015	ARCHER NORRIS	
23				
24			<u>/s/ Chad D. Greeson</u> CHAD D. GREESON	
25			Attorneys for Defendant The Federal Reserve Bank of San Francisco	
26			San Francisco	
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	CH453/1998570-1		3	
	[PROPOSED ORDER] AND STIPULATION TO FILE FIRST AMENDED CROSS-CLAIM CASE NO. 3:14-CV-04443 RS			

1	Dated: March 18, 2015	SAN FRANCISCO CITY ATTORNEY'S OFFICE			
2					
3		<u>/s/ David Delbon</u> DAVID DELBON			
4		Attorneys for Defendant City and County of San			
5		Francisco			
6	IT IS SO ORDERED:	21191			
7	Date: <u>3/19/15</u>	Kinsehr			
8		Judge of U.S. District Court			
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	[PROPOSED ORDER] AND STIPULATION TO FILE FIRST AMENDED CROSS-CLAIM CASE NO. 3:14-CV-04443 RS				