

1 **LAW OFFICES OF PAUL L. REIN**
 2 PAUL L. REIN, ESQ. (SBN 43053)
 3 CELIA MCGUINNESS, ESQ. (SBN 159420)
 4 CATHERINE CABALO, ESQ. (SBN 248198)
 5 200 Lakeside Drive, Suite A
 6 Oakland, CA 94612
 7 Telephone: (510) 832-5001
 8 Facsimile: (510) 832-4787
 9 reinlawoffice@aol.com

6 **THE DERBY LAW FIRM P.C.**
 7 STEVEN L. DERBY, ESQ. (SBN 148372)
 8 1255 Treat Blvd. Suite 300
 9 Walnut Creek, CA 94597
 10 Telephone: (925) 472-6640
 11 Facsimile: (925) 933-3964
 12 derby@derbydisabilitylaw.com

10 Attorneys for Plaintiffs KELLY TOPPING and MAX
 11 WADMAN

11 * *Counter-Defendant's and Defendants' counsel listed after the caption.*

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14
 15 MAX WADMAN and KELLY
 16 TOPPING,
 17
 18 Plaintiffs,
 19
 20 v.
 21 DISCOVERY BAY YACHT HARBOR,
 22 LLC; NEW DISCOVERY, INC.;
 23 DISCOVERY BAY MARINA
 24 PROPERTIES, a California General
 25 Partnership; KEN HOFMANN; WALTER
 26 L. YOUNG; RONALD DAWSON;
 27 WALTER L. YOUNG and MARY C.
 28 YOUNG, TRUSTEES OF THE YOUNG
 REVOCABLE TRUST DATED
 FEBRUARY 11, 1999; AND DOES 1-100,
 inclusive,
 Defendants.

Case No. C14-5035 WHA

STIPULATION AND REQUEST FOR
 ORDER SETTING DATE AND TIME FOR
 FRCP RULE 34 INSPECTION OF
 PLAINTIFF MAX WADMAN'S CHAIR;
 AND ~~PROPOSED~~ ORDER THEREON

COX, WOOTTON,
 LERNER, GRIFFIN
 HANSEN, LLP
 900 FRONT STREET,
 SUITE 350
 SAN FRANCISCO, CA
 94111
 TEL: 415-438-4600
 FAX: 415-438-4601

DBYH.Topping

1 **COX WOOTTON LERNER GRIFFIN & HANSEN LLP**

2 RUPERT P. HANSEN (SBN 082302)
3 CHRISTOPHER S. KIELIGER (SBN 209121)
4 JULIETTE B. McCULLOUGH (SBN 278929)

5 900 Front Street, Suite 350
6 San Francisco, CA 94111
7 Telephone: (415) 438-4600
8 Facsimile: (415) 438-4601
9 rhansen@cwlfirm.com
10 ckieliger@cwlfirm.com
11 jmccullough@cwlfirm.com

12 Attorneys for Defendant/Counterclaimant
13 DISCOVERY BAY YACHT HARBOR, LLC,
14 and Defendant KEN HOFMANN, individually

15 COMES NOW Plaintiff/Counterdefendant KELLY TOPPING and Plaintiff MAX
16 WADMAN (collectively "Plaintiffs"), and Defendant/Counterclaimant DISCOVERY BAY YACHT
17 HARBOR, LLC ("Defendant DBYH"), and stipulate as follows:

- 18 1. On October 2, 2015, pursuant to Rule 34 of the Federal Rules of Civil Procedure,
19 Defendant DBYH served on Plaintiffs a Request to Inspect "All wheel and pushchairs
20 plaintiff Max Wadman has in his possession, custody or control for his use, including the
21 pushchair he allegedly rolled off the dock in at the time of the incident giving rise to this
22 lawsuit". This Notice to Inspect designated the Inspection for November 3, 2015, at 9:00
23 am at the offices of Defendant DBYH's counsel of record's office ("Defendant's
24 Counsel's Office").
- 25 2. Plaintiffs initially objected to this inspection, but subsequently withdrew their objection
26 and agreed to produce the pushchair Plaintiff MAX WADMAN allegedly rolled off the
27 dock in at the time of the incident giving rise to this lawsuit (the "Pushchair") at
28 Defendant's Counsel's Office from 9:00 am to 2:00 pm, on November 10, 2015.
3. Defendant's Counsel agreed to and did pay for the cost for a courier to deliver the
Pushchair to and from Defendant's Counsel's Office.
4. On November 10, 2015, Plaintiffs produced the Pushchair at Defendant DBYH's
Counsel's Office but it was incomplete, in that it was missing its removable footrests.
5. On November 10, 2015, Defendants' counsel notified Plaintiffs' counsel of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

incomplete nature of the Pushchair.

- 6. Plaintiffs subsequently agreed to produce the complete Pushchair on November 17, 2015, from 11:00 am to 2:00 pm, at Defendant DBYH's counsel's office.
- 7. On November 17, 2015, Defendants were notified by the delivery service that they had gone to Plaintiff Wadman's home to collect the Pushchair and Mr. Wadman said the complete Pushchair was not available.
- 8. Defendant DBYH incurred the cost of the delivery service to call at Mr. Wadman's house, along with the cost of its consultant.
- 9. Plaintiffs and Defendant DBYH hereby stipulate and request that this Court Order that Plaintiffs' cause the complete Pushchair to be delivered at Plaintiff's expense to Defendant's Counsel's Office from 9 am to 2 pm on December 17, 2015.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: December 8, 2015

LAW OFFICES OF PAUL L. REIN
Attorneys for Plaintiff/Counterdefendant
KELLY TOPPING and Plaintiff MAX
WADMAN

By: 
Celia McGuinness

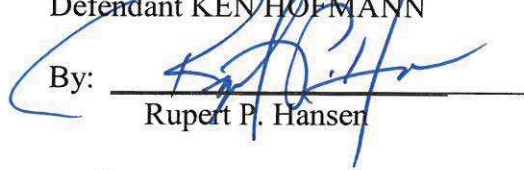
Dated: December 8, 2015

THE DERBY LAW FIRM P.C.
Attorneys for Plaintiff/Counterdefendant
KELLY TOPPING and Plaintiff MAX
WADMAN

By: 
Steven L. Derby

Dated: December 8, 2015

COX, WOOTTON, LERNER,
GRIFFIN & HANSEN, LLP
Attorneys for Defendant/Counterclaimant
DISCOVERY BAY YACHT HARBOR LLC, and
Defendant KEN HOFMANN

By: 
Rupert P. Hansen

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pursuant to Local Civil Rule 5.1, this ECF filer hereby attests that he has on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 9, 2015.  United States District Judge William Alsup