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5 Attorneys for Plaintiffs
 MARSHALL LOSKOT
 6 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION,
 7 SERVICES: HELPING YOU
 HELP OTHERS

8 UNITED STATES DISTRICT COURT
 9
 10 NORTHERN DISTRICT OF CALIFORNIA

11 MARSHALL LOSKOT, an individual; and)
 12 DISABILITY RIGHTS, ENFORCEMENT,)
 EDUCATION, SERVICES:HELPING YOU)
 13 HELP OTHERS, a California public benefit)
 corporation,)

14 Plaintiffs,)

15 v.)

16 BERTOLUCCI'S RISTORANTE; SODINI)
 17 ENTERPRISES, INC., a California)
 corporation, dba BERTOLUCCI'S)
 18 RISTORANTE; PETER D. SODINI,)
 TRUSTEE, and VICTORIA A. SODINI,)
 19 TRUSTEE of the SODINI FAMILY)
 TRUST,)

20 Defendants.)
 21)

CV-08-5366-SBA
STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANTS SODINI ENTERPRISES,
INC., a California corporation, dba
BERTOLUCCI'S RISTORANTE; PETER
D. SODINI, TRUSTEE, and VICTORIA A.
SODINI, TRUSTEE of the SODINI
FAMILY TRUST TO RESPOND TO
PLAINTIFF'S COMPLAINT AND THE
MOTION TO DISMISS WITHDRAWN

22 Plaintiffs MARSHALL LOSKOT, an individual and DISABILITY RIGHTS,
 23 ENFORCEMENT, EDUCATION, SERVICES:HELPING YOU HELP OTHERS ("DREES"),
 24 and Defendants SODINI ENTERPRISES, INC., a California corporation, dba BERTOLUCCI'S
 25 RISTORANTE; PETER D. SODINI, TRUSTEE, and VICTORIA A. SODINI, TRUSTEE of the
 26 SODINI FAMILY TRUST, by and through their respective counsel, respectfully request and
 27 make the following stipulation:

28 **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS SODINI ENTERPRISES, INC., a California**
corporation, dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE, and VICTORIA A. SODINI, TRUSTEE of the
SODINI FAMILY TRUST TO RESPOND TO PLAINTIFF'S COMPLAINT AND THE MOTION TO DISMISS WITHDRAWN

CASE NO. 08-5366-SBA

1 1. Whereas, there was an issue to service of process; and

2 2. Whereas, defendants have made a Motion to Dismiss, based upon erroneous
3 service; and

4 3. Whereas, defendant's Motion to Dismiss currently set for April 7, 2009, is hereby
5 withdrawn; and

6 4. Whereas, the parties have met and conferred; and

7 5. Whereas, the parties desire to facilitate judicial economy to the parties themselves
8 and the Court; and

9 6. Whereas, defendants have agreed to waive service on the condition that they have
10 a 30-day extension to respond to plaintiff's complaint; and

11 7. Whereas plaintiffs' have agreed to grant a 30-day extension of time for defendants
12 to respond to the complaint from the date of filing this stipulation conditioned on defendants
13 withdrawing their Motion to dismiss; and

14 8. Whereas, defendants SODINI ENTERPRISES, INC., a California corporation,
15 dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE, and VICTORIA A.
16 SODINI, TRUSTEE of the SODINI FAMILY TRUST have agreed to withdraw their Motion to
17 dismiss. The deadline for defendants to respond to plaintiff's complaint shall be 30-days, to and
18 including April 16, 2009.

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28 **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS SODINI ENTERPRISES, INC., a California corporation, dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE, and VICTORIA A. SODINI, TRUSTEE of the SODINI FAMILY TRUST TO RESPOND TO PLAINTIFF'S COMPLAINT AND THE MOTION TO DISMISS WITHDRAWN**

1 **IT IS SO STIPULATED:**

2 That the last day for defendants' SODINI ENTERPRISES, INC., a California
3 corporation, dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE, and
4 VICTORIA A. SODINI, TRUSTEE of the SODINI FAMILY TRUST, to respond to the
5 complaint be extended up to and including April 16, 2009, and defendant's Motion to dismiss
6 set for April 7, 2009, is hereby withdrawn.

7 Respectfully submitted.

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9 DATED: March 13, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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By: _____/S/_____
Thomas E. Frankovich
Attorneys for Plaintiffs MARSHALL LOSKOT and
DISABILITY RIGHTS, ENFORCEMENT,
EDUCATION, SERVICES: HELPING YOU HELP
OTHERS, a California public benefit corporation

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STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS SODINI ENTERPRISES, INC., a California corporation, dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE, and VICTORIA A. SODINI, TRUSTEE of the SODINI FAMILY TRUST TO RESPOND TO PLAINTIFF'S COMPLAINT AND THE MOTION TO DISMISS WITHDRAWN

1 DATED: March 16, 2009

BRADLEY KASS, ESQ.,
KASS & KASS LAW OFFICES

4 By: _____ /S/ _____

Bradley Kass, Esq.

Attorneys for Defendants SODINI ENTERPRISES,
INC., a California corporation, dba
BERTOLUCCI'S RISTORANTE; PETER D.
SODINI, TRUSTEE, and VICTORIA A. SODINI,
TRUSTEE of the SODINI FAMILY TRUST

10 **ORDER**

11 IT IS HEREBY ORDERED that the Defendants' SODINI ENTERPRISES, INC., a
12 California corporation, dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE,
13 and VICTORIA A. SODINI, TRUSTEE of the SODINI FAMILY TRUST are granted an
14 extension of time to and including April 16, 2009, to answer or otherwise respond to plaintiff's
15 complaint, and defendant's Motion to dismiss set for April 7, 2009, is hereby withdrawn.

18 DATED: 3/26 _____, 2009



19 HON. SAUNDRA B. ARMSTRONG
United States District Judge

28 STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS SODINI ENTERPRISES, INC., a California
corporation, dba BERTOLUCCI'S RISTORANTE; PETER D. SODINI, TRUSTEE, and VICTORIA A. SODINI, TRUSTEE of the
SODINI FAMILY TRUST TO RESPOND TO PLAINTIFF'S COMPLAINT AND THE MOTION TO DISMISS WITHDRAWN