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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Ronnie George, an individual,

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No. CV 09-0375-PHX-JAT

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Plaintiff,

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**JUDGMENT AND PERMANENT  
INJUNCTION**

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vs.

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PDG America Properties, L.L.C.,

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Defendant.

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Pursuant to the Entry of Default entered April 6, 2009 (Doc. #7), and Plaintiff's

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Motion for Default Judgment (Doc. #8), and good cause appearing,

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**IT IS ORDERED** that defendant PDG America Properties, L.L.C. shall modify (1)

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the "Peoria Station" shopping center, located at the southwest corner of 67<sup>th</sup> Avenue and

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Peoria Avenue, Peoria, Arizona, and (2) the "Park Northern" shopping center, located at the

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northeast corner of 35<sup>th</sup> Avenue and Northern Avenue, Phoenix, Arizona in accordance with

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this Order. The modifications shall occur by no later than 365 days from the date Plaintiff

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effectuates service of a copy of this Order on Defendant, and Defendant shall remove the

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following barriers to accessibility:

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**Peoria Station**

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1. In front of Suite 101, there is a column blocking the right side flare of the curb ramp. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall either remove the column or relocate the curb ramp and associated parking spaces nearby to area without column

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- interference (curb ramp shall have detectible warnings).
2. In front of Suite 110, there is a column blocking the left side flare of the curb ramp. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall either remove the column or relocate the curb ramp and associated parking spaces nearby to area without column interference (curb ramp shall have detectible warnings).
  3. On the east side of LA Fitness, the running slope of the four (4) parking spaces is too steep. From south to north, the running slopes of the spaces are 3.3%, 4.4%, 2.1% and 2.1%, all in excess of the 2% maximum. Defendant shall repave the spaces with compliant slopes.
  4. The south curb ramp on the east side of LA Fitness (serving the parking spaces in Item 3) has a level landing with a width of only 24", less than the required 36" for an accessible route, and the landing's right side is blocked by a column. The 7.5% cross slope of the side flare is not an accessible route. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall install signage at the wall above this curb ramp pointing to nearest fully accessible curb ramp several parking spaces to the north (such north curb ramp shall have detectible warnings).
  5. On the west side of LA Fitness, the running slope of three (3) of the four (4) parking spaces is too steep. From south to north, the running slopes of the three southernmost spaces are 3.2%, 2.9% and 2.3%, all in excess of the 2% maximum. Defendant shall repave the spaces with compliant slopes.
  6. The south curb ramp on the west side of LA Fitness (serving the parking spaces in Item 5) has a level landing with a width of only 25", less than the required 36" for an accessible route, and the landing's left side is blocked by a column. The 7.5% cross slope of the side flare is not an accessible route. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall install signage at the wall above this curb ramp pointing to nearest fully accessible curb ramp several parking spaces to the north (such north curb ramp shall have detectible warnings).
  7. The concrete walkway across the vehicular passageway between the west side of LA Fitness and Tutor Time has a running slope of 8.4%, in excess of the 8.3% maximum for all ramps and the 5% maximum for ramps longer than six feet without handrails. Defendant shall repair concrete walkway to provide compliant slopes.
  8. The asphalt route between the north end of Tutor Time and Building 10270 has a running slope of 9.8%, in excess of the 8.3% maximum for all ramps and the 5% maximum for ramps longer than six feet without handrails and for areas adjacent to curb ramps. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall repair asphalt route to provide compliant slopes, and install detectible warnings on the curb ramp.
  9. The curb ramp in front of Celebrity Tanning has a running slope of 11.2%, in excess of the 8.33% maximum. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall demolish existing concrete ramp and replace with new compliant concrete curb ramp with detectible warnings.

10. In front of T-Mobile, the curb ramp has a running slope of 16.4%, in excess of the 8.33% maximum. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall demolish existing concrete ramp and replace with new compliant concrete curb ramp with detectible warnings.
11. The cross slope of the sidewalk between the entrance to the Smoke Shop and the west end of the storefront of Great Clips exceeds the 2% maximum. It measures 2.6% on the eastern end and 5.2% on the western end. Defendant shall demolish and remove concrete sidewalk, pour new concrete sidewalk with cross slope less than 2%.
12. In front of the main entrance to Safeway, the curb ramp has a running slope of 10.1%, in excess of the 8.33% maximum. The curb ramp is also missing detectible warnings (raised truncated domes). Defendant shall demolish the existing concrete ramp and replace with a new compliant concrete curb ramp with detectible warnings.
13. At the west end of Safeway, the running slope of the curb ramp is 15.1%, in excess of the 8.33% maximum. The curb ramp is also missing detectible warnings (raised truncated domes). In addition, the sidewalk just east of the curb ramp has a cross slope of 8.0%, in excess of the 2% maximum, and a running slope of 9.6%, in excess of the 8.33% maximum. Defendant shall demolish the existing concrete ramp and replace with a new compliant concrete curb ramp with detectible warnings, demolish and remove the concrete sidewalk, and pour a new concrete sidewalk with compliant slopes.
14. In front of Peter Piper Pizza, there are 3 curb ramps with running slopes in excess of the 8.33% maximum. The curb ramps are also missing detectible warnings (raised truncated domes). In addition, the “accessible” parking spaces are not the closest spaces to the entrance. Defendant shall demolish the existing concrete ramps and replace with new compliant concrete curb ramps with detectible warnings, and re-paint “accessible” parking spaces to the area directly in front of restaurant entrance.
15. In front of Checkmate, the curb ramp has a running slope of 10.5%, in excess of the 8.33% maximum. The curb ramp is also missing detectible warnings (raised truncated domes). In addition, the “accessible” parking spaces are not the closest spaces to the entrance. Defendant shall demolish the existing concrete ramp and replace with a new compliant concrete curb ramp in front of store entrance, with detectible warnings; re-paint “accessible” parking spaces to the area directly in front of the store entrance.
16. In front of China Place, there is a built up curb ramp located in the access aisle serving the “accessible” parking space. Defendant shall demolish existing built-up concrete curb ramp and replace with a new cut-in style curb ramp with a running slope not exceeding 8.33%, with detectible warnings (may require re-painting accessible parking).

### **Park Northern**

1. In front of Suite 8129-4, there is a built-up curb ramp with a running slope of 10.6% in the access aisle serving the “accessible” parking spaces, in excess of the 2% maximum. In addition, the running slope of the south parking space is 2.6%, in excess of the 2% maximum. Defendant shall remove built up curb ramp, repave parking spaces to compliant slopes and install new “cut-in” style

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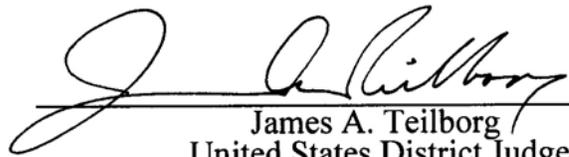
- compliant curb ramp into adjacent concrete sidewalk.
2. In front of Travel, the west parking space has a running slope of 2.8% and the east parking space has a running slope of 2.8%, both in excess of the 2% maximum. Defendant shall repave parking spaces to provide compliant slopes.
  3. In front of Nails and Spa, there is a built-up curb ramp with a running slope of 8.5% and a cross slope of 18.1% in the access aisle serving the “accessible” parking space, in excess of the 2% maximum. In addition, the running slope of the parking space is 3.7%, in excess of the 2% maximum. Defendant shall remove built up curb ramp, repave parking space to compliant slopes and install new “cut-in” style compliant curb ramp into adjacent concrete sidewalk.
  4. In front of Eve’s Treasure, there is a built-up curb ramp with a running slope of 5.2% and a cross slope of 16.6% in the access aisle serving the “accessible” parking space, in excess of the 2% maximum. Defendant shall remove built up curb ramp and install new “cut-in” style compliant curb ramp into adjacent concrete sidewalk.
  5. In front of Great Wall Buffet, there is a built-up curb ramp with a running slope of 8.6% in the access aisle serving the “accessible” parking space, in excess of the 2% maximum. In addition, the running slope of the parking space is 2.4%, in excess of the 2% maximum. Defendant shall remove built up curb ramp, repave parking space to compliant slopes and install new “cut-in” style compliant curb ramp into adjacent concrete sidewalk.
  6. In front of the main entrance to Pure Fitness, the curb ramp has a running slope of 10%, in excess of the 8.33% maximum. In addition, the access aisle immediately in front of the curb ramp has a running slope of 5.8%, in excess of the 2% maximum. Defendant shall demolish and remove existing curb ramp and replace with one with compliant slope, and repave access aisle to provide compliant slope.
  7. At the south end of Pure Fitness, the south “accessible” parking space has a running slope of 4.6% and the north “accessible” parking space has a running slope of 2.2%, both in excess of the 2% maximum. Defendant shall repave parking spaces to provide compliant slopes.
  8. In front of Leslie’s, a built up curb ramp projects into the “accessible” parking space with a cross slope of 12%, in excess of the 2% maximum. Defendant shall remove built up curb ramp and install a new “cut-in” style compliant curb ramp into adjacent concrete sidewalk.
  9. The north curb ramp at Safeway has a running slope of 10.2%, in excess of the 8.33% maximum. In addition, the curb ramp is missing detectible warnings (“raised truncated domes”). Defendant shall demolish and remove existing concrete ramp and install a new curb ramp with compliant slope and detectible warnings.
  10. In front of Long John Silver, there is a built-up curb ramp with a running slope of 8.6% in the access aisle serving the “accessible” parking spaces, in excess of the 2% maximum. Defendant shall demolish and remove built-up concrete ramp, patch and paint asphalt, install a new cut-in “winged” ramp into concrete sidewalk.

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**IT IS FURTHER ORDERED** that defendant PDG America Properties, L.L.C. shall pay Plaintiff the sum of \$15,180.34 as attorneys' fees and costs in this matter.

**IT IS FURTHER ORDERED** dismissing this case with prejudice, except that the Court shall retain jurisdiction of this matter to enforce the terms of this Order.

DATED this 29<sup>th</sup> day of October, 2009.

  
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James A. Teilborg  
United States District Judge