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 11 Attorneys for Defendants
 bebe stores, inc.

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 13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA

15 SANDI RUSH,

16 Plaintiff,

17 v.

18 BEBE STORES, INC. dba BEBE #225,

19 Defendant.
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Case No. CV11-09979 R (JCGx)

**UNCONTROVERTED FACTS AND
 CONCLUSIONS OF LAW**

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**UNCONTROVERTED FACTS AND
CONCLUSIONS OF LAW**

1 In accordance with Rule 56 of the Federal Rules of Civil Procedure, the Motion
2 for Summary Judgment of Defendant bebe stores, inc. (“Defendant”) came on
3 regularly for hearing on September 17, 2012, the Honorable Manuel L. Real, United
4 States District Judge presiding.

5 The Court, having considered the points and authorities submitted by the
6 parties, the declarations and exhibits thereto, the relevant pleadings and papers on file
7 with the Court and having heard the oral argument or counsel thereon, and having
8 fully considered the law and facts disclosed by this record, hereby makes the
9 following findings on uncontroverted facts and conclusions of law:

10 **STATEMENT OF UNCONTROVERTED FACTS**

11 1. bebe stores, inc.’s retail store #225, is located in the Shops at Dos Lagos
12 mall located at 2785 Cabot Drive, Suite 155, Corona, CA 92883 (the “Store”).

13 2. The Store was constructed in 2006 with an opening date of December 15,
14 2006.

15 3. The Store has a single entrance located on Cabot Drive.

16 4. When the Store was built, bebe’s construction team and its architects,
17 headed by Bernadette Bouwkamp and Otis Lynn Reynolds, crafted a specially
18 designed checkout counter (the “Counter”).

19 5. The Counter contained two lowered portions on each side, which pulled
20 out to allow disabled customers in wheelchairs checkout counter access.

21 6. The Counter’s access points pulled out from the end of the counter and
22 measured 32 inches off the finished floor and, when extended, 37 inches wide.

23 7. The underside of the pull out was unobstructed.

24 8. In the back of the Store, customer dressing rooms were built before the
25 store opening.

26 9. The Store has a dressing room designed for disabled customers which
27 contains a bench that is 24 inches wide and 60 inches long.
28

1 10. Between its initial construction and Plaintiff's visit on June 15, 2011, the
2 Store was not remodeled.

3 11. In April 2012, several of the Checkout counters in bebe's stores were
4 removed and replaced for aesthetic purposes.

5 12. The Store's checkout counter was among those replaced.

6 13. On June 15, 2011, Plaintiff and her attorney visited the Store.

7 14. Plaintiff had no trouble entering the Store.

8 15. While in the room, Plaintiff transferred from her chair to the bench and
9 tried on the shirts.

10 **CONCLUSIONS OF LAW**

11
12 1. Plaintiff's First Claim for Relief Under The ADA Fails Because Defendant
13 Was Not Required To Have An ISA At Its Only Entrance.

14 2. Plaintiff's First Claim for Relief Under The ADA Fails Because Defendant's
15 Checkout Counter Complied With The ADAAG Requirements.

16 3. Plaintiff's First Claim for Relief Under The ADA Fails Because Defendant's
17 Dressing Room Bench Was An Equivalent Facilitation Under the ADA.

18 4. Plaintiff's Second Through Fourth Causes of Action Are Dismissed Without
19 Prejudice Because This Court Declined To Exercise Supplemental
20 Jurisdiction Over These Claims.

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22 Dated: October 11, 2012



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26 HONORABLE MANUEL L. REAL
U.S. DISTRICT COURT JUDGE

27 Firmwide:114910855.1 028164.1052