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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD MOORE,)	1:10-cv-1966 OWW SKO
)	
Plaintiff,)	ORDER AFTER SCHEDULING
)	CONFERENCE
v.)	
)	Further Scheduling
D.W. INVESTMENTS, INC., dba)	Conference: 9/9/11 8:15
WIENERSCHNITZEL #301; GALARDI)	Ctrm. 3
GROUP REALTY CORP.,)	
)	
Defendants.)	
)	
)	

I. Date of Scheduling Conference.

June 9, 2011.

II. Appearances Of Counsel.

Tanya E. Moore, Esq., appeared on behalf of Plaintiff.

Keith M. White, Esq., appeared on behalf of Defendant DW

Investments, Inc. dba Wienerschnitzel #301.

Ryan M. McNamara, Esq., appeared on behalf of Defendant

Galardi Group Realty Corp.

III. Summary of Pleadings.

1. This is a civil rights action by Plaintiff Ronald Moore (hereinafter referred to as "Plaintiff") for alleged discrimination at the building, structure, facility, complex,

1 property, land, development, and/or surrounding business complex
2 known as: Wienerschnitzel, located at 1768 West Shaw, Fresno,
3 California (hereinafter referred to as the "Restaurant").
4 Plaintiff seeks damages, injunctive and declaratory relief,
5 attorneys' fees and costs, against D.W. Investments, Inc. and
6 Galardi Group Realty Corp. (hereinafter collectively referred to
7 as "Defendants").

8 IV. Orders Re Amendments To Pleadings.

9 1. Plaintiff reserves the right to amend his complaint
10 after he has had the property and facility inspected by a
11 Certified Access Specialist.

12 2. The parties propose the deadline for amendments be
13 August 26, 2011.

14 V. Factual Summary.

15 A. Admitted Facts Which Are Deemed Proven Without Further
16 Proceedings.

17 1. Defendant DW Investments, Inc. dba Wienerschnitzel
18 #301 is a sub-tenant to Galardi Group Realty Corp.

19 2. Galardi Group Realty Corp. is a master tenant to
20 Cox, the owner of the underlying real property.

21 3. The owner of the real property, Cox, has resolved
22 all issues with the Plaintiff and will no longer participate in
23 the lawsuit.

24 4. The Restaurant that is the subject of this case is
25 located at 1768 West Shaw, Fresno, California.

26 B. Contested Facts.

27 1. All remaining facts are in dispute.

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1 VI. Legal Issues.

2 A. Uncontested.

3 1. Jurisdiction exists under 28 U.S.C. §§ 1331 and
4 1342 and the Americans with Disabilities Act. Plaintiffs invoke
5 supplemental jurisdiction under 28 U.S.C. § 1367.

6 2. Venue is proper under 28 U.S.C. §§ 1391(b) and
7 (c).

8 3. The parties agree that as to supplemental claims,
9 if jurisdiction exists, the substantive law of the State of
10 California provides the rule of decision.

11 B. Contested.

12 1. All remaining legal issues are disputed.

13 VII. Consent to Magistrate Judge Jurisdiction.

14 1. The parties have not consented to transfer the
15 case to the Magistrate Judge for all purposes, including trial.

16 VIII. Corporate Identification Statement.

17 1. Any nongovernmental corporate party to any action in
18 this court shall file a statement identifying all its parent
19 corporations and listing any entity that owns 10% or more of the
20 party's equity securities. A party shall file the statement with
21 its initial pleading filed in this court and shall supplement the
22 statement within a reasonable time of any change in the
23 information.

24 IX. Discovery Plan and Cut-Off Date.

25 A. Changes in Timing.

26 1. Defendants request a ninety (90) day stay on all
27 disclosures and discovery in order to allow sufficient time to
28 work out the terms of settlement.

1 2. Plaintiff does not request any changes in the
2 timing, form, or requirement for disclosures under Rule 26(a).
3 If a stay on disclosures and discovery is ordered, Plaintiff
4 requests that all dates requested herein be extended an
5 additional ninety (90) days as well.

6 B. Cut-Off Date for Non-Expert Discovery.

7 1. The parties propose a discovery cut-off date in
8 January 2012.

9 C. Suggested Timing of the Disclosure of Expert Witness
10 Discovery as Required by Fed. R. Civ. P. 26(a)(2).

11 1. The parties request that any expert exchange be
12 simultaneous between all parties ninety (90) days prior to the
13 close of discovery, with supplemental disclosures thirty (30)
14 days later.

15 D. Changes in the Limits on Discovery.

16 1. The parties do not request changes to the
17 limitations on discovery, aside from those imposed by the Federal
18 Rules of Civil Procedure and local rules.

19 E. Protective Order Relating to the Discovery of
20 Information.

21 1. The parties do not anticipate at this time that
22 such protective order will be required.

23 F. Timing, Sequencing, Phasing or Scheduling of Discovery.

24 1. The parties do not seek a timetable for discovery
25 outside of the Court's Scheduling Order. The parties do not
26 believe discovery should be conducted in phases or limited to
27 particular issues.

28 G. Discovery Outside of the U.S.

1 1. The parties do not anticipate the need to take
2 discovery outside the United States.

3 H. Video and/or Sound Recording of Depositions.

4 1. The parties anticipate that all depositions will
5 be videotaped.

6 I. Mid-Discovery Status Report and Conference.

7 1. The parties propose a date in November 2011 for
8 status report and conference.

9 J. Discovery Relating to Electronic, Digital and/or
10 Magnetic Data.

11 1. The parties do not anticipate at this time that
12 such discovery will be required.

13 K. The case is stayed as follows:

14 1. The parties have agreed to a ninety (90) day stay
15 in which they will attempt to resolve the case. Accordingly, a
16 further Scheduling Conference shall be held September 9, 2011 at
17 8:15 a.m. in Courtroom 3.

18
19 IT IS SO ORDERED.

20 Dated: June 13, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE