

1 Tanya E. Moore, SBN 206683
2 MOORE LAW FIRM, P.C.
3 332 North Second Street
4 San Jose, California 95112
5 Telephone (408) 298-2000
6 Facsimile (408) 298-6046
7 Email: tanya@moorelawfirm.com

8 Attorneys for Plaintiff
9 John Morales

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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 JOHN MORALES,
14 Plaintiff,
15 vs.

16 NORTHERN VILLAGE ASSOCIATES, LP,
17 a California limited partnership, et al.,
18 Defendants.

) No. 1:13-cv-00643-LJO-SAB

) **STIPULATION AND ORDER GRANTING**
) **PLAINTIFF LEAVE TO FILE FIRST**
) **AMENDED COMPLAINT**

19 **WHEREAS**, Plaintiff John Morales (“Plaintiff”) seeks to amend his complaint to
20 allege additional barriers relating to his disability which he claims were identified at the site
21 inspection of the subject property conducted on September 23, 2013, and as he claims is
22 permitted by *Chapman v. Pier 1 Imports (U.S.), Inc.*, 631 F.3d 939, 944 (9th Cir. 2011), and
23 required by *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 909 (9th Cir. 2011);

24 **WHEREAS**, Plaintiff has not provided the site inspection documents to Defendants,
25 Northern Village Associates, LP, and Briad Restaurant Group, LLC dba TGI Friday’s #1729
26 (collectively “Defendants”) and refuses to do so;

27 **WHEREAS**, Plaintiff claims he has not unduly delayed the amendment, does not bring
28 it in bad faith, the amendment is not futile, and such amendment does not prejudice

1 “Defendants”, nor does the amendment in any way change the nature of the action;

2 **WHEREAS**, Plaintiff claims the amendment will not modify any date or deadline
3 fixed by the Court’s Scheduling Order dated August 8, 2013 (ECF No. 14) pursuant to Fed. R.
4 Civ. P. 16(b)(4);

5 **WHEREAS**, Defendants do not waive any right to challenge the amended complaint in
6 any manner or for any reason;

7 **WHEREAS**, Defendants agreement to stipulate to allow Plaintiff to file an amended
8 complaint does not constitute an acknowledgment that any claim in the amended complaint has
9 merit, is true, or establishes any liability whatsoever to Defendants.

10 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff and
11 Defendants, the parties hereto, through their respective attorneys of record, that Plaintiff may
12 file a First Amended Complaint, a copy of which is attached hereto as Exhibit “A.”

13 **IT IS FURTHER STIPULATED** that Plaintiff will file his First Amended Complaint
14 within five (5) calendar days of the Court’s Order permitting such filing, and that Defendants’
15 response thereto shall be filed within fourteen (14) days after the First Amended Complaint is
16 filed.

17 **IT IS SO STIPULATED.**

18
19 Dated: October 30, 2013

MOORE LAW FIRM, P.C.

20 /s/ Tanya E. Moore

Tanya E. Moore

21 Attorneys for Plaintiff

22 John Morales

23 Dated: October 30, 2013

CALLAHAN, THOMPSON, SHERMAN &
24 CAUDILL, LLP

25 /s/ Kathleen M. Hartman

Kathleen M. Hartman

26 Robert W. Thompson

27 Attorneys for Defendants

Northern Village Associates, LP, and Briad

28 Restaurant Group, LLC dba TGI Friday’s #1729

