1 2 3 4 5	CENTER FOR DISABILITY ACCESS MARK D. POTTER, ESQ., SBN 166317 PHYL GRACE, ESQ., SBN 171771 Mail: P.O. Box 262490 San Diego, CA 92196-2490 Deliveries: 9845 Erma Road, Suite 300 San Diego, CA 92131 Phone: (858) 375-7385 Fax: (888) 422-5191 phylg@potterhandy.com			
6	Attorney for Plaintiff DEBRA ANGLIN			
7	UNITED STATES DISTRICT COURT			
8	EASTERN DISTRICT OF CALIFORNIA			
9				
10	DEBRA ANGLIN,	)	Case No.: 1:13-CV-01357-LJO-JLT	
11	Plaintiff,	ý		
12	V.			
13	HIFDHUULAH A. ALROWHANY; ABDUL ALROWHANY, DBA THE CI	ELL )	JOINT STIPULATION OF FACT REGARDING DEFENDANTS' FINANCIAL	
14	PHONE STORE; MOHAMMED ALROWHANY, DBA T CELL PHONE STORE; and Does 1-10,	ГНЕ )	WHEREWITHAL AND READILY ACHIEVABLE BARRIER REMOVAL AND [PROPOSED] ORDER THEREON	
15		)	(Doc. 38)	
16	Defendants.	)		
17				
18				
19	<u>J(</u>	OINT STIP	<u>ULATION</u>	
20				
21	The following terms, phrases, and definitions will be applied in this stipulation and are			
22	intended to conform to the usage given in the Americans with Disabilities Act Accessibility			
23	Guidelines:			
24				
25	ADAAG: An	nericans wit	h Disabilities Act Accessibility Guidelines found	
26	at 28 C.F.R. Part 36.			
27	ACCESSIBLE: Co.	mplying wit	th the technical requirements of the ADAAG.	
28				

1	SUBJECT PROPERTY:	Strip mall located at or about 514 Finley Drive, Taft, California.		
2	READILY ACHIEVABLE:	Shall have the same definition as that found at 42 U.S.C. §		
3		12181(9).		
4	BARRIER:	Any architectural or configuration element of the subject		
5		property that does not comply with the technical provisions		
6		found in the Americans With Disabilities Act Accessibility		
7		Guidelines and/or Title 24 of the California Code of		
8		Regulations, and which is identified in the Plaintiff's complaint.		
9	VAN ACCESSIBLE PARKING			
10	SPACE:	A striped and reserved handicap parking space that has a		
11		separate access aisle measuring 96 inches in width.		
12				
13	PLAINTIFF DEBRA ANG BY AND THROUGH THEIR AT	LIN AND DEFENDANT HIFDHUULAH A. ALROWHANY, TORNEYS OF RECORD, HEREBY STIPULATE:		
14				
15		propounded written discovery to assist him in determining the		
16		s to undergo "readily achievable" barrier removal and to support		
17	Plaintiff's damages assessment; and			
18	WHEREAS such discover	ry information is of a personal and confidential nature and		
19	therefore, the Stipulating Defendan	ts have a legitimate concern about unnecessarily producing such		
20	information;			
21	The Plaintiff and the Stipulating Defendants enter into the following stipulation:			
22				
23				
24	Plaintiff: Plaintiff will currently f	orbear from propounding any discovery that seeks information		
25	concerning the financial status, abi	lity, or wherewithal of the Stipulating Defendants. Plaintiff also		
26 27	withdraws all discovery already pro	pounded concerning this information.		
//				

1	Stipulating Defendants: The Stipulating Defendants hereby declare that in determining whether the			
2	removal of a BARRIER is READILY ACHIEVABLE, factors such as the (1) Stipulating Defendant's			
3	financial resources; (2) the facility's financial resources; (3) the "effect on expenses and resources";			
4	and (4) impact on finances, shall NOT be raised by STIPULATING DEFENDANTS as a defense as			
5	to why the Stipulating Defendant cannot remedy and/or remove those alleged BARRIERS.			
6				
7	Furthermore, Defendants hereby stipulate that it is READILY ACHIEVABLE for the defendants to			
8	provide (1) a VAN ACCESSIBLE parking space; (2) an ACCESSIBLE path of travel into the stores			
9	at the SUBJECT PROPERTY; (3) an ACCESSIBLE path of travel to the Boost Mobil store the			
10	SUBJECT PROPERTY.			
11				
12	NOTE: Stipulating Defendants are not stipulating (A) liability to the Plaintiff; (B) that the above			
13	identified barrier removals are required by law; or (C) that they are subject to the ADA or related state			
14	disability access laws.			
15				
16	NOTE: The parties understand that the Plaintiff reserves his right to seek financial information in			
17	support of a claim for punitive damages. However, Plaintiff will forbear from seeking that information			
18	until Plaintiff believes that further discovery information warrants the prosecution of a punitive			
19	damages claim against the Stipulating Defendants. Even if Plaintiff reaches a decision that a punitive			
20	damages claim should be prosecuted, Plaintiff will, nonetheless, wait until the end of the discovery			
21	window to request such information so as to allow maximum opportunity for resolution of the case.			
22				
23	IT IS SO STIPULATED.			
24				
25	Dated: March 10, 2015 CENTER FOR DISABILITY ACCESS			
26				
27	By: /s/ Isabel Masanque			
	ISABEL MASANQUE Attorney for Plaintiff			
28	Autorite y for a familiar			

1	
2	Dated: April 6, 2015 Lewis Brisbois Bisgaard & Smith LLP
3	D //GL G' L
4	By:/s/ Shane Singh As authorized on 4/6/15 (original on file with counsel)
5	SHANE SINGH Attorney for Defendants
6	
7	ORDER
8	
9	IT IS SO ORDERED.
10	Dated: April 7, 2015 /s/ Jennifer L. Thurston
11	UNITED STATES MAGISTRATE JUDGE
12	
13	
14	
15	
16	
17	
18	
19	
<ul><li>20</li><li>21</li></ul>	
22	
23	
24	
25	
26	
27	
28	
	11