1 2 3 4 UNITED STATES DISTRICT COURT 5 EASTERN DISTRICT OF CALIFORNIA 6 7 NATIVIDAD GUTIERREZ, No. 1:14-cv-00545-LJO-SKO 8 Plaintiff, STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED 9 VS. COMPLAINT; [PROPOSED] ORDER 10 LA TAPATIA TORTILLERIA, INC., et al., 11 Defendants. 12 13 WHEREAS, Plaintiff, Natividad Gutierrez ("Plaintiff"), seeks to amend his complaint 14 to allege additional barriers relating to his disability which were identified at the site inspection 15 of the subject property conducted on July 15, 2014, as permitted by Chapman v. Pier 1 Imports 16 (U.S.), Inc., 631 F.3d 939, 944 (9th Cir. 2011), and required by Oliver v. Ralphs Grocery Co., 17 654 F.3d 903, 909 (9th Cir. 2011); 18 WHEREAS, Plaintiff has not unduly delayed the amendment, does not bring it in bad 19 faith, the amendment is not futile, and such amendment does not prejudice Defendants, La 20 Tapatia Tortilleria, Inc., a California corporation, dba La Tapatia Retail Store; and Helen 21 Chavez-Hansen, Trustee of the Helen Chavez-Hansen Living Trust (collectively 22 "Defendants"), nor does the amendment in any way change the nature of the action; 23 **WHEREAS**, the amendment will not modify any date or deadline fixed by the Court's 24 Scheduling Order dated October 7, 2014 (ECF No. 18) pursuant to Fed. R. Civ. P. 16(b)(4); 25 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and 26 Defendants, the parties hereto, through their respective attorneys of record, that Plaintiff may 27 file a First Amended Complaint, a copy of which is attached hereto as Exhibit "A." 28 IT IS FURTHER STIPULATED that Plaintiff will file his First Amended Complaint STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT; **ORDER**

	II	
1	within five (5) calendar days of the Court's Order permitting such filing, and that Defendants	
2	response thereto shall be filed within fourteen (14) days after the First Amended Complaint i	
3	3 filed.	
4	IT IS SO STIPULATED.	
5	5 Dated: November 17, 2014 MOORE LAW FIRM, P.	C.
6	6	
7	7 Tanya E. Moore Tanya E. Moore	
0	Attorneys for Plaintiff	
8	Natividad Gutleffez	
9 10	DOWNEY BRAND LLP	•
	/s/ James D. Burnside III	
11	James D. Burnside III	
12		
13	La Tapatia Tortilleria, Inc corporation, dba La Tapa	
	Helen Chavez-Hansen, T	
14	Chavez-Hansen Living T	
15	<u>ORDER</u>	
16	Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that:	
17	1. Plaintiff shall file his First Amended Complaint ("FAC"), a copy of which was	
18	filed with the Parties' stipulation, within 5 days of the date this Order	
19		
20	20 Defendants' response to Plaintiff's FAC shall be filed v	within 14 days after the
21	1	vitilli 14 days after the
22	II	
23		
24	IT IS SO ORDERED.	
25		a K. Oberto
26	LINITED STATES 1	MAGISTRATE JUDGE
27		
28		
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	STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED COMPLAINT;	

ORDER