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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 LAWRENCE GREEN,) Case No.: 1:14-CV-01824-MJS
12 Plaintiff,) **STIPULATION TO AMEND**
13 vs.) **SCHEDULING ORDER;**
14 ASHLAN PARK CENTER, LLC, a Delaware) **ORDER THEREON**
15 limited liability company, et al.)
16 Defendants.)
17)
18)

19 Plaintiff, Lawrence Green (“Plaintiff”), and Defendants, Ashlan Park Center, LLC, a
20 Delaware limited liability company; and Koroosh Zaghi dba Arby’s #5524 (“Defendants,” and
21 together with Plaintiff, “the Parties”), together request that the Court amend the Scheduling
22 Order as follows:

23 **WHEREAS**, on March 24, 2015, the Court issued a Scheduling Order (Dkt. 20)
24 (“Scheduling Order”), which sets a deadline to amend the pleadings of May 22, 2015;

25 **WHEREAS**, on April 1, 2015, Plaintiff properly noticed a site inspection of the subject
26 Arby’s #5524 (“the Facility”) to take place on May 4, 2015, following attempts to coordinate
27 the date of the inspection with Defendants;

28 **WHEREAS**, on April 30, 2015 at approximately 5:00 p.m., Plaintiff was served via

1 email with an objection by the named tenant defendant, Koroosh Zaghi, on the basis that he
2 was not the tenant at this location, and had no authority to permit the inspection because he
3 does not own or operate the Facility. Instead, he advised that Little Rock Management, Inc. (of
4 which he is a principal) is the tenant in control of the Facility. This was the first time that
5 Plaintiff was advised that this entity was the proper tenant and operator of the Facility;

6 **WHEREAS**, Plaintiff advised the landlord defendant, Ashlan Park Center, LLC, that it
7 was obligated to have ensured with the tenant that the site inspection would go forward;

8 **WHEREAS**, Ashlan Park Center, LLC allowed the inspection to go forward as to the
9 common areas of the shopping center and notified the principal of Little Rock Management,
10 Koroosh Zaghi, on May 1, 2015 that an inspection was being requested of the interior of
11 Arby's on May 4, 2015. Ashlan Park Center, LLC did not believe that it had authority to allow
12 an interior inspection of Arby's absent the consent of the tenant but also indicated that it had no
13 objection;

14 **WHEREAS**, on May 4, 2015, an inspection was conducted by Plaintiff's consultant of
15 the exterior of the Facility, but he was denied access to the interior by Little Rock
16 Management, Inc.'s onsite management staff;

17 **WHEREAS**, Defendant Koroosh Zaghi asserts that as he is not the tenant or operator
18 of the Facility and cannot provide consent to an inspection of the property, therefore no
19 inspection can take place until Little Rock Management, Inc. is named;

20 **WHEREAS**, Plaintiff contends he is unable to amend his complaint to include
21 additional barriers to his full and equal access which may exist at the Facility, as Plaintiff
22 asserts is urged and required by the Ninth Circuit (Chapman v. Pier 1 Imports (U.S.) Inc., 631
23 F.3d 939, 944 (9th Cir. 2011); Oliver v. Ralphs Grocery Co., 654 F.3d 903, 909 (9th Cir.
24 2011)), until his consultant is permitted to inspect the interior of the Facility;

25 **WHEREAS**, counsel for Defendants have indicated that they will stipulate to the filing
26 of an amended complaint which will solely add the newly discovered business owner, after
27 which Plaintiff will need time to effect service of the amended complaint on the new
28 defendant, re-notice and conduct his site inspection, and thereafter await his consultant's report

1 and amend his complaint to add any additional barriers identified during the inspection of the
2 Facility;

3 **WHEREAS**, Ashlan Park Center, LLC contends that all readily achievable changes to
4 the common area parking have been completed. Plaintiff disagrees with this contention.

5 **NOW, THEREFORE, THE PARTIES, THROUGH THEIR RESPECTIVE**
6 **COUNSEL, HEREBY STIPULATE AND AGREE** to amend the Scheduling Order as
7 follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
9 Deadline to amend pleadings	May 22, 2015	September 4, 2015
10 Non-expert discovery cutoff	October 23, 2015	February 5, 2016
11 Expert discovery cutoff	January 15, 2016	May 13, 2016
12 Expert disclosures	November 6, 2015	March 18, 2016
13 Rebuttal expert disclosures	November 20, 2015	April 1, 2016
14 Non-dispositive motion filing 15 deadline	January 15, 2016	May 13, 2016
16 Dispositive motion filing 17 deadline	February 19, 2016	June 24, 2016
18 Dispositive motion hearing	March 11, 2016	July 22, 2016
19 Pretrial conference	April 15, 2016	August 19, 2016
20 Jury Trial	May 24, 2016	September 27, 2016

22 All other requirements set forth in the Scheduling Order relating to the above shall
23 remain unchanged.

24 **IT IS SO STIPULATED.**

25 Dated: May 7, 2015

MOORE LAW FIRM, P.C.

27 /s/ Tanya E. Moore

28 Tanya E. Moore
Attorney for Plaintiff,
Lawrence Green

STIPULATION TO AMEND SCHEDULING ORDER; [PROPOSED] ORDER

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FORD, WALKER, HAGGERTY & BEHAR

/s/ Tina I. Mangarpan
Tina I. Mangarpan
Attorneys for Defendant,
Ashlan Park Center, LLC

THE METTIAS LAW FIRM

/s/ Jimmy Philip Mettias
Jimmy Philip Mettias
Attorneys for Defendant,
Koroosh Zaghi dba Arby's #5524

1 **ORDER**

2 The Parties having so stipulated and good cause appearing,

3 **IT IS HEREBY ORDERED** that the Scheduling Order issued March 24, 2015 (Dkt. 20)
4 is hereby amended as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Last day to amend complaint	May 22, 2015	September 4, 2015
Non-expert discovery cutoff	October 23, 2015	February 5, 2016
Expert discovery cutoff	January 15, 2016	May 13, 2016
Expert disclosures	November 6, 2015	March 18, 2016
Rebuttal expert disclosures	November 20, 2015	April 1, 2016
Non-dispositive motion filing deadline	January 15, 2016	May 13, 2016
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Pretrial conference	April 15, 2016	August 19, 2016
Jury Trial	May 24, 2016	September 27, 2016

20 All other requirements set forth in the Scheduling Order relating to the above shall
21 remain unchanged.

22
23 IT IS SO ORDERED.

24 Dated: May 11, 2015

25 /s/ Michael J. Seng
26 UNITED STATES MAGISTRATE JUDGE