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

<p>14</p> <p>15 LAWRENCE GREEN,</p> <p>16 Plaintiff,</p> <p>17 vs.</p> <p>18 CALIFORNIA PRIDE, INC., dba CEDAR &</p> <p>19 ASHLAN BUGGY CLEAN,</p> <p>20 Defendant.</p> <p>21</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. 1:14-cv-02006-JAM-GSA</p> <p>STIPULATION TO STAY ACTION AND VACATE DATES IN SCHEDULING ORDER DUE TO DEFENDANT'S IMMEDIATE BANKRUPTCY FILING; ORDER</p>
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22 Plaintiff Lawrence Green (“Plaintiff”), and Defendant California Pride, Inc., dba Cedar
 23 & Ashlan Buggy Clean (“Defendant,” and together with Plaintiff, the “Parties”), by and
 24 through their respective attorneys of record, hereby represent and stipulate as follows:

25 **WHEREAS**, this action arises out of Plaintiff’s claim, all of which are disputed by
 26 Defendant, that Defendant discriminated against him in violation of Title III of the Americans
 27 with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.* (“ADA”) and related California law.
 28 Specifically, Plaintiff, who is substantially limited in his ability to walk and uses a wheelchair

**STIPULATION TO STAY ACTION AND VACATE DATES IN SCHEDULING ORDER DUE TO
 DEFENDANT’S IMMEDIATE BANKRUPTCY FILING; [PROPOSED] ORDER**

1 for mobility, alleges that he encountered conditions at the public accommodation known as
2 Ashlan Buggy Clean, located in Fresno, California (“the Facility”), that prevented his full and
3 equal access to the Facility. Plaintiff seeks injunctive relief under state and federal law,
4 damages under state law, and the recovery of his attorneys’ fees, costs, and litigation expenses
5 as permitted by statute;

6 **WHEREAS**, the Court issued a Status (Pre-Trial Scheduling) Order (“Scheduling
7 Order”) in this action on March 17, 2015 (Dkt. 13);

8 **WHEREAS**, on May 8, 2015, Plaintiff conducted a formal inspection of the Facility
9 for the purpose of determining whether additional barriers to his full and equal access (in
10 addition to those he alleged in his initial complaint to have personally encountered) existed at
11 the Facility and was the process of amending his complaint to allege such additionally
12 discovered conditions;

13 **WHEREAS**, on or about May 13, 2015, Defendant advised Plaintiff that it intends to
14 file for bankruptcy;

15 **WHEREAS**, Defendant hereby represents that it intends to file for bankruptcy within
16 the next 75 days;

17 **WHEREAS**, neither party wishes to incur additional fees and costs prosecuting and
18 defending this action where bankruptcy is imminent and will automatically stay the action, and
19 the Parties wish to conserve their resources as well as those of the Court pending the outcome
20 of the bankruptcy;

21 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE** that this matter be
22 stayed, and that all dates set forth in the Scheduling Order be vacated. Should Defendant not
23 file bankruptcy and a Notice of Filing Bankruptcy in this action on or before August 3, 2015,
24 the Parties shall file a Joint Status Report explaining the delay or change in circumstances on
25 or before August 10, 2015. Should Defendant file for bankruptcy and file the Notice of Filing
26 Bankruptcy in this action as anticipated, subject to the automatic stay of 11 § U.S.C. 362,
27 Plaintiff shall file a Status Report every 90 days until the matter is either put back on calendar
28 or dismissed.

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1 **IT IS SO STIPULATED.**

2 Dated: May 20, 2015

MOORE LAW FIRM, P.C.

3
4 /s/ Tanya E. Moore

Tanya E. Moore
Attorneys for Plaintiff,
Lawrence Green

7 WALTER & WILHELM LAW GROUP,
8 a Professional Corporation

9 /s/ Riley C. Walter

Riley C. Walter
Attorneys for Defendant,
California Pride, Inc.,
dba Cedar & Ashlan Buggy Clean

12
13 **ORDER**

14 The Parties having so stipulated and good cause appearing, IT IS HEREBY ORDERED
15 as follows:

- 16 1. This action is stayed and all dates set forth in the Court's Status (Pre-Trial)
17 Scheduling Order are vacated.
- 18 2. Defendant shall either file a Notice of Filing Bankruptcy in this action as a result of
19 its bankruptcy filing on or before August 3, 2015, or the parties shall file a Joint
20 Status Report explaining the delay or change in circumstances on or before August
21 10, 2015.
- 22 3. Should Defendant file its Notice of Filing Bankruptcy in this action on or before
23 August 3, 2015, subject to the automatic stay, Plaintiff shall, every 90 days thereafter,
24 file a Status Report with the Court until such time as the matter is put back on
25 calendar or the action is dismissed.

26 **IT IS SO ORDERED.**

27 Dated: May 20, 2015

/s/ John A. Mendez

28 UNITED STATES DISTRICT COURT JUDGE

STIPULATION TO STAY ACTION AND VACATE DATES IN SCHEDULING ORDER DUE TO
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