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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 NONA HARRIS,

12 Plaintiff,

13 v.

14 NATIONAL STORES, INC., et al.,

15 Defendants.  
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Case No. 1:15-cv-00294-LJO-SAB

ORDER RE INFORMAL DISCOVERY  
DISPUTE

17 On May 29, 2015, the Court held an informal discovery dispute conference in this action.  
18 Tanya Moore appeared on behalf of Plaintiff Nona Harris (“Plaintiff”). Daron Barsamian  
19 appeared on behalf of Defendants National Stores, Inc. and Force-Fulton Mall, LLC.  
20 (“Defendants”).

21 The parties disputed the scope of a site inspection proposed by Plaintiff of Defendants’  
22 business premises. Plaintiff contended that a full inspection of the premises was warranted to  
23 discover whether any other, unknown barriers relating to Plaintiff’s disability existed beyond  
24 those explicitly identified in Plaintiff’s complaint. Defendants contended that the site inspection  
25 should be limited in scope to those areas of the premises specifically identified in Plaintiff’s  
26 complaint as constituting a barrier.

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1 In Doran v. 7-Eleven, Inc., 524 F.3d 1034, 1043 (9th Cir. 2008), the Ninth Circuit stated:

2 Given that an ADA plaintiff has standing because of deterrence  
3 from returning in the face of uncertainty, it is prudent to eliminate  
4 that uncertainty through the judicial device of discovery, thus  
5 allowing the plaintiff to obtain by formal means the information  
6 about the scope of the defendant's violations that he may have been  
7 unable to safely ascertain himself because of those same violations.

6 The Ninth Circuit went on to state:

7 The statute provides that where an individual, like Doran, has  
8 suffered discrimination in the form of a refusal to remove  
9 architectural barriers, he may seek injunctive relief including “an  
10 order to alter facilities to make such facilities readily accessible ...  
11 and usable.” 42 U.S.C. § 12188(a)(2). Such injunctive relief could  
12 not be crafted, however, if the parties had not been allowed to  
13 determine through discovery precisely what barriers prevented the  
14 facility in question from being “readily accessible to and usable  
15 by” Doran. We therefore hold that where a disabled person has  
16 Article III standing to bring a claim for injunctive relief under the  
17 ADA because of at least one alleged statutory violation of which  
18 he or she has knowledge and which deters access to, or full use and  
19 enjoyment of, a place of public accommodation, he or she may  
20 conduct discovery to determine what, if any, other barriers  
21 affecting his or her disability existed at the time he or she brought  
22 the claim.

16 Id. at 1043-44.

17 In accordance with Doran, the Court finds that Plaintiff is entitled to conduct a full  
18 inspection of the site and investigate what, if any, other barriers affecting her disability existed at  
19 the time she brought the claim.

20 IT IS SO ORDERED.

21 Dated: June 1, 2015

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UNITED STATES MAGISTRATE JUDGE