

1 Shortly after Defendants were served, Defendants, appearing pro se, filed an application
2 for a stay with an attached letter to the Court responding to the allegations in Plaintiff's
3 Complaint. (Doc. 8). In that letter, Defendants explained that they have made several
4 modifications to the property and that the changes render the property ADA compliant.²
5 Defendants also stated that they "are looking forward to seeing Jose Escobedo in Court." (Doc. 8
6 at 3). In a second letter filed with the Court on May 15, 2015, Defendants explain that additional
7 ADA modifications have been made at the Property in response to Plaintiff's Complaint. (Doc.
8 11). The Bocchini Defendants again expressed that they "are looking forward to meeting with
9 Mr. Escobar [sic] to discuss a resolution." (Doc. 11).

11 By filing several letters with the Court responding to the allegations in Plaintiff's
12 complaint, the Court finds that Defendants have sufficiently indicated their intent to defend
13 against this action. Defendants are without counsel and the Court recognizes that it must be
14 "sensitive to the challenges faced by pro se litigants unfamiliar with the judicial process." *See*
15 *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1988), *overruled in part on other*
16 *grounds by Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Accordingly, in the interest of
17 justice, the Court construes Defendants' letters filed on April 28, 2015 and May 20, 2015 as an
18 answer or otherwise responsive pleading to Plaintiff's Complaint. *See Eitel v. McCool*, 782 F.2d
19 1470, 1471-72 (9th Cir.1986) ("Cases should be decided upon their merits whenever reasonably
20 possible.").³

23 Based on the foregoing, IT IS HEREBY ORDERED that

24 1. Kenneth and Susan Bocchini's documents filed on April 28, 2015 and May 18,
25 2015 are construed as an ANSWER to the Complaint. (Docs. 8, 11).

27 ² On May 7, 2015, the Court denied Defendants' Application to Stay. (Doc. 9).

28 ³ Although Defendants initial responsive pleading was filed after the answer deadline, an eight-day delay in
filing an answer does not merit entry of default.

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2. The Clerk of the Court is directed to serve this order on Defendants via United States mail at the following address:

Kenneth and Susan Bocchini
2208 Mesa Verde Drive
Milpitas, California

IT IS SO ORDERED.

Dated: May 22, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE