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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOSE ESCOBEDO,	Case No. 1:15-cv-434 BAM
12	Plaintiff,	ORDER CONSTRUING DEFENDANTS' FILINGS AS AN ANSWER TO THE
13	v.	COMPLAINT
14	SAFWAN HUSSAIN, dba Primo Mini Mart; KENNETH A. BOCCHINI, Trustee	(Docs. 8, 11)
15	of the Kenneth A. and Susan L. Bocchini Family Trust; and Susan L. BOCCHINI,	
16	Trustee of the Kenneth A. and Susan L. Bocchini Family Trust,	
17	Defendants.	
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20	On March 19, 2015, Plaintiff filed a complaint seeking relief pursuant to the Americans	
21	with Disabilities Act ("ADA"), et al., against Defendants Kenneth Bocchini and Susan Bocchini	
22	("Bocchini Defendants") as the operators of a business located in Fresno, California ("the	
23	Property"). (Doc. 1). On March 31, 2015, Plaintiff filed a return of service, titled Summons	
24	Returned Executed, documenting that the Bocchini Defendants were properly served with the	
25	Summons and Complaint. (Docs. 4, 5). Pursuant to Federal Rule of Civil Procedure 12(a), the	

Plaintiff also names Safwan Hussain as a defendant. Mr. Hussain has not made an appearance and on May 22, 2015, the Clerk entered default as to Safwan Hussain.

Bocchini Defendants were required to file a responsive pleading on or before April 20, 2015.

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

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

Based on the foregoing, IT IS HEREBY ORDERED that

Mr. Escobar [sic] to discuss a resolution." (Doc. 11).

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

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

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.

1	2. The Clerk of the Court is directed to serve this order on Defendants via Unite	
2	States mail at the following address:	
3	Kenneth and Susan Bocchini	
4	2208 Mesa Verde Drive Milpitas, California	
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6	IT IS SO ORDERED.	
7 8	Dated: May 22, 2015 /s/ Barbara A. McAuliffe	
9	UNITED STATES MAGISTRATE JUDGE	
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