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

RACHEL LOBATO,
Plaintiff,

v.

EVERARDO O. GOMEZ, individually and dba EL
SARAPE RESTAURANT; DOLORES B.
GOMEZ, individually and dba EL SARAPE
RESTAURANT,
Defendants.

Case No. 1:15-cv-00686-EPG

**COURT'S PROPOSED JURY
DOCUMENTS**

The Court has reviewed the parties' submission of documents for the jury and submits its proposed draft jury instructions, neutral statement of the case, and special verdict form (see attached exhibits to this order). The parties should raise any objections related to these documents at the pretrial conference currently set for June 26, at 11:00 am.

Upon preparation of these documents, the Court has the following questions and comments, which the parties should be prepared to address at the pretrial conference:

1. Is Plaintiff requesting that the jury determine damages? The Court has not seen a proposed jury instruction on damages beyond reference to the \$4,000 statutory minimum.

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2. Is Plaintiff requesting a finding from the jury regarding the claims for the Unruh Act and California Health and Safety Code? Note that Plaintiff did not submit a jury instruction to determine this. Currently, the special verdict form requesting a finding on these claims, but there is no jury instruction giving jury guidance.

As discussed in the prior order, the Court would like to discuss the issue of standing. Note that jury instruction 20 discusses any difficulty, discomfort or embarrassment related to Plaintiff's encounter with a barrier, which assumes that Plaintiff has standing. It is possible for the Court to hear an evidentiary hearing on standing on Tuesday, June 27, and proceed with the jury trial, if still applicable, on Wednesday June 28. The Court again solicits counsels' input on this issue.

IT IS SO ORDERED.

Dated: June 23, 2017

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE