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

RACHEL LOBATO,
Plaintiff,
v.

EVERARDO O. GOMEZ,
individually and doing business as
El Sarape Restaurant, DOLORES B. GOMEZ,
individually and doing business as
El Sarape Restaurant,
Defendants.

**Case No. 1:15-cv-00686-EPG
DRAFT SPECIAL VERDICT
FORM**

We, the jury, in the above-entitled action, find the following special verdict on the requests presented to us.

1 **QUESTION NO. 1:**

2 Has **Plaintiff** proven by a preponderance of the evidence that Plaintiff is disabled
3 within the meaning of the Americans with Disabilities Act (ADA)?

4 YES _____ NO _____

5 (If YES, please answer question 2. If NO, enter verdict in favor of Defendants on
6 all claims.)

7 **QUESTION NO. 2:**

8 Has **Plaintiff** proven by a preponderance of the evidence that architectural barriers
9 exist or existed in the restaurant owned and operated by the Defendants that would have
10 prevented Plaintiff from the full and equal enjoyment of the goods, services, facilities,
11 privileges, advantages, or accommodations of the restaurant?

12 YES _____ NO _____

13 (If YES, please answer question 3. If NO, enter verdict in favor of Defendants on
14 all claims.)

15 **QUESTION NO. 3:**

16 Has **Plaintiff** proven by a preponderance of the evidence that removal of the
17 architectural barriers at the restaurant is readily achievable?

18 YES _____ NO _____

19 (If YES, please answer question 4. If NO, enter verdict in favor of Defendants on
20 all claims.)
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1 **QUESTION NO. 4:**

2 Has **Defendant** proven by a preponderance of the evidence that removal of the
3 architectural barriers at the restaurant is **not** readily achievable?

4 YES _____ NO _____

5 (If NO, enter verdict in favor of Plaintiff on Claim 1 and please answer question 5.
6 If YES, enter verdict in favor of Defendants on all claims.)

7 **QUESTION NO. 5:**

8 Has **Plaintiff** proven by a preponderance of the evidence that her encounter with
9 the barrier caused her any difficulty, discomfort or embarrassment?

10 YES _____ NO _____

11 (If YES, enter verdict in favor of Plaintiff on Claim 2. If NO, enter verdict in
12 favor of Defendants on Claim 2.)

13 **VERDICT**

14 On Claim 1, violation of the Americans with Disabilities Act (ADA), we find in favor of
15 (choose one):

16 _____ Plaintiff Rachel Lobato

17 _____ Defendants Everardo O. Gomez and Dolores B. Gomez.

18 On Claim 2, violation of California's Unruh Act, we find in favor of (choose one):

19 _____ Plaintiff Rachel Lobato

20 _____ Defendants Everardo O. Gomez and Dolores B. Gomez.

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22 On Claim 3, violation of California Health and Safety Code , we find in favor of (choose
23 one):

24 _____ Plaintiff Rachel Lobato

25 _____ Defendants Everardo O. Gomez and Dolores B. Gomez.

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Please date and sign this form.

Dated:

Foreperson