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

20 HENDRIK BLOCK, 21 22 Plaintiff, 23 24 vs. 25 26 GARY CHRISTIAN; BONNIE M. 27 CHRISTIAN; AMANDA FLOREZ dba 28 PUBLIC AUCTION R US. 29 30 Defendants.) Case No.: 1:16-CV-00650-LJO-SKO) CONSENT DECREE))) Complaint Filed: May 9, 2016) Judge: Hon. Lawrence J. O'Neill) Trial Date: August 15, 2017) Time: 8:30 AM) Dept.: Courtroom 4))))))
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CONSENT DECREE

1 As a result of Plaintiff, HENDRIK BLOCK (“PLAINTIFF”), and Defendants, GARY
2 CHRISTIAN; BONNIE M. CHRISTIAN; and AMANDA FLOREZ dba PUBLIC AUCTION
3 R US (“DEFENDANTS,” and together with PLAINTIFF, “the PARTIES”), having engaged in
4 settlement negotiations, the PARTIES agree that this action should be finally resolved by entry
5 of this CONSENT DECREE. This instant CONSENT DECREE was entered into by the
6 PARTIES as an amicable way of resolving liability, and PLAINTIFF’S claims for injunctive
7 relief and damages.

8 NOW, THEREFORE, without adjudication of any issue of fact or law, and with the
9 consent of the PARTIES, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

10 1. This Consent Decree is predicated on the Complaint, filed on May 9, 2016, and
11 subsequent pleadings filed in this action in the United States District Court for the Eastern
12 District of California seeking injunctive relief for violations of the Americans with Disabilities
13 Act of 1990, 42 U.S.C. §§ 12181-12189 (“ADA”) and parallel California access laws; damages
14 under state law; and the recovery of attorneys’ fees, costs and litigation expenses as permitted
15 by both state and federal law. DEFENDANTS filed their Answer to the Complaint on August
16 23, 2016.

17 2. DEFENDANTS and PLAINTIFF wish to settle the portion of the case relating
18 to the issues of liability, injunctive relief, and damages, and hereby desire to enter into this
19 CONSENT DECREE. The PARTIES hereby enter into this CONSENT DECREE for the
20 purpose of resolving PLAINTIFF’ lawsuit without the need for further litigation, and to reserve
21 for further settlement discussions or a motion to the Court the amount of attorneys’ fees, costs,
22 and litigation expenses to which PLAINTIFF is entitled.

23
24 JURISDICTION

25 3. All PARTIES agree that the present Court has jurisdiction of this matter for the
26 alleged violations of the ADA under 28 U.S.C. §§ 1331 and 1343, as well as supplemental
27 jurisdiction under 28 U.S.C. §§ 1367, 2201, and 2202 for the alleged violations of California
28 law.

CONSENT DECREE

1 8. DEFENDANTS agree to undertake all of the remedial work identified as a
2 “Required Modification” as set forth on Exhibit “A” hereto (the Plaintiff’s CASp Inspection
3 Report).

4 9. The remedial measures set forth on Exhibit A shall be completed within six
5 months of the date that this CONSENT DECREE is signed by the Court. In the event that
6 unforeseen difficulties arise and prevent the DEFENDANTS from completing the remedial
7 work within the specified timeframes, DEFENDANTS or their counsel will notify Plaintiff’s
8 counsel, in writing, within thirty (30) days after discovering any such difficulty. Any such
9 notification will only excuse a delay in the timeframe to complete the remedial work, and will
10 not excuse the performance of the remedial work. DEFENDANTS will promptly notify
11 Plaintiff’s counsel upon completion of the corrective work.

12
13 UNRESOLVED ATTORNEYS’ FEES, COSTS, AND LITIGATION EXPENSES

14 10. DEFENDANTS acknowledge that PLAINTIFF is the prevailing party in the
15 action for purposes of his entitlement to attorneys’ fees, costs, and litigation expenses, and
16 agree that they will not dispute PLAINTIFF’S entitlement to such fees, costs, and litigation
17 expenses in opposition to any motion PLAINTIFF may bring for same.

18 11. The PARTIES have not, however, reached an agreement regarding the
19 amount of PLAINTIFF’S attorneys’ fees, costs, and litigation expenses incurred in this action,
20 and which may hereafter be incurred. These unresolved issues shall be subject to further
21 negotiation, settlement, and/or motion to the Court. Should the PARTIES reach an agreement
22 as to the amount of PLAINTIFF’S attorneys’ fees, costs and litigation expenses, the terms of
23 such agreement will be set forth in a new and separate settlement agreement. Nothing set forth
24 here seeks to, in any way, limit the PLAINTIFF’S past, present, or future rights or remedies to
25 recover his attorneys’ fees, costs, and litigation expenses in connection with the allegations set
26 forth in the Second Amended Complaint or otherwise.

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 CONSENT DECREE

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SIGNATORIES BINDING PARTIES

16. Signatories on behalf of the PARTIES represent that they are authorized to bind the PARTIES to this CONSENT DECREE. This CONSENT DECREE may be signed in counterparts and a facsimile or e-mail signature shall have the same force and effects as an original signature.

AGREEMENT BINDING ON SUCCESSORS

17. The PARTIES agree that the terms of this CONSENT DECREE shall bind them as well as their heirs, assigns, and successors in interest.

FINAL JUDGMENT

18. Upon approval and entry of this CONSENT DECREE by the Court, this CONSENT DECREE shall constitute a final judgment of the Court in favor of PLAINTIFF under Fed. R. Civ. P. 54 and 58.

Entered this 10th day of April, 2017.

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

APPROVED AND CONSENTED TO BY THE PARTIES:

DATED: April 4, 2017

/s/ Michael L. Elder
MICHAEL L. ELDER, ESQ.
Attorney for Defendants,
Gary Christian; Bonnie M. Christian; and
Amanda Florez dba Public Auction R Us

DATED: April 4, 2017

MISSION LAW FIRM, A.P.C.

/s/ Zachary M. Best
ZACHARY M. BEST
Attorneys for Plaintiff,
Hendrik Block

CONSENT DECREE