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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

12 SCOTT N. JOHNSON,
 13 Plaintiff,
 14 vs.
 15 ST. GEORGE INVESTORS, LLC, a
 16 California limited liability company; and
 17 DOES 1-10 inclusive,
 18 Defendants.

CASE NO.: 2:06-cv-02085-WBS-EFB
 STIPULATION AND ORDER OF
 DISMISSAL

21 IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

22 1. Plaintiff SCOTT N. JOHNSON filed a Complaint in this action on September 19, 2006,
 23 to enforce provisions of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§
 24 12101 et seq., and California civil rights laws, against Defendant ST GEORGE INVESTORS, LLC.
 25 Plaintiff has alleged that Defendant violated Title III of the ADA and sections 51 and 52 of the
 26 California Civil Code by failing to provide full and equal access to their facilities at the St.
 27 George Medical Building located at 6620 Coyle Avenue, Carmichael, California, when plaintiff
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visited the subject facility on various occasions between April and September 2006.

2. Defendants deny the allegations in the Complaint and by entering into this Stipulation and Order do not admit liability to any of the allegations in Plaintiff’s Complaint filed in this action. The parties hereby enter into this Stipulation and Order for the purpose of resolving this lawsuit (the “Lawsuit”) without the need for protracted litigation, and without the admission of any liability.

3. Prior to Plaintiff’s filing of this action, Defendants were sued in another action alleging similar statutory violation, and requesting similar remedies. That action, Kemper v. St. George Investors, LLC (2:06-cv-01530-WBS-EFB), has previously been settled, and the settlement included Defendants’ agreement to perform all the injunctive relief. The request for injunctive relief in this action is thus moot.

4. The parties agree that the Court has jurisdiction over this matter pursuant to 28 USC §1331 for claims under the Americans with Disabilities Act of 1990, 42 USC 12101 et seq. and pursuant to supplemental jurisdiction for claims under California Civil Code §§51 and 54.

5. In order to avoid the costs, expense, and uncertainty of protracted litigation, the parties to this Stipulation have entered into a Settlement Agreement and Mutual Release, and agree to entry of this Order to resolve all claims regarding injunctive relief and damages raised in the Complaint filed with this Court. Accordingly, they agree to the entry of this Order without trial or further adjudication of any issues of fact or law concerning plaintiff’s claims for injunctive relief and damages.

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WHEREFORE, the parties hereby agree and stipulate to the Court's entry of this Order,
which provides as follows:

This matter is dismissed with prejudice.

Dated: January 3, 2008

SINGLER, NAPELL & DILLON, LLP

By: /S/ Bruce Napell
Bruce Napell
Attorneys for St. George Investors, LLC

Dated: January 7, 2008

LAW OFFICES OF SCOTT N. JOHNSON

By: /S/ Scott N. Johnson
Scott N. Johnson
Attorney for Scott N. Johnson

ORDER

Pursuant to stipulation, and for good cause shown, IT IS SO ORDERED.

Dated: February 1, 2008



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE