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 15 JEAN RIKER

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22 Attorneys for Defendants
 23 FOX & GOOSE PUBLIC HOUSE; A.C.
 24 DALTON, INC.; ALYSON DALTON;
 25 FRED DAVID, as an individual and as
 26 TRUSTEE OF THE DAVID REVOCABLE
 27 INTER VIVOS TRUST

28 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

29 JEAN RIKER,
 30
 31 Plaintiff,

CASE NO. 2:08-CV-02090 JAM/DAD
Civil Rights

32 v.

33 FOX & GOOSE PUBLIC HOUSE;
 34 A.C. DALTON, INC.; ALYSON
 35 DALTON; FRED DAVID, as an
 36 individual and as TRUSTEE OF
 37 THE DAVID REVOCABLE INTER
 38 VIVOS TRUST; and DOES 1-10,
 39 inclusive,

**STIPULATION AND ORDER TO
 REOPEN CASE TO CORRECT
 ADMINISTRATIVE ERROR**

40 Defendants.

1 Defendants FOX & GOOSE PUBLIC HOUSE; A.C. DALTON, INC.;

2 ALYSON DALTON; FRED DAVID, as an individual and as TRUSTEE OF THE

3 DAVID REVOCABLE INTER VIVOS TRUST, and plaintiff JEAN RIKER, by

4 and through their respective counsel, hereby jointly stipulate and request the

5 Court to reopen the case for the sole purpose of submitting the Consent Decree

6 and [Proposed] Order for the Court's approval.

7 This request is based on the following good cause:

- 8 1. This case involves alleged denials of access to disabled plaintiff JEAN
- 9 RIKER at the Fox & Goose Public House Restaurant.
- 10 2. On April 7, 2009, all parties signed a Consent Decree and [Proposed] Order
- 11 settling plaintiff's injunctive relief claims in this case, attached hereto as
- 12 **Exhibit 1.**
- 13 3. Due to an administrative error, this Consent Decree and [Proposed] Order
- 14 was never filed with the Court for its consideration and continued
- 15 jurisdiction over enforcement of the settlement of plaintiff's injunctive
- 16 relief.
- 17 4. On June 1, 2009, the parties reached agreement on plaintiff's remaining
- 18 claims for damages and attorney fees by signature of the Mutual Settlement
- 19 Agreement and Release of All Claims.
- 20 5. On June 4, 2009, unaware of the administrative error regarding the Consent
- 21 Decree and [Proposed] Order, plaintiff's counsel signed a stipulated
- 22 dismissal of the case.
- 23 6. On June 11, 2009, defendants filed the stipulated dismissal with the Court
- 24 and on June 15, 2009, pursuant to the stipulation, the Court Clerk entered a
- 25 Notice of Voluntary Dismissal.
- 26 7. The parties would not have stipulated to dismiss the case if they had been
- 27 aware the Consent Decree had not been approved by the Court. Without a
- 28 Consent Decree and Order regarding plaintiff's injunctive relief claims,

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should enforcement claims arise in the future this Court would not have continuing jurisdiction to consider those issues, and plaintiff would be forced to file a new action.

8. Therefore, in the interest of conserving judicial resources and protecting all parties' agreement on the settlement of plaintiff's injunctive relief claims, the parties hereby jointly request that the Court reopen the case for the purpose of allowing plaintiff to correct the administrative error by filing the Consent Decree and [Proposed] Order for consideration by the Court.

Dated: _____, 2009

PAUL L. REIN
CELIA McGUINNESS
LAW OFFICES OF PAUL L. REIN

JULIE OSTIL
LAW OFFICE OF JULIE OSTIL

By: _____
Attorneys for Plaintiff JEAN RIKER

Dated: _____, 2009

JOHN R. HALUCK
LA FOLLETTE, JOHNSON, DE HASS,
FESLER & JAMES

By: _____
Attorneys for Defendants
FOX & GOOSE PUBLIC HOUSE;
A.C. DALTON, INC.; ALYSON DALTON;
FRED DAVID, as an individual and as
TRUSTEE OF THE DAVID REVOCABLE
INTER VIVOS TRUST

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ORDER

Pursuant to stipulation, and for good cause shown, IT IS SO ORDERED, that this case be reopened so that plaintiff may file the Consent Decree and Order, signed by all parties, for consideration by the Court.

Dated: July 13, 2009

/s/ John A. Mendez
Honorable JOHN A. MENDEZ
United States District Judge