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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIMAS O'CAMPO,

NO. CIV. S-10-1105 LKK/CMK

Plaintiff,

v.

O R D E R

CHICO MALL, LP, et al.,

Defendants.

_____ /

Plaintiff brings claims against numerous defendants for violations of the Americans with Disabilities Act ("ADA") and various state laws concerning the accessibility of defendant public accommodations. On June 22, 2010, defendant Hot Topic, Inc. filed an application for a stay of proceedings pursuant to the newly enacted California Civil Code Section 55.54(d). This application was not set for hearing. On June 24, 2010, plaintiff filed a three sentence objection to the application indicating that he does not know how to respond because the application was not noticed as a motion. On June 29, 2010, however, plaintiff filed an opposition to the defendant Hot Topic, Inc.'s application. Plaintiff argues, inter alia, that Section 55.54(d) should not be applied to the case

1 at bar because (1) it is preempted by the ADA and the Supremacy
2 Clause of the federal Constitution and (2) it constitutes a state
3 procedural rule that may not be applied in federal court pursuant
4 to Erie R. Co. v. Tompkins, 304 U.S. 64 (1938).

5 For the foregoing reasons, the court ORDERS as follows:


6 (1) Defendant Hot Topic, Inc.'s application for a stay of
7 proceedings, Dkt. No. 15, shall be heard on August 9,
8 2010 at 10:00 a.m.

9 (2) Defendant Hot Topic, Inc. may file a reply brief on or
10 before July 12, 2010.

11 IT IS SO ORDERED.

12 DATED: July 1, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT