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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.

_____ /

On August 13, 2010, the court ordered plaintiff to show cause as to whether he has standing to challenge the legality of barriers identified in his complaint. Plaintiff did not allege that he used a wheelchair, yet nonetheless brought claims concerning wheelchair accessibility.

On August 27, 2010, plaintiff filed a declaration in that stated inter alia, that he "use[s] a wheelchair when traveling in public for time periods of more than 10-15 minutes" and that when he "use[s his] wheelchair, [his] cane is left either at home or in the van and therefore, it is extremely difficult to get in and out of my wheelchair." Decl. of D. O'Campo, ECF No. 48, ¶¶ 3-4.

This declaration does not conform with E.D. Cal. Local Rules.

1 Specifically, the declaration is signed by plaintiff
2 electronically, without any indication that plaintiff's counsel
3 maintains a signed original. Pursuant to E.D. Cal. Local Rule
4 131(f), documents that are signed by a person who is not an
5 attorney of record may be filed in electronic format bearing an
6 "/s/" and the person's name on the signature line only if the
7 document also includes a statement that counsel has a signed
8 original. "It is counsel's duty to maintain this original signature
9 for one year after the exhaustion of all appeals." Id.

10 On August 23, 2010, defendant Hot Topic, Inc. moved for
11 summary judgment. It does not appear to this court that this order
12 will alter any analysis in the motion.

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

14 (1) Plaintiff may file an amended complaint within seven (7)
15 days of the issuance of this order in which he may
16 allege that he requires use of a wheelchair. Plaintiff
17 is only granted leave to amend his complaint to add
18 these factual allegations. If plaintiff fails to do so,
19 the court will dismiss plaintiff's complaint insofar as
20 it brings wheelchair accessibility claims.

21 (2) Plaintiff shall file a new declaration as to standing
22 that conforms with E.D. Cal. Local Rules within seven
23 (7) days of the issuance of this order.

24 (3) If defendant Hot Topic, Inc. wishes to amend its motion
25 for summary judgment in light of this order, it must
26 inform the court within seven (7) days of the issuance

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of this order of its intention to do so.

IT IS SO ORDERED.

DATED: September 1, 2010.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT