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 12 PD HOTEL ASSOCIATES, LLC
 dba RADISSON HOTEL SACRAMENTO, and
 13 DOW PRE II, LLC

14 IN THE UNITED STATES DISTRICT COURT
 15 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

17 ROOSEVELT JOHNSON,
 18 Plaintiff,

Case No. 2:10-cv-1407 JAM-DAD
Civil Rights

19 v.

20 PD HOTEL ASSOCIATES, LLC,
 21 a California limited liability
 company dba RADISSON HOTEL
 22 SACRAMENTO; DOW PRE II,
 LLC, a Delaware limited liability
 23 company; and DOES 1-10,
 Inclusive,

**STIPULATION AND ORDER TO
 CONTINUE TRIAL DATE AND
 CORRESPONDING PRE-TRIAL
 DEADLINES TO FACILITATE
 SETTLEMENT**

24 Defendants.

25 _____/

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 27
 28 STIPULATION AND [PROPOSED] ORDER
 TO CONTINUE TRIAL DATE AND
 CORRESPONDING PRE-TRIAL DEADLINES
 Case No. 2:10-cv-1407 JAM-DAD

1 **STIPULATION**

2 Plaintiff ROOSEVELT JOHNSON (“Plaintiff”) filed a Complaint in this
3 action on June 8, 2010 to enforce provisions of the Americans with Disabilities Act
4 of 1990 (“ADA”), 42 U.S.C. §§ 12101 *et seq.*, and California civil rights laws
5 against defendants PD HOTEL ASSOCIATES, LLC dba RADISSON HOTEL
6 SACRAMENTO and DOW PRE II, LLC (together referred to as “Defendants”).

7 Plaintiff and Defendants have recently settled injunctive relief issues in this
8 case and are engaged in continuing settlement negotiations with respect to Plaintiff’s
9 claims for monetary relief.

10 In aid of efforts to settle Plaintiff’s monetary relief claims, Plaintiff and
11 Defendants are requesting by a concurrently-filed stipulation that this Court
12 schedule a settlement conference.

13 On the basis of the foregoing continued and substantial settlement activity,
14 the parties request that this Court continue for an approximate five (5) month period
15 the trial date in this matter and all corresponding pre-trial deadlines set in this
16 Court’s Status (Pre-trial Scheduling) Order, filed on December 10, 2010
17 (“Scheduling Order”), including those concerning discovery, expert disclosures,
18 motion hearing schedule, and final pretrial conference. Per the Scheduling Order,
19 the currently set dates are as follows:

- | | | |
|----|--------------------------------------|--------------------|
| 20 | Expert Witness Disclosures: | July 15, 2011 |
| 21 | Rebuttal Expert Witness Disclosures: | July 22, 2011 |
| 22 | Discovery Completion: | September 13, 2011 |
| 23 | Dispositive Motions (filed by): | October 19, 2011 |
| 24 | Dispositive Motions (heard by): | November 16, 2011 |
| 25 | Trial: | January 13, 2012 |

1 The parties have been working diligently and in good faith toward
2 investigating and responding to the issues raised in Plaintiff's Complaint. The
3 requested continuance will allow the parties adequate time to continue good faith
4 efforts to consummate settlements of Plaintiff's claims against Defendants in this
5 matter. The requested continuance would also allow any remaining issues to be
6 mediated at a settlement conference.

7 The parties respectfully submit that continuance of all of these dates is in the
8 best interests of the parties and the Court to continue pursuit of the pending
9 settlement efforts without incurring substantial attorneys' fees and expert costs
10 through the discovery and pretrial motion process. Rather than proposing specific,
11 new dates, the parties will accept the Court's discretion in continuing and resetting
12 these dates to a timeframe approximately five (5) months from the currently-
13 scheduled dates.

14

15 **IT IS SO STIPULATED.**

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17 Dated: July 6, 2011

LAW OFFICES OF PAUL L. REIN

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/s/ Catherine M. Cabalo
By: Catherine M. Cabalo, Esq.
Attorneys for Plaintiff
ROOSEVELT JOHNSON

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23 Dated: July 6, 2011

VITALE & LOWE

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/s/ R. Lawrence Bragg
By: R. Lawrence Bragg, Esq.
Attorneys for Defendants

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1 PD HOTEL ASSOCIATES, LLC
2 dba RADISSON HOTEL
3 SACRAMENTO, and DOW PRE II,
4 LLC

5 **ORDER**

6 Good cause having been shown, the Court grants the parties' stipulation and
7 request to continue for five (5) months all Scheduling Order deadlines not yet
8 passed in this case and sets new dates as follows:

9 Expert Witness Disclosures: January 13, 2012
10 Rebuttal Expert Witness Disclosures: January 20, 2012
11 Discovery Completion: March 7, 2012
12 Dispositive Motions (filed by): April 18, 2012
13 Dispositive Motions (heard by): May 16, 2012 at 9:30 a.m.
14 Joint pretrial statement due: June 15, 2012
15 Final pretrial conference: June 22, 2012 at 11:00 a.m.
16 Jury Trial: July 30, 2012 at 9:00 a.m.

17 All other requirements of the Scheduling Order shall remain as written.

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: July 7, 2011

20 /s/ John A. Mendez
21 Honorable JOHN A. MENDEZ
22 United States District Court Judge