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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON,

Plaintiff,

No. 2:11-cv-01340 KJM KJN

v.

GURMINDER PARMAR, Individually  
and d/b/a Tokay Liquors; FRASIER  
CORP, a Nevada Corporation,

Defendants.

ORDER

The undersigned recommended that plaintiff’s motion for default judgment be granted and that plaintiff be awarded statutory damages and injunctive relief to cure identified barriers to access at the premises in question to the extent that the cure is “readily achievable.”<sup>1</sup> (See Findings & Recommendations, Dkt. No. 17.) The assigned district judge declined to adopt the proposed findings and recommendations and referred the matter to the undersigned for further consideration, expressing concern regarding whether plaintiff’s complaint contained sufficient facts to meet plaintiff’s burden in seeking a default judgment. (See Order, Jan. 6, 2012, at 2 (“Taking into account the question of burden, it is not clear whether the magistrate

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<sup>1</sup> This case was referred to the undersigned pursuant to Eastern District of California Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

1 judge considered whether all the ‘necessary facts’ for liability were contained in the pleadings.”),  
2 Dkt. No. 18.) To assist the undersigned in reconsidering the question of plaintiff’s burden, the  
3 undersigned orders plaintiff to file a supplemental brief and declaration, not to exceed five pages  
4 in total length, addressing the question of plaintiff’s burden and the facts substantiating that  
5 remediation of the alleged barriers to access is “readily achievable.” The required declaration  
6 may consist of an expert declaration or a declaration of plaintiff executed under penalty of  
7 perjury. The undersigned will re-address plaintiff’s motion for default judgment after plaintiff  
8 files his supplemental materials.

9           Accordingly, IT IS HEREBY ORDERED that plaintiff shall file the above-  
10 described supplemental materials no later than September 20, 2012.

11           IT IS SO ORDERED.

12 DATED: August 28, 2012

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15 KENDALL J. NEWMAN  
16 UNITED STATES MAGISTRATE JUDGE  
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