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Attorney for Plaintiff HOLLYNN D'LIL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HOLLYNN D'LIL,  
  
Plaintiff,

CASE NO. 2:11-CV-02230-WBS-AC  
Civil Rights

v.

**[Corrected] STIPULATED REQUESTS  
TO BIFURCATE THE TRIAL AND TO  
ALTER CERTAIN EVIDENTIARY  
PROCEDURES AT TRIAL; ORDER**

RIVERBOAT DELTA KING, INC.;  
CITY OF SACRAMENTO; OLD  
SACRAMENTO BUSINESS  
ASSOCIATION, INC.,

Defendants. \_\_\_\_\_/

**TO THE COURT:**

For the reasons expressed on the record at the Final  
Pretrial Conference on January 7, 2015, the Parties hereby make  
the following joint requests to bifurcate the trial in this  
matter:

1. That the Court hold an initial phase-1 bench trial  
covering all Plaintiff's claims except those specified in  
item 2, next. The parties understand this phase will begin on  
January 22, 2015 as previously ordered by the Court. ECF-103.

2. That thereafter the Court convene a phase-2 jury

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**Stipulated Requests to Bifurcate and Alter Certain Evidentiary Procedures at Trial  
Case No. 2:11-CV-02230-WBS-AC**

1 trial, which shall cover the following questions:

2 a. Whether the lack of vertical (wheelchair) access  
3 to the fourth and fifth levels of the Delta King are a violation  
4 of law.

5 b. Whether, after 1989, an "alteration" to the Delta  
6 King occurred which triggered application of ADAAG or Title 24  
7 standards.

8 c. Whether providing (wheelchair) vertical access to  
9 the fourth and fifth levels of the Delta King is "readily  
10 achievable."

11 3. The Parties understand that the Court will trail the  
12 second phase beginning February 3, 2015 (ECF-103), and that the  
13 Parties are required to stay in contact with the Calendar Clerk,  
14 who intends to provide the Parties with at least 24-hours'  
15 notice.

16 The Parties also stipulate to the following:

17 1. That Plaintiff HolLynn D'Lil be excused from attending  
18 the first day of trial (January 22) due to a prescheduled  
19 mediation conference before ADR Director Howard Herman, Esq., in  
20 the matter D'Lil v. Sonoma County, U.S.D.C. for the N. Dist. of  
21 Calif., Case No. 13-0423-KAW. Plaintiff's testimony and  
22 participation is not required by either party on January 22,  
23 2015.

24 2. That for those exhibits that are oversized, such as  
25 blueprints and drawings, the Parties be allowed to rely upon  
26 high-resolution digital copies along with the reduced, letter-  
27 sized copies that will be placed within the exhibit binders.  
28 However, Delta King also agrees to produce the original "Mike

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1 Coyne Set" on the first day of trial.

2 3. That expert witness Peter Blanck of Syracuse, NY;  
3 expert witness David Cole of Bedford, TX; and percipient witness  
4 Solan Wisham of Bulverde, TX, each be allowed to appear at  
5 either phase of trial through tele-video conferencing.

6 **IT IS SO STIPULATED.**

7 Dated: January 9, 2015

CHARLES L. POST, ESQ.  
weintraub genshlea chediak  
tobin & tobin

9 /s/ - Charles L. Post  
10 Attorneys for Defendants  
RIVERBOAT DELTA KING, INC.

11 Dated: January 9, 2015

THIMESCH LAW OFFICES  
TIMOTHY S. THIMESCH

13 /s/ Signature Authorized  
14 Attorneys for Plaintiff  
HOLLYNN D'LIL

15  
16 **ORDER**

17 SO ORDERED.

18 Dated: January 12, 2015

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20 WILLIAM B. SHUBB  
21 UNITED STATES DISTRICT JUDGE  
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