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|----|---|--|--|--|
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| 6  | Attorneys for Defendant   |  |  |  |
| 7  | SUNRISE RECREATION & PARK DISTRICT  |  |  |  |
| 8  | UNITED STATES DISTRICT COURT  |  |  |  |
| 9  | EASTERN DISTRICT OF CALIFORNIA  |  |  |  |
| 10 | ·   |  |  |  |
| 11 | CONNIE ARNOLD,  | Case No. 2:12-CV-01998-LKK-EFB                               |  |  |
| 12 | Plaintiff,  | DEFENDANT SUNRISE RECREATION & PARK DISTRICT'S STATUS REPORT |  |  |
| 13 | vs.   | (PRE-TRIAL SCHEDULING<br>CONFERENCE)                         |  |  |
| 14 | COUNTY OF SACRAMENTO; SUNRISE RECREATION & PARK DISTRICT; and   | Date: October 22, 2012                                       |  |  |
| 15 | DOES 1 through 50, inclusive,   | Time: 11:00 a.m. Location: Courtroom 4 - Honorable           |  |  |
| 16 | Defendants.   | Lawrence K. Karlton  |  |  |
| 17 |   | ,  |  |  |
| 18 | A. <u>Parties/Counsel</u>   |  |  |  |
| 19 | Defendant Sunrise Recreation & Park District is represented by Mark F. Hazelwood and Dirk   |  |  |  |
| 20 | Larsen of Low, Ball & Lynch.  |  |  |  |
| 21 | B. <u>Summary of Facts</u>  |  |  |  |
| 22 | Plaintiff Connie Arnold has brought the subject action alleging violation of the Americans with   |  |  |  |
| 23 | Disabilities Act (ADA) - Title II, as well as other federal and state claims. Ms. Arnold, who claims to   |  |  |  |
| 24 | be a person with a mobility disability and requires the use of the a wheelchair, claims to have been  |  |  |  |
| 25 | denied access at the Sylvan Oaks Public Library and Crosswoods Park in the City of Citrus Heights,  |  |  |  |
| 26 | within the County of Sacramento. Plaintiff claims that denial of access took place in September 2011,   |  |  |  |
| 27 | and that she has been deterred from returning to the park and library since that time.  |  |  |  |
| 28 | ///   |  |  |  |
|    | -1-   |  |  |  |
|    | DEFENDANT SUNRISE RECREATION & PARK DISTRICT'S STATUS REPORT (PRE-TRIAL SCHEDULING  |  |  |  |

CONFERENCE)

Case No: 2:12-CV-01998-LKK-EFB

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## C. **Service of Process**

Defendant understands that all parties have been served.

#### D. Joinder of Additional Party

Defendant does not expect a joinder of additional parties.

# E. **Limit of Pleadings**

Plaintiff has filed a first amended complaint. Defendant Sunrise Recreation & Park District is in the process of filing an amended answer prior to the pre-trial scheduling conference.

#### F. Statutory basis for jurisdiction and venue.

Plaintiff contends that the court has jurisdiction over this action pursuant to 28 USC Section 1331, to hear and determine plaintiff's ADA and Section 504 claims of the Rehabilitation Action of 1973. Plaintiff further contends the court has supplemental jurisdiction pursuant to 28 USC Section 1367 to hear and determine plaintiff's state law claims, because they are related to plaintiff's federal claims and arise out of a common nucleus of operative facts. Plaintiff alleges that venue is proper pursuant to 28 USC Section 1391(b), because the real property which is the subject of this action (Sylvan Oaks Public Library and Crosswoods Park) are located in the Eastern District.

# G. **Anticipated Motions and the Scheduling Thereof**

Defendant Sunrise Recreation & Park District does not anticipate filing motions at this time.

# H. Anticipated Discovery

Plaintiff's counsel and counsel for defendant Sunrise Recreation & Park District have meet and conferred on the issue of discovery. The parties believe that a joint inspection of the Crosswoods Park and Sylvan Oaks Public Library should initially go forward. It is anticipated that progress towards resolution of the case can be made by way of the joint inspection. Other discovery should be deferred until completion of the joint inspection, and settlement negotiations are conducted.

## I. Future Proceedings

Defendant Sunrise Recreation & Park District is informed and believes that this is a limited disabled access claim. As such, the parties should initially conduct the joint inspection and attempt to resolve the case before further dates are set. Defendant requests that a further case management conference be scheduled for early 2013.

| 1. | J.   | Special Procedures   |  |
|----|--|--|--|
| 2  | None.  |  |  |
| 3  | К.   | Demand Jury Trial  |  |
| 4  | Defendant Sunrise Recreation & Park District has timely demanded a trial by jury.                  |  |  |
| 5  | L.   | Estimate of Trial Time                                     |  |
| 6  | 5-7 days.  |  |  |
| 7. | M. <u>Modification of Standard Pre-Trial Procedures</u>  |  |  |
| 8  | None anticipated at this time.   |  |  |
| 9  | N.   | Relation to Other Case(s)                                  |  |
| 10 | None anticipated at this time.   |  |  |
| 11 | О.   | Voluntary Dispute Resolution Program                       |  |
| 12 | Defendant Sunrise Recreation & Park District is amendable to using the voluntary dispute           |  |  |
| 13 | resolution program and/or submitting the matter to an early settlement conference, after the joint |  |  |
| 14 | inspection, with a magistrate judge.   |  |  |
| 15 | P.   | Other Issues   |  |
| 16 | None at this time.   |  |  |
| 17 | Defendant Sunrise Recreation & Park District hereby requests that its counsel, which are located   |  |  |
| 18 | in San Francisco, be permitted to appear for the pre-trial scheduling conference by telephone.     |  |  |
| 19 |  |  |  |
| 20 | Dated: October 8, 2012   |  |  |
| 21 |  | LOW, BALL & LYNCH  |  |
| 22 |  |  |  |
| 23 |  | By/s/<br>MARK F. HAZELWOOD                                 |  |
| 24 | DIRK D. LARSEN   |  |  |
| 25 |  | Attorneys for Defendant SUNRISE RECREATION & PARK DISTRICT |  |
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