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County of Sacramento

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

CONNIE ARNOLD,

Plaintiff,

vs.

COUNTY OF SACRAMENTO, et al.

Defendant.

CASE NO. 2:12-cv-01998-LKK-EFB

**DEFENDANT COUNTY OF
SACRAMENTO'S INITIAL STATUS
REPORT**

Scheduling Conference: December 10, 2012
Time: 9:00 a.m.

Location: Courtroom 4
Before: Honorable Lawrence K. Karlton

A. Parties/Counsel

Defendant County of Sacramento is represented Jonathan B. Paul, Esq. of Rivera & Associates.

B. Summary of Facts

Plaintiff Connie Arnold has brought the subject action alleging violation of the Americans with Disabilities Act (ADA) - Title II, as well as other federal and state claims. Ms. Arnold, who claims to be a person with a mobility disability and requires the use of the a wheelchair, claims to have been denied access at the Sylvan Oaks Public Library and Crosswoods Park in the City of Citrus Heights, within the County of Sacramento. Plaintiff claims that denial of access took place in September 2011 and that she has been deterred from

Defendant County of Sacramento's Initial Status Report

1 returning to the park and library since that time.

2 **C. Service of Process**

3 Defendant understands that all parties have been served.

4 **D. Joinder of Additional Party**

5 Defendant does not expect a joinder of additional parties.

6 **E. Amendment of Pleadings**

7 Plaintiff has filed a first amended complaint. Defendant has filed a first amended answer
8 to said complaint.

9 **F. Statutory basis for jurisdiction and venue.**

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

18 Defendant acknowledges that jurisdiction and venue are appropriate in the United States
19 District Court for the Eastern District of California.

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

21 Defendant County of Sacramento does not anticipate filing motions at this time.
22 However, plaintiff has indicated that she may undertake a motion for summary judgment.

23 **H. Anticipated Discovery**

24 Counsel for all parties have meet and conferred on the issue of discovery. The parties
25 believe that a joint inspection of the Crosswoods Park and Sylvan Oaks Public Library should
26 initially go forward prior to formal discovery. The parties anticipate completing a joint
27 inspection prior to the pre-trial scheduling conference as an inspection is scheduled to go forward
28 on November 30, 2012. It is anticipated that progress towards resolution of the case can be made

by way of the joint inspection. The parties agree that all other discovery should be deferred for several months from the date of the pre-trial scheduling conference so that the joint inspection may be completed as well as settlement negotiations. Further the parties have agreed to the following discovery and scheduling plan:

Initial Scheduling Conference:	December 10, 2012
120-Day Discovery Stay Until:	April 9, 2013
Fact Discovery Cut-off:	October 9, 2013
Expert Disclosures:	December 9, 2013
Rebuttal Expert Disclosures:	January 9, 2014
Expert Discovery Cut-off:	March 10, 2014
Last Day to File Dispositive Motions:	May 12, 2014
Jury Trial:	September 15, 2014

I. Future Proceedings

Defendant is informed and believes that this is a limited disabled access claim for purely injunctive relief. As such, the parties have agreed to initially conduct the joint inspection and attempt to resolve the case under the schedule proposed above. Further depending upon the demand made by plaintiff following the joint inspection, the parties may utilize VDRP or request the assistance of a magistrate judge for an early settlement conference before engaging in formal discovery.

J. Special Procedures

None.

K. Demand Jury Trial

Defendant Sunrise Recreation & Park District has timely demanded a trial by jury.

L. Estimate of Trial Time

Five to seven days.

M. Modification of Standard Pre-Trial Procedures

None anticipated at this time.

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N. Relation to Other Case(s)

None.

O. Voluntary Dispute Resolution Program

Defendant County of Sacramento is amendable to using the voluntary dispute resolution program and/or submitting the matter to an early settlement conference with a magistrate judge following the joint inspection.

P. Other Issues

None at this time.

Dated: November 19, 2012

Respectfully submitted,

RIVERA & ASSOCIATES

/s/ Jonathan B. Paul
By: _____
JONATHAN B. PAUL
Attorney for County of Sacramento