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 CONNIE ARNOLD

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

CONNIE ARNOLD

Plaintiff,

vs.

COUNTY OF SACRAMENTO;  
 SACRAMENTO PUBLIC LIBRARY  
 AUTHORITY; SUNRISE  
 RECREATION & PARK DISTRICT;  
 and DOES 1 through 50, inclusive,

Defendants.

) Case No.: 2:12-CV-01998-LKK-AC

) **Civil Rights**

) **PLAINTIFF CONNIE ARNOLD'S**

) **STATUS REPORT FOLLOWING**

) **MEETING OF COUNSEL**

) **PURSUANT TO FED. R. CIV. P. 26(f)**

) **Scheduling Conference**

) Date: December 10, 2012

) Time: 1:30 p.m.

**A. Parties/Counsel**

Plaintiff CONNIE ARNOLD ("Plaintiff" or "Ms. Arnold") is represented by  
 Jeff A. Harrison and Mary J. Lim of Metz & Harrison, LLP.

**B. Summary of Facts**

This Americans with Disabilities Act ("ADA"), Section 504 of the

1 Rehabilitation Act of 1973 (“Section 504”), and California Civil Rights action  
2 involves a disabled individual who seeks to live her life fully and model  
3 independence as part of mainstream society without being deterred by unlawful  
4 access barriers in public facilities, and who therefore seeks to enforce her rights to  
5 full and equal access to the services, programs, and activities offered at the Sylvan  
6 Oaks Public Library (“Library”) and Crosswoods Park (“Park) in the City of Citrus  
7 Heights. The issue for this case is whether Defendants are operating their programs,  
8 services or activities in such a manner that they exclude, deter, or deny the benefits of  
9 these programs to Plaintiff on the basis of her disability.

10 Ms. Arnold is a qualified disabled person who cannot stand or walk as a result  
11 of the progressive effects of juvenile rheumatoid arthritis and requires the use of a  
12 wheelchair for mobility.

13 Defendants are public entities subject to the obligations and requirements under  
14 Title II of the ADA, Section 504, and California state law, requiring full and equal  
15 access to public facilities pursuant to Government Code §§ 11135 and 4450 *et seq.*  
16 Defendants COUNTY OF SACRAMENTO and SACRAMENTO PUBLIC  
17 LIBRARY AUTHORITY have control and/or legal responsibility for the design,  
18 construction, maintenance, ownership, and/or operation of the Library. Defendant  
19 SUNRISE RECREATION & PARK DISTRICT has control and/or legal  
20 responsibility for the design, construction, maintenance, ownership, and/or operation  
21 of the adjacent Park.

22 Plaintiff alleges that Defendants have failed to meet their obligations under  
23 Department of Justice regulations to remove physical barriers and/or modify their  
24 policies, practices, and procedures where necessary to eliminate discrimination.  
25 Plaintiff alleges that Defendants have failed to provide, among other things:  
26 accessible disabled parking, accessible pedestrian paths of travel, and accessible  
27 public restrooms. Plaintiff has been, and continues to be excluded and denied the  
28

benefits and privileges offered by Defendants at the Library and Park and has suffered damages as a result; however, due to Ms. Arnold's advocacy and desire to catalyze greater disabled access among public entities, Plaintiff is waiving all damages in this matter in order to focus on comprehensive injunctive relief.

Further, although not a prerequisite to filing a lawsuit, shortly after Ms. Arnold's experiences at the Library and Park, Mr. Arnold sent a letter by email to representatives of Sacramento County, the Library Authority, and the City of Sacramento seeking to resolve her claims regarding the inaccessibility of the subject facilities. Ms. Arnold did not receive a response to her letter, and consequently, without further recourse, Ms. Arnold brought this lawsuit.

**C. Service of Process**

All Defendants have been served and have filed responsive pleadings.

**D. Joinder of Additional Parties**

It is unlikely that any additional parties will appear in this matter.

**E. Amendments of Pleadings**

Plaintiff only anticipates seeking an amendment to the operative complaint if barriers beyond what is already identified in the complaint are found during the parties' formal site inspection.

**F. Statutory Basis for Jurisdiction and Venue**

This Court currently has jurisdiction over this action pursuant to 28 U.S.C. § 1331 to hear and determine Plaintiff's ADA and Section 504 claims. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 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.

Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is founded on the fact that the real property which is the subject of this action is located in the Eastern District and that Plaintiff's causes of action arose in the Eastern District.

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

2           If the Parties are unable to reach a settlement, Plaintiff will be filing a Motion  
3 for Summary Judgment as to the issue of liability and a Motion for Permanent  
4 Injunction to stop the continuing discrimination.

5           In conjunction with the dates proposed for discovery, *infra*, the Parties propose  
6 the following date regarding the filing of dispositive motions:

7           Last Day to File Dispositive Motions:       **May 12, 2014**

8       **H. Anticipated Discovery and the Scheduling Thereof**

9           The Parties have agreed to a joint inspection of the subject facilities to be held  
10 on **November 30, 2012**. It is anticipated that progress towards resolution of the case  
11 can be made by way of the joint inspection.

12           In the interests of focusing on settlement efforts, the Parties have agreed to a  
13 stay of written discovery and depositions until **April 9, 2013**. Further, the Parties  
14 propose the following dates regarding discovery:

15           Fact Discovery Cut-off:       **October 9, 2013**

16           Initial Expert Disclosures:       **December 9, 2013**

17           Rebuttal Expert Disclosures:       **January 9, 2014**

18           Expert Discovery Cut-off:       **March 10, 2014**

19           Jury Trial:       **September 15, 2014**

20       **I. Future Proceedings**

21           Plaintiff requests that a further status conference be scheduled for April 2013.

22       **J. Special Procedures**

23           None.

24       **K. Demand for Jury Trial**

25           Plaintiff has timely demanded a trial by jury.

26       **L. Estimate of Trial Time**

27           3-5 days.  
28

1 **M. Modification of Standard Pre-Trial Procedures**

2 None anticipated at this time.

3 **N. Relation to Other Case(s)**

4 None.

5 **O. Voluntary Dispute Resolution Program**

6 Plaintiff is amenable to using the voluntary dispute resolution program and/or  
7 submitting the matter to private mediation or an early settlement conference after the  
8 joint inspection with a magistrate judge.

9 **P. Other Issues**

10 None at this time.

11 Plaintiff CONNIE ARNOLD hereby requests that its counsel, which is located  
12 in El Segundo, California, be permitted to appear for the pre-trial scheduling  
13 conference by telephone. All counsel planning to appear by telephone will make  
14 arrangements among themselves to set up a conference call at the scheduled time  
15 with all participants on the line before calling chambers.

16  
17 Dated: November 20, 2012

**METZ & HARRISON, LLP**

18  
19 By: s/-Mary J. Lim

20 JEFF A. HARRISON

21 MARY J. LIM

22 Attorneys for Plaintiff, CONNIE ARNOLD  
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