



1 at 28 C.F.R. Part 36.  
2

3 **ACCESSIBLE:**

4 Complying with the technical requirements of the ADAAG.  
5

6 **SUBJECT PROPERTY:**

7 Commercial or retail building from which a number of places of  
8 public accommodation operate including a sewing machine  
9 shop, a restaurant, and an appliance store located at or about  
10 8038 Greenback Lane, Citrus Heights, California.  
11

12 **READILY ACHIEVABLE:**

13 Shall have the same definition as that found at 42 U.S.C. §  
14 12181(9).  
15

16 **BARRIER:**

17 Any architectural or configuration element of the subject  
18 property that does not comply with the technical provisions  
19 found in the Americans With Disabilities Act Accessibility  
20 Guidelines and/or Title 24 of the California Code of  
21 Regulations, and which is identified in the Plaintiff's complaint.  
22

23 **PLAINTIFF SCOTT JOHNSON AND DEFENDANT CA RETAIL, LLC, BY AND  
24 THROUGH THEIR ATTORNEYS OF RECORD, HEREBY STIPULATE:**

25 **WHEREAS** Plaintiff has propounded written discovery to assist him in determining the  
26 ability of the Stipulating Defendant to undergo "readily achievable" barrier removal and to support  
27 Plaintiff's damages assessment; and

28 **WHEREAS** such discovery information is of a personal and confidential nature and,  
29 therefore, the Stipulating Defendant has a legitimate concern about unnecessarily producing such  
30 information;

31 The Plaintiff and the Stipulating Defendant enter into the following stipulation:

32 **Plaintiff:** Plaintiff will currently forbear from propounding any discovery that seeks information  
33 concerning the financial status, ability, or wherewithal of the Stipulating Defendant. Plaintiff also  
34 withdraws all discovery already propounded concerning this information, including but not limited to:  
35 Interrogatories, Set One, nos. 4, 12, and 13 and Requests for Production of Documents, Set One, nos.  
36 9, 11, and 12.  
37

1 **Stipulating Defendants:** The Stipulating Defendant hereby declares that in determining whether the  
2 removal of a BARRIER is READILY ACHIEVABLE, factors such as the (1) Stipulating Defendant's  
3 financial resources; (2) the facility's financial resources; (3) the "effect on expenses and resources";  
4 and (4) impact on finances, shall NOT be raised by STIPULATING DEFENDANT as a defense as to  
5 why the Stipulating Defendant cannot remedy and/or remove those alleged BARRIERS. Defendant  
6 further stipulates to respond fully to all discovery requests not concerning the financial status, ability,  
7 or wherewithal of the Stipulating Defendant within 14 days of the Court's Order.

8  
9 **NOTE:** Stipulating Defendant is not stipulating (A) liability to the Plaintiff; (B) that the above  
10 identified barrier removals are required by law; (C) that the above referenced barriers exist; or (D) that  
11 they are subject to the ADA or related state disability access laws.

12  
13 **NOTE:** The parties understand that the Plaintiff reserves his right to seek financial information in  
14 support of a claim for punitive damages. However, Plaintiff will forbear from seeking that information  
15 until Plaintiff believes that further discovery information warrants the prosecution of a punitive  
16 damages claim against the Stipulating Defendant. Even if Plaintiff reaches a decision that a punitive  
17 damages claim should be prosecuted, Plaintiff will, nonetheless, wait until the end of the discovery  
18 window to request such information so as to allow maximum opportunity for resolution of the case.

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21 **IT IS SO STIPULATED.**

22  
23  
24 Dated: June 8, 2015

CENTER FOR DISABILITY ACCESS

25  
26  
27 By: /s/ Amanda Lockhart  
AMANDA LOCKHART  
Attorney for Plaintiff

1  
2 Dated: June 15, 2015

MICHAEL D. WELCH ASSOCIATES

3  
4  
5 By: /s/ Michael D. Welch  
MICHAEL D. WELCH  
6 Attorney for Defendant  
7  
8

9 **ORDER**

10 Having read the Joint Stipulation of Fact Regarding Defendants' Financial Wherewithal and  
11 Discovery Responses, the Court hereby orders Defendant to respond to all outstanding discovery  
12 requests not withdrawn by Plaintiff within 14 days.

13 IT IS SO ORDERED.

14 Dated: June 16, 2015

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16 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
17 UNITED STATES DISTRICT COURT  
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