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11 Attorney for Plaintiff SCOTT JOHNSON

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14 **Scott Johnson,**

15 Plaintiff,

16 v.

17 **Janice A. Ward;** and Does 1-10,

18 Defendant.

19 Case No.: 2:14-CV-00946-KJM-EFB

20 **Joint Stipulation of Fact Regarding
21 Defendants' Financial Wherewithal**

22 **JOINT STIPULATION**

23 The following terms, phrases, and definitions will be applied in this stipulation and are
 24 intended to conform to the usage given in the Americans with Disabilities Act Accessibility
 25 Guidelines:
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1 **ADAAG:** Americans with Disabilities Act Accessibility Guidelines
2 found at 28 C.F.R. Part 36.
3 **ACCESSIBLE:** Complying with the technical requirements of the ADAAG.
4 **SUBJECT PROPERTY:** The Hair Company located at or about 510 W. Yosemite
5 Ave., Manteca, California.
6 **READILY ACHIEVABLE:** Shall have the same definition as that found at 42 U.S.C. §
7 12181(9).
8 **BARRIER:** Any architectural or configuration element of the subject
9 property that does not comply with the technical provisions
10 found in the Americans With Disabilities Act Accessibility
11 Guidelines and/or Title 24 of the California Code of
12 Regulations, and which is identified in the Plaintiff's
13 complaint.

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15 **PLAINTIFF SCOTT JOHNSON AND DEFENDANT JANICE A. WARD, BY AND**
16 **THROUGH THEIR ATTORNEYS OF RECORD, HEREBY STIPULATE:**

17 **WHEREAS** Plaintiff has propounded written discovery to assist him in determining the
18 ability of the Stipulating Defendant to undergo “readily achievable” barrier removal and to
19 support Plaintiff’s damages assessment; and

20 **WHEREAS** such discovery information is of a personal and confidential nature and,
21 therefore, the Stipulating Defendant have a legitimate concern about unnecessarily producing
22 such information;

23 The Plaintiff and the Stipulating Defendant enter into the following stipulation:
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1 **Plaintiff:** Plaintiff will currently forbear from propounding any discovery that seeks
2 information concerning the financial status, ability, or wherewithal of the Stipulating
3 Defendants. Plaintiff also withdraws all discovery already propounded concerning this
4 information, namely: Interrogatories, Set One, nos. 3 and 14, 15 and Requests for Production
5 of Documents, Set One, nos. 11, 13, and 14.

6
7 **Stipulating Defendant:** The Stipulating Defendant hereby declares that in determining
8 whether the removal of a BARRIER is READILY ACHIEVABLE, factors such as the (1)
9 Stipulating Defendant's financial resources; (2) the facility's financial resources; (3) the "effect
10 on expenses and resources"; and (4) impact on finances, shall NOT be raised by STIPULATING
11 DEFENDANTS as a defense as to why the Stipulating Defendant cannot remedy and/or
12 remove those alleged BARRIERS.

13
14 **NOTE:** Stipulating Defendant is **not** stipulating (A) liability to the Plaintiff; (B) that the above
15 identified barrier removals are required by law; (C) that the above referenced barriers exist; or
16 (D) that they are subject to the ADA or related state disability access laws.

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

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IT IS SO STIPULATED.

Dated: February 2, 2015

CENTER FOR DISABILITY ACCESS

By: /s/ Amanda Lockhart
AMANDA LOCKHART
Attorney for Plaintiff


Dated: February 18, 2015

MICHAEL D. WELCH ASSOCIATES

By: /s/ Michael D. Welch
MICHAEL D. WELCH
Attorney for Defendants

Approved and So Ordered. Defendant shall respond to all outstanding discovery requests within 14 days of the date of this order.

Dated: June 8, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE