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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 SCOTT JOHNSON,) No. 2:14-cv-01369-WBS-DAD
15)

16 Plaintiff,
17 v.

**Joint Stipulation and Order Regarding
Defendants' Financial Wherewithal and
Defendants' Discovery Responses**

18 PEDRO OROPEZA, in his individual and)
19 representative capacity as Trustee--Pedro &)
20 Angela Oropeza 2008 Trust;)
21 ANGELA OROPEZA, in her individual and)
22 representative capacity as Trustee--Pedro &)
23 ROSA HAS; and Does 1-10,)

24 Defendants.)
25)
26)
27)
28)
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30)

31 **JOINT STIPULATION**

32 The following terms, phrases, and definitions will be applied in this stipulation and are
33 intended to conform to the usage given in the Americans with Disabilities Act Accessibility
34 Guidelines:

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ADAAG: Americans with Disabilities Act Accessibility Guidelines found at 28 C.F.R. Part 36.

ACCESSIBLE: Complying with the technical requirements of the ADAAG.

SUBJECT PROPERTY: Kinnaree Thai Cuisine located at or about 229 E. Yosemite Ave., Manteca, California.

READILY ACHIEVABLE: Shall have the same definition as that found at 42 U.S.C. § 12181(9).

BARRIER: Any architectural or configuration element of the subject property that does not comply with the technical provisions found in the Americans With Disabilities Act Accessibility Guidelines and/or Title 24 of the California Code of Regulations, and which is identified in the Plaintiff’s complaint.

PLAINTIFF SCOTT JOHNSON AND DEFENDANTS PEDRO OROPEZA, ANGELA OROPEZA, AND ROSA HAS, BY AND THROUGH THEIR ATTORNEYS OF RECORD, HEREBY STIPULATE:

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

WHEREAS such discovery information is of a personal and confidential nature and, therefore, the Stipulating Defendants have a legitimate concern about unnecessarily producing such information;

The Plaintiff and the Stipulating Defendants enter into the following stipulation:

Plaintiff: Plaintiff will currently forbear from propounding any discovery that seeks information concerning the financial status, ability, or wherewithal of the Stipulating Defendants. Plaintiff also

1 withdraws all discovery already propounded concerning this information, including but not limited to:
2 Interrogatories, Set One, nos. 3, 12, and 13 and Requests for Production of Documents, Set One, nos.
3 8, 10, and 11.

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

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

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

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25 **IT IS SO STIPULATED.**

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Dated: June 7, 2015

CENTER FOR DISABILITY ACCESS

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

Dated: June 15, 2015

MICHAEL D. WELCH ASSOCIATES

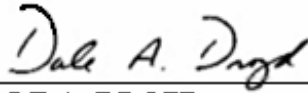
By: /s/ Michael D. Welch
MICHAEL D. WELCH
Attorney for Defendants

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ORDER

Pursuant to the parties' stipulation, **IT IS SO ORDERED.**

Dated: June 17, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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