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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,

v.

LEONCIO NATERAS RUIZ;
MARIA ISABEL RUIZ;
ROBERT DEVITA; and Does 1-10,
Defendants.

)
) Case No.: 2:14-CV-01663-WBS-AC
)

**JOINT STIPULATION AND ORDER
REGARDING DISCOVERY**

JOINT STIPULATION

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

1 **ADAAG:** Americans with Disabilities Act Accessibility Guidelines found
2 at 28 C.F.R. Part 36.
3 **ACCESSIBLE:** Complying with the technical requirements of the ADAAG.
4 **SUBJECT PROPERTY:** Valley Trading Post, located at or about 2294 Waterloo Road,
5 Stockton, 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 complaint.

13 **PLAINTIFF SCOTT JOHNSON AND DEFENDANTS LEONCIO NATERAS RUIZ, MARIA**
14 **ISABEL RUIZ, AND ROBERT DEVITA, BY AND THROUGH THEIR ATTORNEYS OF**
15 **RECORD, HEREBY STIPULATE:**

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

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

22 The Plaintiff and the Stipulating Defendants enter into the following stipulation:
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1 **Plaintiff**: Plaintiff will currently forbear from propounding any discovery that seeks information
2 concerning the financial status, ability, or wherewithal of the Stipulating Defendants. Plaintiff also
3 withdraws all discovery already propounded concerning this information, including but not limited to:
4 Interrogatories, Set One, nos. 4, 14, and 15 and Requests for Production of Documents, Set One, nos.
5 9, 11, and 12.

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

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

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

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26 **IT IS SO STIPULATED.**

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Dated: April 20, 2015

CENTER FOR DISABILITY ACCESS

By: /s/ Amanda Lockhart

AMANDA LOCKHART
Attorney for Plaintiff

Dated: April 20, 2015

MICHAEL D. WELCH ASSOCIATES


By: /s/ Michael D. Welch

MICHAEL D. WELCH
Attorney for Defendants

ORDER

IT IS SO ORDERED.

DATED: April 22, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE