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12 UNITED STATES DISTRICT COURT  
 13 EASTERN DISTRICT OF CALIFORNIA

14 SCOTT JOHNSON,

15 Plaintiff,

16 v.

17 THOMAS P. DILLON;

18 LOUISE R. DILLON;

19 JIM RUIZ; and Does 1-10,

20 Defendants.

Case No.: 2:14-CV-02621-MCE-CKD

- (1) Joint Stipulation of Fact Regarding Defendants' Financial Wherewithal;
- (2) Joint Stipulation Regarding Defendants' Discovery Responses;
- (3) Order Thereon.

**JOINT STIPULATION**

21 The following terms, phrases, and definitions will be applied in this stipulation and are  
 22 intended to conform to the usage given in the Americans with Disabilities Act Accessibility  
 23 Guidelines:  
 24  
 25  
 26  
 27

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:** Cost Less Auto Glass located at or about 7711 Thornton  
5 Road, 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  
13 complaint.

14 **PLAINTIFF SCOTT JOHNSON AND DEFENDANTS THOMAS P. DILLON, LOUISE R.**  
15 **DILLON, AND JIM RUIZ, BY AND THROUGH THEIR ATTORNEYS OF RECORD,**  
16 **HEREBY STIPULATE:**

17 **WHEREAS** Plaintiff has propounded written discovery to assist him in determining the  
18 ability of the Stipulating Defendants 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 Defendants have a legitimate concern about unnecessarily  
22 producing such information;

23 The Plaintiff and the Stipulating Defendants enter into the following stipulation:  
24

25 **Plaintiff:** Plaintiff will currently forbear from propounding any discovery that seeks  
26 information concerning the financial status, ability, or wherewithal of the Stipulating  
27 Defendants. Plaintiff also withdraws all discovery already propounded concerning this  
28

1 information, including but not limited to: Interrogatories, Set One, nos. 4, 16 and 17 and  
2 Requests for Production of Documents, Set One, nos. 10, 12 and 13.

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

12  
13 **NOTE:** Stipulating Defendants are not stipulating (A) liability to the Plaintiff; (B) that the  
14 above identified barrier removals are required by law; (C) that the above referenced barriers  
15 exist; or (D) that they are subject to the ADA or related state disability access laws.

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

24  
25 **IT IS SO STIPULATED.**

26  
27 Dated: May 19, 2015

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