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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
 Plaintiff,
 v.
 STARBUCKS CORPORATION, A
 Washington Corporation; AND DOES 1-10,
 Defendants.

No. 2:18-cv-00395-JAM-EFB

**JOINT STIPULATION TO STAY THE
 CASE PENDING APPEAL AND
 ORDER**

Honorable John A. Mendez

Plaintiff SCOTT JOHNSON and Defendant STARBUCKS CORPORATION submit the following joint stipulation to stay the case pending Plaintiff's appeal.

Whereas, this action is scheduled for trial on September 30, 2019;

1 Whereas, the central issue in this case is whether Starbucks is required to provide 36 inches
2 of clear space on its transaction counters in order to comply with the Americans with Disabilities
3 Act (ADA);

4 Whereas, in the case of *Scott Johnson v. Blackhawk Centercal, LLC, et al.*, 3:17-cv-02454-
5 WHA, the Honorable William Alsup granted summary judgment to Starbucks finding that the
6 ADA does not require Starbucks to provide 36 inches of clear space on its transaction counters.
7 Judge Alsup made this ruling after requesting that the Department of Justice provide an Amicus
8 Brief on the clear space issue. The Department of Justice determined that the ADA accessibility
9 guidelines do not require Starbucks to provide 36 inches of clear space;

10 Whereas, following Judge Alsup's Order in favor of Starbucks, Plaintiff has appealed the
11 judgment;

12 Whereas, the parties jointly agree and stipulate that any substantive decision on the Appeal
13 in *Scott Johnson v. Blackhawk Centercal LLC, et al.*, 3:17-cv-02454-WHA, would be dispositive
14 of the central issue remaining for trial in the instant case.

15 Consequently, the parties request this Court to stay the case until the appeal in *Scott*
16 *Johnson v. Blackhawk Centercal LLC, et al.*, 3:17-cv-02454-WHA, is decided.

17 **SO STIPULATED.**

18
19 DATED: June 4, 2019

BURNHAM BROWN

20
21 /s/ Cathy L. Arias
22 CATHY L. ARIAS
23 ARTHUR S. GAUS
24 PATRICK M. CALLAHAN
Attorneys for Defendant
STARBUCKS CORPORATION

25 DATED: June 4, 2019

CENTER FOR DISABILITY ACCESS

26
27 /s/ Elliott Montgomery
28 ELLIOTT MONTGOMERY
Attorneys for Plaintiff
SCOTT JOHNSON

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ORDER

Having read the foregoing joint stipulation, and for good cause found this case is stayed pending the outcome of Plaintiff's appeal. Within 14 days of a resolution of the appeal in *Scott Johnson v. Blackhawk Centercal, LLC, et al.*, 3:17-cv-02454-WHA, the parties shall submit a Joint Status Report reporting all issues, if any, remaining in this matter.

IT IS SO ORDERED.

DATED: June 4, 2019

/s/ John A. Mendez
HON. JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE