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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUY JONES,

Plaintiff,

No. C-05-04245 WHA

v.

PASTA PELICAN, INC.; HADI
NATOUF; MARINER SQUARE AND
ASSOCIATES; and DOES 1–25, Inclusive,

**ORDER RE JOINT
STATUS REPORT**

Defendants.

On October 13, 2009, an order denied plaintiff's motion for a finding of contempt of court and sanctions against defendants for their failure to meet the time-table for renovations to remove barriers to access established in the settlement agreement of this disability-rights action. The order noted that defendants averred that all renovations were scheduled to be completed by the end of November and stated that plaintiff could renew his motion in the future if the remaining renovations were not finished in a timely manner.

Defendants have now filed a status report stating that all renovations are complete except for the installation of an accessible restroom on the ground floor and a platform lift to the second floor cocktail lounge and dining facilities. Defendants state in a sworn declaration that the bathroom was scheduled for final inspections by the City of Alameda on December 16, 2009, and that it will be ready for use upon passing inspection. They also state under oath that installation of the elevator was delayed by the departure of the sales representative at the company working on the installation and is now scheduled to be completed by February 5,

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2010. Plaintiff has filed a renewed request for a finding of contempt of court and sanctions based on defendants' continued delay in completing the renovations.

Defendants' continued failure to complete all agreed-upon renovations is troubling. Defendants are ordered to file a status report by **JANUARY 6, 2010**, addressing whether the accessible bathroom passed inspections and if it did not, explaining why and when it will be operational. A further status conference is set for **FEBRUARY 18, 2010, AT 8:00 A.M.** Consideration of plaintiff's renewed request for a finding of contempt and sanctions is deferred until then. The parties shall file a joint status report no later than **NOON ON FEBRUARY 11, 2010**. If the renovations are not completed by that time, defendants must show good cause for their continued failure to comply with the terms of the settlement agreement.

IT IS SO ORDERED.

Dated: December 29, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE