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14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
15 **SAN FRANCISCO DIVISION**

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18 LORI GRAY, PETER MENDOZA, and
ANN SIECK, on behalf of themselves, and
on behalf of all others similarly situated,

19 Plaintiffs,

20 v.

21 GOLDEN GATE NATIONAL
22 RECREATIONAL AREA, BRIAN O'NEILL,
General Superintendent of Golden Gate
23 National Recreational Area in his official
capacity, NATIONAL PARK SERVICE, and
24 MARY BOMAR, Director of the National
Park Service, in her official capacity,

25 Defendants.
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Case No. CV 08 0722

**JOINT STATUS REPORT AND
STIPULATION RE: CONTINUED STAY
OF LITIGATION;
[PROPOSED] ORDER**

1 On August 11, 2008, the Court granted the parties' joint stipulation for an adjournment of
2 the case management conference and a stay of the litigation, and further ordered that the parties
3 file a joint status report on January 5, 2009. On January 6, 2009, upon reviewing that joint status
4 report, the Court granted the parties' joint stipulation for a continued stay of proceedings pending
5 further order, and directed the parties to provide the Court with a joint status report no later than
6 August 31, 2009. Plaintiffs and Defendants hereby provide the Court with the following joint
7 status report, and further stipulate to a continued stay of the proceedings.

8 The parties appeared before Magistrate Judge Chen on August 26, 2008, for a second
9 ADR conference. Following the August 26, 2008 ADR conference before Magistrate Judge
10 Chen, the parties finalized the terms of a stay, and memorialized these terms in a signed
11 Memorandum of Understanding ("MOU").

12 The MOU contemplates Defendants' assessment of necessary alterations, if any, that may
13 be appropriate to facilitate access by individuals with disabilities to Golden Gate National
14 Recreation Area ("GGNRA"), followed by preparation of plans to address assessment findings,
15 if any, with the results of such assessments and plans to be available in six phases, with Phases I
16 and II draft Transition Plans to be completed in June of 2009, and the final assessment and
17 planning of Phase VI to be completed in early 2012. The MOU also contemplates that, in the
18 event the parties agree upon the final form of a Transition Plan (as defined in Section I.F. of the
19 MOU) for each phase, the parties will seek to reach agreement on a partial class settlement
20 concerning the specific GGNRA facilities, programs and/or policies assessed in the pertinent
21 Transition Plan, and to submit these partial agreements to the Court for approval on a phased
22 basis.

23 The assessment and planning related to Phases I and II was completed in June of 2009,
24 and submitted to Plaintiffs for review. In a telephone conference with Magistrate Judge Chen,
25 held on July 28, 2009, the parties agreed that Plaintiffs would provide Defendants with
26 comments by August 14, 2009, and the parties would thereafter meet and confer to discuss the
27 draft Transition Plan for Phases I and II.

1 Plaintiffs provided Defendants with their comments on August 14, 2009, which
2 comments are currently under review by Defendants. Judge Chen set a date for a Further
3 Settlement Conference to be held telephonically on October 23, 2009, for the parties to discuss
4 their progress in negotiating a resolution of their differences, if any, and attempts to settle claims
5 related to Phases I and II.

6 Plaintiffs and Defendants continue to agree that it would facilitate their efforts to resolve
7 and settle their differences without the need for further litigation and to narrow substantially any
8 issues that would need to be resolved by the Court if the parties defer further litigation until after
9 they have had an opportunity to review, analyze, and discuss the results of the assessments and
10 plans related to GGNRA, as contemplated in the MOU.

11 The parties hereby seek a continued stay of the pending litigation during the assessment,
12 planning, and negotiation process outlined above.

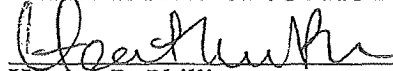
13 The undersigned parties, by and through their counsel of record, hereby request that the
14 Court Order as follows:

15 That there is a continued stay of the proceedings until further order, with the parties to
16 provide the Court with a joint status report on March 15, 2010.

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18 IT IS SO STIPULATED.


19 DATED: August 31, 2009

DEPARTMENT OF JUSTICE


Heather R. Phillips
Attorney for Defendants

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23 DATED: August 31, 2009

DISABILITY RIGHTS ADVOCATES


Ronald Elsberry
Attorney for Plaintiffs

(Proposed) ORDER

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Gray, et al. v. Golden Gate National Recreational Area, Case No.: CV 08 0722
JOINT STATUS REPORT AND STIPULATION RE: CONTINUED STAY OF LITIGATION, AND
[PROPOSED] ORDER.

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(Proposed) ORDER

IT IS SO ORDERED.

Dated: August 31, 2009

