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21 Attorneys for Defendants  
 22 CELEBRITY CRUISES, INC.;  
 23 ROYAL CARIBBEAN CRUISES, LTD

24 UNITED STATES DISTRICT COURT  
 25 NORTHERN DISTRICT OF CALIFORNIA

26 DONALD BESSEY,

27 Plaintiff,

28 v.

29 CELEBRITY CRUISES, INC.; ROYAL  
 30 CARIBBEAN CRUISES LTD; and DOES  
 31 1-10, inclusive,

32 Defendants.

33 **Case No.: C08-04862 BZ**  
 34 Complaint Filed: October 23, 2008

35 **STIPULATION FOR DISMISSAL AND**  
 36 **[PROPOSED] ORDER**

37 **RECITALS**

38 1. Plaintiff DONALD BESSEY filed a Complaint in this action on October 3,  
 39 2008, to obtain recovery of damages for personal injury, alleged misrepresentations, and for  
 40 his alleged discriminatory experiences, denial of access, and denial of civil rights, and to

1 enforce provisions of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§  
2 12101 et seq., and California civil rights laws against defendants CELEBRITY CRUISES,  
3 INC.; ROYAL CARIBBEAN CRUISES LTD; AND DOES 1-10, INCLUSIVE, relating to the  
4 condition of their public accommodations at the time of Plaintiff’s visit on board the cruise  
5 ship MILLENNIUM, as alleged in the complaint, and continuing (the “Lawsuit”). Plaintiff  
6 has alleged in the Lawsuit that defendants violated Title III of the Americans with Disabilities  
7 Act of 1990, and California Civil Code §§ 51, 52, 54, 54.1, 54.3 and 55, by failing to provide  
8 full and equal access to their facilities on the MILLENNIUM cruise ship, while in port in San  
9 Francisco, California, and while at sea.

10 2. Defendants Celebrity Cruises, Inc., operator of the MILLENNIUM, and Royal  
11 Caribbean Cruises Ltd. deny the allegations in the Lawsuit and do not admit liability to any of  
12 the allegations in the Lawsuit, or the applicability of either the Americans with Disabilities Act  
13 of 1990 or the California Civil Code sections 51, 52, 54, 54.1, 54.3 and 55 to any of plaintiff’s  
14 claims.

15 3. In order to avoid the costs, expense, and uncertainty of potentially protracted  
16 litigation, the parties agreed to entry of a Consent Decree and Order with respect to the  
17 injunctive aspects of plaintiff’s claims and a separate, confidential, monetary settlement  
18 (damages, penalties, attorneys’ fees, and litigation expenses/costs).

19 4. Plaintiff acknowledges receipt of payment for agreed damages, penalties,  
20 attorneys’ fees, and litigation expenses costs.

21 5. On December 9, 2011, this Court entered the Consent Decree and Order.

22 **STIPULATION**

23 The parties, through their attorneys of record, hereby stipulate as follows:

24 1. This action shall be dismissed with prejudice.

25 2. The Court shall retain jurisdiction of this action to enforce provisions of the  
26 Consent Decree and Order for two years after the date of entry of the Consent Decree and  
27 Order.

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**GENERAL ORDER NO. 45 CERTIFICATION**

Pursuant to General Order No. 45, the filer attests that authorization for use of electronic signature was obtained from the other signatories, which shall serve in lieu of their signature on this document.

Dated: December 16, 2011

**LAW OFFICES OF PAUL L. REIN  
GEARINGER LAW GROUP**

By: /s/Brian Gearinger  
By Email Authorization  
Attorneys for Plaintiff DONALD BESSEY

Dated: December 16, 2011

**KAYE, ROSE & PARTNERS, LLP**


By: /s/André M. Picciurro  
André M. Picciurro  
Attorney for Defendants CELEBRITY  
CRUISES, INC., and ROYAL  
CARIBBEAN CRUISES LTD.

**ORDER**

The Court hereby dismisses plaintiff's Complaint in its entirety with prejudice.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: December 21, 2011

  
Honorable BERNARD ZIMMERMAN  
United States Magistrate Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certifies that all counsel of record who are deemed to have consented to electronic service of documents are being served with a copy of the foregoing document via the Court's CM/ECF system pursuant to Local Rules.

/s/ André M. Picciurro  
André M. Picciurro