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 13 IN THE UNITED STATES DISTRICT COURT
 14 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15

16 IRVING GRIFFIN,
 17
 18 Plaintiff,

Case No. C09-1363 EMC
Civil Rights

19 v.

20 A&H MOTORS, INC.; HADI
 21 MOSAVI; LESLIE C. JACOBSON;
 22 RODNEY L. HENRIKSON; and
 23 DOES 1-10, inclusive,
 24 Defendants.

**PLAINTIFF'S CASE
 MANAGEMENT CONFERENCE
 STATEMENT ; ORDER RESETTING CMC**

25 Plaintiff hereby submits his case management statement, at the Court's
 26 request and in response to defendants' separately-filed case management
 27 conference statement. Because plaintiff was unaware that defendants intended to
 28 file a separate statement, this statement is filed a day after the Court's deadline.
 Plaintiff regrets the delay.

I. JURISDICTION

This Court has jurisdiction of this action for violations of the Americans
 with Disabilities Act of 1990, 42 USC 12101, et seq. 28 USC §1331. It has
 pendent jurisdiction over attendant and related causes of action arising from the
 same facts are brought under California law. 28 USC § 1367.

1 **II. STATEMENT OF FACTS AND STATUS OF THE CASE**

2 This case concerns plaintiff's claims for violation of his civil rights on the
3 basis of discrimination against him because of his disability. Defendants are the
4 owner of the land, the lessor and the sublessor/operator of A&H Motors, a used
5 car dealership in Concord, California. Plaintiff, a mobility-impaired person who
6 uses a wheelchair, was discriminated against when he went to buy a car because
7 the office and its bathroom are accessible only by climbing stairs, and the lot has
8 no handicapped-accessible parking. A site inspection revealed other access
9 violations as well.

10 Plaintiff seeks injunctive relief directing defendants to modify the facilities
11 so that they provide full and equal access to all persons, including persons with
12 physical disabilities who use a wheelchair. He also seeks damages for personal
13 injuries and violation of his civil rights, and statutory attorney fees, litigation
14 expenses and costs.

15 This case falls under U.S.D.C. Northern District General Order 56. The
16 parties have conducted a site inspection and made efforts toward settlement.
17 Mediation is scheduled for April 28, 2010. If the case does not settle at
18 mediation, plaintiff will file a request for relief from General Order 56 and request
19 a case management conference to set a trial date.

20 Plaintiff requests this Court continue the Case Management Conference to
21 permit the General Order 56 process to continue.

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23 **III. REASONS FOR SUBMITTING SEPARATE CASE MANAGEMENT
24 STATEMENT AND REBUTTAL OF DEFENDANT'S FALLACIOUS
25 ALLEGATIONS**

26 Defendants' allegations that plaintiff's counsel did not cooperate in
27 creating a joint case management conference statement have no basis in reality.
28 Plaintiff consulted several times over two days with defense counsel and never
failed to return counsel's phone calls at her first opportunity. Plaintiff's

1 contributions to the joint case management conference statement – a statement of
2 jurisdiction, statement of the parties' roles, statement of plaintiff's claims and
3 statement of relief sought – were reasonable. **Declaration of Celia McGuinness,**
4 **Exhibit 3.** Plaintiff agreed with defendants in requesting a continuance of the
5 case management conference. Yet still defendants filed a separate case
6 management conference statement without notice to plaintiff, forcing plaintiff to
7 file this otherwise unnecessary separate statement.

8 Most of defendants' statements on page 2: 10-28 of their case management
9 conference statement are misrepresentations. **Declaration of Celia McGuinness.**
10 Plaintiff is dismayed, particularly, that defendants A&H Motors, Hadi Mosavi and
11 Leslie C. Jacobson allowed the misrepresentations on their behalf, as their
12 counsel have no personal knowledge of the events. **Id.** Because defendants
13 challenge plaintiff's counsel's integrity under penalty of perjury, the Declaration
14 of Celia McGuinness with exhibits is attached. If the Court is inclined to give
15 credence to any of defendants' allegations about the meet and confer process,
16 plaintiff's counsel requests it review the Declaration first.

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18 Dated: April 1, 2010

Respectfully submitted,

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22 CELIA MCGUINNESS
23 Attorney for Plaintiff
24 IRVING GRIFFIN

25 IT IS SO ORDERED that the case management conference set for 4/7/10 at 1:30 p.m.
26 is reset to 5/19/10 at 1:30 p.m. An updated joint CMC statement shall be filed by
27 5/12/10.

28 Edward M. Chen
U.S. Magistrate Judge

