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6 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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DAVID JOHNSON,

No. C 09-02603 WHA

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Plaintiff,

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v.

13 DANIEL AND JENNIFER YU,
14 as Trustees,
15 Defendants.

**ORDER FOR AMENDED
ANSWER AND DENYING
MOTION FOR DEFAULT
JUDGMENT**

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Plaintiff is a quadriplegic who alleges that there are barriers to access at defendants' restaurant in violation of the Americans with Disabilities Act, the Unruh Civil Rights Act and the California Disabled Persons Act. He has sued defendants Daniel and Jennifer Yu "as Trustees," alleging that they own the land on which the restaurant is located and are the "owner[s] operator[s], manager[s], lessor[s] and lessee[s] of the subject Restaurant at all times relevant herein" (Compl. ¶¶2, 9). Defendants have denied owning the land or being the owners, managers, lessors, or lessees of the restaurant but have explicitly answered only "in their individual capacity" (Answer ¶¶2, 9). Plaintiff now moves for default judgment on the basis that defendants have failed to timely file a responsive pleading as trustees.

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Defendants are ordered to file an amended answer in their capacity "as trustees" on or

United States District Court

For the Northern District of California

1 before **NOVEMBER 9, 2009**. Without prejudice to renewing it if defendants fail to do so,
2 plaintiff's motion is **DENIED**.

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4 **IT IS SO ORDERED.**

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6 Dated: October 30, 2009.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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