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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 DAVID JOHNSON,

No. C 09-02603 WHA

11 Plaintiff,

12 v.

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

13 DANIEL AND JENNIFER YU,  
14 as Trustees,

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

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