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 CRAIG YATES

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9	CRAIG YATES, an individual,)	CASE NO. CV-10-1485-WHA
10	Plaintiff,)	
11	v.)	MOTION FOR ADMINISTRATIVE
12)	RELIEF TO COMPEL FULL GENERAL
13)	ORDER 56 INSPECTION; AND
14	TOASTIES, HON WING FUNG and PIK)	PROPOSED ORDER THEREON
15	WAH LEE FUNG, as Trustees of THE)	[L.R. 7-11; Gen. Order 56]
16	FUNG FAMILY TRUST, U.D.T. (“Under)	
17	Declaration of Trust”), Dated August 24,)	
18	1994; and CHARLIE TRUONG, an)	
19	individual, dba TOASTIES,)	
20	Defendants.)	

19 Plaintiff, pursuant to Local Rule 7-11 and General Order 56, hereby moves this Court for
 20 Administrative Relief, and requests the Court to compel a General Order 56 joint site inspection
 21 at Toasties located at 1336 9th Avenue, San Francisco, California.

22 The case before the Court seeks, in part, relief pursuant to Title III of the Americans with
 23 Disabilities Act (“ADA”). Accordingly, litigation of this case is controlled by the procedures
 24 established in General Order No. 56. These procedures impose a stay on all discovery until after
 25 the parties’ case management conference.

26 General Order No. 56 provide for a party who wishes to be relieved of any requirement of
 27 this order may file a motion for Administrative Relief pursuant Local Rule 7-11.

28 MOTION FOR ADMINISTRATIVE RELIEF TO COMPEL FULL GENERAL ORDER 56 INSPECTION; AND ~~PROPOSED~~ ORDER
 THEREON

1 Plaintiff Craig Yates seeks relief under General Order 56 to compel defendants HON
2 WING FUNG and PIK WAH LEE FUNG, as Trustees of THE FUNG FAMILY TRUST, U.D.T.
3 (“Under Declaration of Trust”), Dated August 24, 1994; and CHARLIE TRUONG, an
4 individual, dba TOASTIES to comply with General Order 56 itself. The access issue in this case
5 primarily involves the lack of access into the restaurant itself due to an approximate six (6) inch
6 height landing and an inaccessible unisex restroom.

7 The complaint sets these claimed premises violations as architectural barriers that were
8 encountered by plaintiff, knowledge that the restroom was not accessible and hence it would be a
9 futile gesture to attempt to use it.

10 As set out more fully in the Declaration of Thomas E. Frankovich, defendants’ counsel
11 refusal to allow inspection of the unisex restroom at the initial General Order 56 inspection
12 conducted on Monday, August 23, 2010 at Toasties Restaurant located at 1336 9th Avenue, San
13 Francisco, California, is a violation of the General Order 56.

14 Plaintiff seeks an order to compel a full General Order 56 inspection of the premises
15 including but not limited to the unisex restroom.

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1 Therefore, plaintiff is respectfully requesting that based upon this Motion, and the
2 accompanying Declaration of Thomas E. Frankovich that said motion be granted.

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4 Dated: September 13, 2010

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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6 By: /s/Thomas E. Frankovich
7 THOMAS E. FRANKOVICH
8 Attorneys for Plaintiff CRAIG YATES, an individual

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10 **ORDER**

11 This matter comes before the Honorable William H. Alsup on the motion of plaintiff
12 Craig Yates for Administrative Relief and to Compel Defendants HON WING FUNG and PIK
13 WAH LEE FUNG, as Trustees of THE FUNG FAMILY TRUST, U.D.T. (“Under Declaration of
14 Trust”), Dated August 24, 1994; and CHARLIE TRUONG, an individual, dba TOASTIES to
15 complete the General Order No. 56 joint site inspection as required by the court.

16 **IT IS SO ORDERED** that this Court, having fully considered the moving papers, and
17 good cause appearing therefore and hereby GRANTS Plaintiff’s Motion to conduct a full General
18 Order 56 inspection at Toasties located at 1336 9th Avenue, San Francisco, California. Said
19 inspection shall be completed within (30) days of execution of this Order.

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22 Dated: September 20, 2010



23 Honorable William H. Alsup
24 United States District Judge