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24 **UNITED STATES DISTRICT COURT**

25 **NORTHERN DISTRICT OF CALIFORNIA**

26 NETTA GRUTMAN,

27 Plaintiff,

28 v.

THE REGENTS OF THE UNIVERSITY
 OF CALIFORNIA, et al.,

Defendants.

CASE NO. 10-02347 JCS

**STIPULATION AND [~~PROPOSED~~] ORDER
 ON CROSS-MOTIONS FOR PARTIAL
 SUMMARY JUDGMENT REGARDING
 STATUTORY DAMAGES UNDER UNRUH
 CIVIL RIGHTS ACT**

STIPULATION

1
2 IT IS HEREBY STIPULTED BETWEEN PLAINTIFF NETTA GRUTMAN AND
3 DEFENDANTS, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, TODD
4 MCGREGOR AND JAMES JACOBS, THROUGH THEIR RESPECTIVE COUNSEL, AS
5 FOLLOWS:

6 WHEREAS, Plaintiff has included in her Complaint, at her fourth claim for relief, an
7 allegation that defendants violated the Unruh Civil Rights Act, California Civil Code sections 51
8 *et seq.* (UCRA), including the allegation that Plaintiff is minimally entitled to “\$4,000 for each
9 incident of deterrence” in violation of the UCRA;

10 WHEREAS, Plaintiff contends that, under the UCRA, she is entitled to said minimal
11 recovery for each and every instance in which she can demonstrate that she was denied legally
12 required equal access to the subject premises and Defendants contend that such recovery is not, as
13 a matter of law, available;

14 WHEREAS, the parties agree that the disposition of this issue as a matter of partial
15 summary judgment under Federal Rule of Civil Procedure 56(a), (b) will aid the litigants and the
16 Court in the efficient adjudication of this matter;

17 WHEREAS, the parties agree that the summary disposition of this issue shall be without
18 prejudice to the parties’ rights to seek further relief in this case under the provisions of Federal
19 Rule of Civil Procedure 56, specifically including a subsequent motion for summary judgment
20 and/or partial summary judgment; and

21 WHEREAS, the parties have agreed to the following briefing schedule: (1) opening briefs
22 shall be filed on/before April 22, 2011; and (2) response briefs shall be filed on/before May 6,
23 2011. The parties propose that the matter be heard on May 27, 2011 at 9:30 a.m.

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1 IT IS SO AGREED.

2 Dated: April 1, 2011

GORDON & REES LLP

3
4 By: /S/ _____
5 MICHAEL D. BRUNO
6 JEROME SCHREIBSTEIN
7 Attorneys for Defendant THE REGENTS
OF THE UNIVERSITY OF CALIFORNIA,
TODD MCGREGOR and JAMES JACOBS

8 Dated: April 1, 2011

GERSTEN LAW GROUP

9
10 By: /S/ _____
11 EHUD GERSTEN
12 Attorneys for Plaintiff
NETTA GRUTMAN

13 Dated: April 1, 2011

14 By: /S/ _____
15 DAVID A. STEVENS
16 Attorneys for Plaintiff
NETTA GRUTMAN

17 **ORDER**

18 BASED ON THE FOREGOING AND GOOD CAUSE OTHERWISE APPEARING, the
19 Court Orders that, with respect to the parties' cross-motions for partial summary judgment on the
20 issue of available minimum statutory damages under the California Unruh Civil Rights Act, Cal.
21 Civ. Code § *et seq.*, (1) ~~opening briefs shall be filed on~~ Motions shall be filed on or ~~before April 22, 2011;~~ and (2) ~~response~~ Opposition
22 ~~briefs shall be filed on/before May 6, 2011.~~ Reply briefs shall be filed on/before May 13, 2011.
23 ~~The matter shall be heard on May 27, 2011 at 9:30~~
~~a.m.~~ Hearing on the cross-motions will be set by the Court after completion of briefing.

24 IT IS SO ORDERED.

25 Dated: April 5, 2011

26 By: _____
27 Hon. Judge
28 Unit Judge

