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 7 as erroneously sued as "Ritz-Carlton Hotel Company, LLC"
 and as "Ritz-Carlton Half Moon Bay," Marriott
 8 International, Inc., SHC Half Moon Bay, LLC,
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20 Attorney for Plaintiff Michael Paulick

21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**
 23

24 MICHAEL PAULICK,)	Case No. C10-4107 CRB
)	<u>Civil Rights</u>
25 Plaintiff,)	
)	<u>RELATED CASE – SKAFF V. RITZ-</u>
26 vs.)	<u>CARLTON HOTEL COMPANY, LLC, N.D.</u>
)	<u>CA Case No. C10-01115 CRB</u>
27 RITZ-CARLTON, HALF MOON BAY; RITZ-)	
CARLTON HOTEL COMPANY, LLC; SHC)	STIPULATION REQUESTING
28 HALF MOON BAY, LLC; DTRS HALF)	MODIFICATION OF GENERAL ORDER 56

1 MOON BAY, LLC; MARRIOTT
INTERNATIONAL, INC.; STRATEGIC
2 HOTELS AND REPORTS, INC; DOES 1
THROUGH 50, inclusive,
3
4 Defendants.

) **AFFECTING RELATED SKAFF AND
PAULICK CASES AND ~~PROPOSED~~
ORDER**

) GENERAL ORDER 56
) Local Rules 6 -1 and 6 -2, 7-11

5 Pursuant to Local Rules 6-1 and 6-2, plaintiff in the captioned case, plaintiff Michael
6 Paulick, and defendants The Ritz-Carlton Hotel Company, LLC, for itself and as erroneously sued as
7 “Ritz-Carlton Hotel Company, LLC” and as “Ritz-Carlton Half Moon Bay,” Marriott International,
8 Inc., SHC Half Moon Bay, LLC, DTRS Half Moon Bay, LLC and Strategic Hotels And Resorts,
9 Inc., and plaintiff in the above-cited Related Case No. C10-01115 CRB (“the Skaff Case”), each by
10 and through its counsel, enter into this stipulation, as their interests appear, to support their
11 respective requests for an Order modifying the time limits stated in General Order 56 as it applies to
12 each Related Case.

13 The purpose of this stipulated request is to allow the parties to each Related Case to avoid the
14 unnecessary and burdensome duplication of labor and expenses that would be involved in separate
15 meet and confer proceedings and possible mediation proceedings, and to allow the parties in both of
16 the Related Cases the most efficient opportunity to resolve both cases in unified proceedings, with
17 consistent results.

18 On July 1, 2010, this Court granted the Skaff parties’ joint stipulated request for an Order
19 enlarging the time for completion of their General Order 56 joint site inspection and enlarging the
20 time for these parties to hold their General Order 56 meet and confer session. (Docket No. 12, Skaff
21 Case)

22 On August 27, 2010, this Court granted the Skaff parties’ joint stipulated request for an order
23 enlarging the time for them to complete their meet and confer process, extending that time to
24 October 29, 2010 and enlarging the time for plaintiff to file any necessary Notice of Need For
25 Mediation. (Docket No. 21, Skaff Case)

26 On September 13, 2010, Michael Paulick filed his complaint titled *Paulick v. Ritz-Carlton*
27 *Hotel Company, LLC, et al.* in this Court, as Civil Action No. C10-4107 (“the Paulick Case”).

28 On October 18, 2010, the Court granted the Unopposed Administrative Motion And Motion

1 to Relate Cases And Request Reassignment filed by Michael Paulick, plaintiff in Related Case No.
2 C10-4107 CRB. (Docket No. 22, Skaff Case; Docket No. 21, Paulick Case)

3 Plaintiff Paulick has requested an expedited inspection of the property which is at issue in
4 both the Skaff and Paulick Related Cases, the Ritz-Carlton Hotel in Half Moon Bay, California.
5 Defendants in this Paulick Case agreed to that request, subject to their understanding that the parties
6 in the Skaff and Paulick Cases would stipulate to request the relief described herein.

7 IT IS SO STIPULATED THAT:

8 Counsel for the parties to each Related Case, as their interests appear, stipulate to the request
9 for an Order stating the following proposed modifications to General Order 56, to allow fair and
10 even compliance with the principles governing General Order 56 as they apply to both Related
11 Cases:

12 1. Plaintiff Paulick and counsel for defendants shall complete their joint inspection of
13 the subject premises on November 1, 2010, to be conducted pursuant to the provisions of Paragraph
14 3 of General Order 56;

15 2. Initial disclosures in the Paulick Case required by Federal Rule Of Civil Procedure
16 26(a) shall be completed no later than November 15, 2010. The initial disclosures shall be
17 completed pursuant to the rules stated in Paragraph 2 of General Order 56.

18 3. The parties to the Skaff and Paulick Cases shall complete the meet and confer
19 requirements stated in Paragraph 4 of General Order 56 by participating in one or more joint meet
20 and confer sessions, as necessary to discuss settlement of both of the Related Cases, to be completed
21 no later than November 30, 2010;

22 4. If the parties to the Skaff and Paulick Cases are not able to reach agreement on
23 injunctive relief, or cannot settle the damages and fee claims stated in the respective cases, each
24 plaintiff so affected shall file a "Notice Of Need For Mediation", pursuant to the provisions stated in
25 Paragraph 6 of General Order 56, no later than December 8, 2010. The parties stipulate that they
26 will participate jointly in the mediation proceedings described in Paragraph 6 of General Order 56;
27 and,

28 5. If mediation conducted pursuant to Paragraph 6 of General Order 56 is not successful

1 as to one or both plaintiffs in the Skaff and Paulick Cases, the plaintiffs, or the remaining plaintiff,
2 shall comply with the provisions stated in Paragraph 7 of General Order 56.

3 The parties further stipulate that this Stipulation may be signed in counterparts and that
4 signatures transmitted by facsimile or by e-mail shall be as valid and binding as original signatures.

5 Dated: October ²⁶, 2010

SIDNEY J. COHEN PROFESSIONAL CORPORATION



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7
8 By: /s/ Sidney J. Cohen
Sidney J. Cohen
9 Attorney For Plaintiff, Richard Skaff

10 Dated: October ²⁸, 2010

HINSHAW & CULBERTSON LLP

11
12 By: /s/ Anne D. O'Niell
13 Anne D. O'Niell
14 Attorneys for Defendants
15 The Ritz-Carlton Hotel Company, LLC, for itself and as
16 erroneously sued as "Ritz-Carlton Hotel Company, LLC"
and as "Ritz-Carlton Half Moon Bay," Marriott
International, Inc., SHC Half Moon Bay, LLC, DTRS
Half Moon Bay, LLC And Strategic Hotels And Resorts,
Inc.

17 Dated: October ²⁸, 2010

DEUTSCH, KERRIGAN & STILES, LLP

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19
20 By: /s/ Theodore L. White
Theodore L. White (*Pro Hac Vice Pending*)
21 Attorneys For Defendants SHC Half Moon Bay,
LLC, DTRS Half Moon Bay, LLC and Strategic
22 Hotels and Resorts, Inc.

23 Dated: October ²⁸, 2010

THIMESCH LAW OFFICES

24
25 By: /s/ Timothy S. Thimesch
Timothy S. Thimesch
26 Attorney for Plaintiff Michael Paulick
27
28

1 **DECLARATION OF ANNE D. O'NIELL**

2 I, Anne D. O'Niell, declare:

3 1. I am counsel for defendants The Ritz-Carlton Hotel Company, LLC, for itself and as
4 erroneously sued as "Ritz-Carlton Hotel Company, LLC" and as "Ritz-Carlton Half Moon Bay,"
5 Marriott International, Inc., SHC Half Moon Bay, LLC, DTRS Half Moon Bay, LLC And Strategic
6 Hotels And Resorts, Inc. in the captioned Paulick Case and I am counsel for defendants Ritz-Carlton
7 Hotel Company, LLC, SHC Half Moon Bay, LLC, DTRS Half Moon Bay, LLC and Marriott
8 International, Inc. in the Related Case titled *Richard Skaff v. Ritz-Carton Hotel Company, LLC, et*
9 *al.*, also filed in this Court as Case No. C10-01115-CRB ("the Skaff Case"). I am an attorney in
10 good standing and licensed to practice in the courts of the State of California, and in the federal
11 courts of the State of California, including the United States District Court for the Northern District
12 of California. If called upon to testify, I would testify as follows:

13 2. Pursuant to General Order 56 and this Court's Scheduling Order, the parties to the
14 Skaff Case were required to hold a joint site inspection by June 24, 2010 at the property and
15 premises of the Ritz- Carlton Hotel in Half Moon Bay, California. The parties sought and were
16 granted an Order enlarging the time for them to complete the joint site inspection to July 20, 2010
17 and enlarging the time for them to complete their meet and confer process to August 20, 2010. The
18 parties were able to complete the joint site inspection by July 20, 2010, but, despite their good faith
19 efforts, they were unable to complete the meet and confer process by the August 20, 2010 deadline
20 specified in the Court's Order of June 30, 2010.

21 3. The Ritz-Carlton Hotel has 261 guestrooms and numerous other facilities, as well as
22 extensive exterior areas, many of which include items listed on Richard Skaff's expert's list of
23 alleged access barriers. The Skaff Case parties' meeting and conference efforts have addressed all of
24 the several hundred items listed on plaintiff Skaff's expert's site inspection report, but the parties
25 have not yet reached agreement or final positions on these items.

26 4. The Skaff Case parties requested and were granted an enlargement of time, to
27 October 29, 2010, to complete their meet and confer process, in the hope of reaching mutual
28 agreement regarding the accessibility issues alleged by plaintiff Skaff, which would avoid or limit

1 the need for mediation. The parties to the Skaff Case had planned to complete their meet and confer
2 process on October 27, 2010.

3 5. The parties to the Skaff Case also jointly requested, and plaintiff Skaff was granted,
4 an enlargement of time until November 8, 2010 for plaintiff to file his Notice of Need For
5 Mediation, pursuant to Paragraph 6, General Order 56.

6 6. The Paulick Case was filed on September 13, 2010. On October 21, 2010, this Court
7 granted plaintiff Paulick's Unopposed Administrative Motion To Relate Cases And Request
8 Reassignment.

9 7. Plaintiff Paulick has requested an expedited inspection of the premises of the Ritz-
10 Carlton Hotel at Half Moon Bay. Counsel for the defendants in the Paulick Case agreed that counsel
11 for Mr. Paulick and his experts could participate in a joint inspection of the premises on November
12 1, 2010, subject to the defendants' understanding that the parties to the Skaff Case and to the Paulick
13 Case would seek modifications to the timelines stated in General Order 56 as they apply to the two
14 Related Cases.

15 8. In the Skaff Case, the prior Stipulation to extend the time for Defendants to respond
16 to the Complaint (Docket No. 4, Skaff Case), the parties' Stipulation for an Order For Enlargement
17 Of Time To Complete The General Order 56 Joint Site Inspection And To Hold The General Order
18 56 "Meet And Confer" (Docket No. 11, Skaff Case) and the parties' Stipulation And Proposed Order
19 for Enlargement Of Time To Continue Meet And Confer And To File Notice of Need For Mediation
20 (Docket No. 18, Skaff Case) are the only previous requested modifications in the case by Stipulation
21 or Court Order other than the Court's Order granting plaintiff Paulick's Motion To Relate the Skaff
22 and Paulick cases.

23 9. In the Paulick Case, the parties' Stipulation to extend the time for defendants to
24 respond to the Complaint (Docket No. 6, Paulick Case) is the only previous requested modification
25 in the case by Stipulation or Court Order other than the Court's Order granting plaintiff Paulick's
26 Motion To Relate the Skaff and Paulick cases.

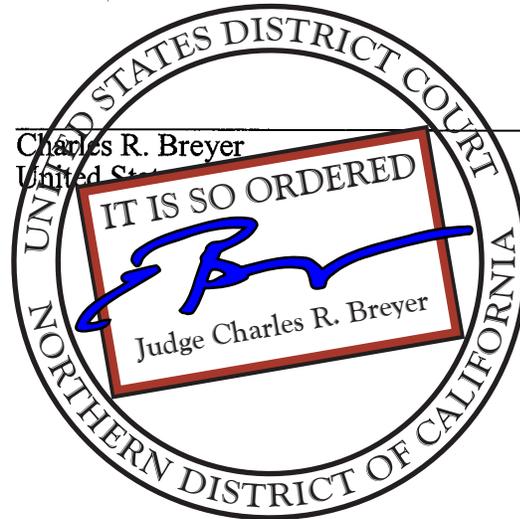
27 10. With the exception of extending the meet and confer and mediation notice deadlines,
28 the extension does not effect court ordered deadlines in either Related Case.

1 injunctive relief, or cannot settle the damages and fee claims stated in their complaint, the plaintiff
2 shall file a "Notice Of Need For Mediation", pursuant to the provisions stated in Paragraph 6 of
3 General Order 56, no later than December 8, 2010. Plaintiff Paulick will participate jointly with
4 plaintiff in the Skaff Case in any mediation proceedings conducted pursuant to Paragraph 6 of
5 General Order 56;

6 5. If mediation conducted pursuant to Paragraph 6 of General Order 56 is not successful
7 plaintiff Paulick shall comply with the provisions stated in Paragraph 7 of General Order 56.

8 IT IS SO ORDERED

9 Dated: November 1, 2010



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