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 Attorney for Plaintiff  
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 7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10

11 FRANCISCA MORALEZ,  
 12 Plaintiff,  
 13 vs.

)  
 ) **3:15-cv-2472-LB**  
 )  
 )

) **PLAINTIFF'S CASE MANAGEMENT**  
 ) **STATEMENT**

) ORDER  
 ) [Complaint Filed June 3, 2015]  
 )

15 ROBERT ROWEN, M.D., et al.  
 16 Defendants.  
 17

) Courtroom: C-15<sup>th</sup> Floor  
 ) Time: 11:00 a.m.  
 ) Date: December 17, 2015  
 )

18  
 19 **1. Jurisdiction and Service:**

20 The United States District Court, Northern District of  
 21 California, has original federal question jurisdiction of the  
 22 action pursuant to 28 U.S.C. §1331 for violations of the ADA, 42  
 23 U.S.C. §12101 et seq. The Court also has supplemental  
 24 jurisdiction over all state law claims pursuant to 28 U.S.C. §  
 25

1 1367, because the state law claims arise out of the same case or  
2 controversy.

3 Defendants have **NOT** been served as of the date of this  
4 filing. However, counsel for Plaintiff has been in regular  
5 contact with counsel for Defendants as the parties have  
6 discussed settlement. Counsel for Defendants indicated he would  
7 accept service on behalf of his clients.  
8

9  
10 **2. Facts:**

11 Plaintiff visited Defendants Rowen and Su's office for  
12 treatment between May 2013-September 2013 for approximately 10  
13 visits. While at those several visits, Plaintiff noticed there  
14 was no properly configured accessible/van accessible parking,  
15 level pavement, safe path of travel, accessible customer  
16 counter, proper signage within the location or at the entrance  
17 at their office, and crosswalk markings.  
18

19  
20 Plaintiff experienced difficulty, discomfort and anxiety as  
21 her ramp continuously got stuck in the grading of the parking  
22 lot as she attempted to exit and enter her accessible van.  
23 Plaintiff had to ride her chair with difficulty over rough  
24 cracked sidewalk and pavement without proper grading from  
25 pavement to sidewalk, with many slopes.  
26  
27

1 Plaintiff discussed the difficulties with Defendant Su and  
2 employees on multiple occasions but nothing was done. Defendant  
3 Su, at one point, suggested that she park down the street at  
4 another location that she believed did have van accessible  
5 parking.  
6

7  
8 **3. Legal Issues:**

9 The legal issues in this case are standard ADA issues  
10 common to virtually every ADA case in the district.  
11

12  
13 **4. Motions:**

14 If the case does not settle in the near term Plaintiff  
15 expects to do discovery the file a Motion for Summary Judgment.  
16

17  
18 **5. Amendment of Pleadings:**

19 The only potential amendment would be a request to add the  
20 owner of the real property at the time Plaintiff experienced the  
21 physical barriers. Plaintiff initially named the current owner  
22 on her complaint. After meeting with the owner Plaintiff  
23 decided to dismiss the current owner as he did not own the  
24 property at the time of the discrimination against Plaintiff.  
25

26  
27 **6. Evidence Preservation:**

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1           The parties have **NOT** conducted a meet and confer regarding  
2 evidence preservation.

3  
4 **7. Disclosures:**

5           Plaintiff has **NOT** provided initial disclosures pursuant to  
6 the Federal Rules.

7  
8  
9 **8. Discovery:**

10           No discovery has been propounded as of the date of this  
11 filing.

12  
13  
14 **9. Class Action:**

15           Not applicable.

16  
17 **10. Related Cases:**

18           Not applicable.

19  
20  
21 **11. Relief:**

22           Plaintiff seeks injunctive relief, statutory and  
23 compensatory damages and fees and cost associated with the  
24 litigation.

25  
26  
27 **12. Settlement and ADR:**

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1 Plaintiff' counsel spoke to counsel for defendants many  
2 times regarding settlement of this matter. The parties were  
3 very close to settling the case. In fact, there was a  
4 settlement release prepared and provided to Plaintiff for her  
5 execution. After review and consideration, Plaintiff decided  
6 not to execute the agreement.  
7

8 Since that time Plaintiff's counsel provided counsel for  
9 defendants an updated settlement release that defendants are  
10 currently considering. As of the date of this case management  
11 statement defendants are still considering whether to accept the  
12 offer or not.  
13

14 If the case does not settle in the near term Plaintiff is  
15 agreeable to an early settlement conference and all available  
16 ADR.  
17

18  
19 **13. Consent to Magistrate Judge For All Purposes:**

20 Plaintiff consents to a Magistrate Judge for all purposes.  
21

22 **14. Other References:**

23 Not applicable.  
24

25  
26 **15. Narrowing of Issues:**

27 Not applicable.  
28

1  
2 **16. Expedited Trial Procedure:**

3 Not applicable.  
4

5 **17. Scheduling:**

6 Plaintiff suggests the scheduling of motions and other  
7 appropriate dates be set once Defendants appear in the case.  
8  
9

10 **18. Trial:**

11 Plaintiff suggests trial dates be set once Defendants  
12 appear in the case.  
13  
14

15 **19. Disclosure of Non-party Interested Entities or Persons:**

16 Not applicable.  
17  
18

19 **20. Professional Conduct:**

20 Not applicable.  
21

22 **21. Other Matters:**

23 Not applicable.  
24

25  
26 DATED: DECEMBER 7, 2015

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