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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAMELA KOUSSA,  
Plaintiff,  
v.  
NADIA G. IBRAHIM,  
Defendant.

Case No. 16-cv-05189-JCS

**ORDER DENYING DEFENDANT’S  
APPLICATION FOR STAY OF  
PROCEEDINGS AND EARLY  
EVALUATION CONFERENCE**

Docket No. 11

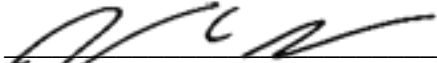
Plaintiff in this case asserts construction-related accessibility claims under the American with Disabilities Act (“ADA”) of 1990 and the California Unruh Civil Rights Act. Defendant Nadia Ibrahim has filed an Application for Stay of Proceedings and Early Evaluation Conference pursuant to California Civil Code section 55.54(a)(1) (“Application”), asserting that she is entitled to a stay of proceedings and early evaluation because Plaintiff is a high-frequency litigant as defined under California Code of Civil Procedure section 425.55(b). Defendant has offered no basis for applying a state procedural rule to federal proceedings. *See O’Campo v. Chico Mall, LP*, 758 F. Supp. 2d 976, 985 (E.D. Cal. 2010) (finding that California Civil Code section 55.54 is a procedural rule and therefore that it does not apply in federal court under *Erie R. Co. v. Tomkins*, 304 U.S. 64 (1938)). The Court further notes that to the extent section 55.54 provides for a stay of enforcement as to ADA claims, it is likely preempted. *Id.* at 984; *see also Lofton v. Wasserman*, United States District Court for the Northern District of California, No. 12-cv-06312 PSG, Docket No. 24 (denying application for stay and early evaluation where plaintiff asserted construction-related accessibility claim under the ADA based, in part, on the conclusions that section 55.54 was likely preempted to the extent it created “additional procedural hurdles” not present under the

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ADA). Accordingly, the Application is DENIED.

**IT IS SO ORDERED.**

Dated: October 24, 2016



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JOSEPH C. SPERO  
Chief Magistrate Judge