

1 Plaintiff, Francisca Moralez (“Plaintiff”), and Defendants, Save Mart Supermarkets dba
2 Food Maxx #482 and RMP Properties, LLC (collectively “Defendants,” and together with
3 Plaintiff, “the Parties”), by and through their respective counsel, hereby stipulate as follows:

4 1. This action arises out of Plaintiff’s claims that Defendants denied her full and
5 equal access to their public accommodation on account of her disability in violation of Title III
6 of the Americans with Disabilities Act (“ADA”) and parallel California law. Plaintiff seeks
7 injunctive relief under federal and California law, as well as damages under California law.
8 This matter therefore proceeds under this district’s General Order 56 which governs ADA
9 access matters.

10 2. The Court issued a Scheduling Order under General Order 56 which requires that
11 the Parties conduct a joint site inspection of the subject property on or before April 26, 2017.
12 (ECF No. 4.)

13 3. Plaintiff and Defendants have been working together extensively and
14 cooperatively to seek an informal resolution of this matter. To this end, Defendants have
15 provided an accessibility report from a California Certified Access Specialist with regards to the
16 interior of the Food Maxx business, which report may provide a basis for resolving Plaintiff’s
17 equitable claims regarding the interior of the property.

18 4. Plaintiff and Defendants are cautiously optimistic that a resolution of the matter
19 as to Defendant Save Mart Supermarkets will therefore be reached shortly which will allow a
20 dismissal with prejudice of Save Mart Supermarkets from this action.

21 5. Plaintiff and Defendants only recently learned that there is another entity who
22 may have liability for Plaintiff’s claims as to the exterior of the subject property, but who is not
23 yet a named party. Plaintiff and Defendants are securing the participation of that entity which
24 they believe is necessary in order to reach a full and complete settlement of Plaintiff’s exterior
25 claims, and an informal resolution is being explored with that entity.

26 6. The Parties wish additional time to explore settlement without the need to file
27 responsive pleadings, conduct the joint site inspection, or to amend the Complaint to add the
28

THIRD STIPULATION FOR EXTENSION OF TIME and TO CONTINUE DEADLINE FOR JOINT SITE
INSPECTION; [PROPOSED] ORDER

1 newly discovered entity, in order to minimize the expenditure of attorneys' fees and costs given
2 that Defendants and the as yet unnamed party have either provided, or expressed a willingness
3 to provide, an access report in an effort to resolve Plaintiff's equitable claims regarding the
4 exterior of the subject property.

5 7. The Parties believe that an additional 35 days within which to conduct the site
6 inspection will afford them enough time to fully exhaust their informal settlement efforts
7 without the expense of conducting a joint site inspection, responding to the Complaint, or
8 amending the Complaint to add a new party. Should the Parties be unable to reach an informal
9 resolution of Plaintiff's claims within that time, they will then proceed with the site inspection,
10 responsive pleadings, and amendment of the Complaint.

11 8. Accordingly, the Parties stipulate to extend the deadline for Defendants to
12 respond to Plaintiff's complaint, and for the Parties to conduct the joint site inspection, to May
13 31, 2017.

14
15 **IT IS SO STIPULATED.**

16
17 Dated: April 14, 2017

MISSION LAW FIRM, A.P.C.

18
19 /s/ Zachary M. Best

Zachary M. Best
Attorneys for Plaintiff,
Francisca Moralez

20
21
22 Dated: April 14, 2017

LANG RICHERT & PATCH

23
24 /s/ Charles Trudung Taylor

Charles Trudung Taylor
Attorneys for Defendants
Save Mart Supermarkets dba Food Maxx #482 and
RMP Properties, LLC

25
26
27
28
THIRD STIPULATION FOR EXTENSION OF TIME and TO CONTINUE DEADLINE FOR JOINT SITE
INSPECTION; [PROPOSED] ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that Defendants' responsive pleading deadline is extended to May 31, 2017.

IT IS FURTHER ORDERED that the deadline for the Parties to complete the joint site inspection is extended to May 31, 2017, with all dates triggered by that deadline continued accordingly.

IT IS SO ORDERED.

Dated: 4/14/17



RICHARD SEEBORG
United States District Judge