

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER MENDOZA,

Plaintiff,

v.

MCDONALD'S CORPORATION, et al.,

Defendants.

No. 09-04122 CW

ORDER VACATING
NOTICE AND
APPOINTMENT OF
MEDIATOR

_____ /

Defendant Syed Ali Hussain requests that the Court vacate the "Notice of Need for Mediation" Plaintiff filed on April 15, 2010, which reported the need for mediation pursuant to General Order 56. General Order 56 requires parties to follow several steps in any action which asserts a denial of a right of access protected by Titles II or III of the Americans with Disabilities Act. After the parties and their counsel have met in person at the subject premises to conduct a joint inspection, within ten business days, they shall meet and confer regarding settlement of the action. "The meet and confer obligation cannot be satisfied by telephone or by exchanging letters." General Order 56, ¶ 4. "At the conference, the parties shall discuss all claimed access violations." Id. "If within 45 days from the joint site inspection and review, the parties cannot reach an agreement on

1 injunctive review, or cannot settle the damages and fees claims,
2 plaintiff shall file a 'Notice of Need for Mediation.'" Id. ¶ 6.

3 Here, Plaintiff filed this notice even though the parties have
4 not met and conferred in person to discuss settlement of the
5 action. Accordingly, the Court vacates the notice and appointment
6 of a mediator. Plaintiff is reminded to follow all of the
7 requirements of General Order 56.

8 IT IS SO ORDERED.

9
10 Dated: 06/29/10

Claudia Wilken

CLAUDIA WILKEN
United States District Judge