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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 JEREMY LAPACHET,
 13 Plaintiff,
 14 vs.

) Case No. 4:16-cv-06959-HSG

15 CALIFORNIA FORENSIC MEDICAL
 GROUP, INC., TAYLOR FITHIAN, M.D.,
 16 LANI ANTONIO, P.A., VERONICA
 BERGHORST, R.N., JESSAMAE
 17 TRINIDAD, R.N., GRASHIKA DEVENDRA,
 Psychiatric R.N., TABITHA KING, L.V.N.,
 18 AMARDEEP TAWANA, L.V.N., JUDITH
 ALEJANDRE, L.V.N. COUNTY OF
 19 STANISLAUS, a municipal corporation,
 Stanislaus County Sheriff ADAM
 20 CHRISTIANSON, and DOES 1-50, Jointly
 and Severally,

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER RE: RESCINDING**
) **SCHEDULING ORDER FOR CASE**
) **ASSERTING DENIAL OF RIGHT OF**
) **ACCESS UNDER AMERICANS WITH**
) **DISABILITIES ACT TITLE II & III (Dkts.**
) **4 & 31)**

22 Defendants.

1 **STIPULATION**

2 The parties, by and through their respective attorneys of record, hereby respectfully
3 stipulate and agree as follows:

- 4 1. Whereas, on December 6, 2016, a “Scheduling Order for Cases Asserting Denial of Right
5 of Access Under Americans With Disabilities Act Title II & III (42 U.S.C. §§ 12131-89)”
6 (hereafter “Scheduling Order”) was issued in the instant action, Dkt. 4, presumably due to
7 the inclusion of claims under Title II and Title III of the ADA in the Fifth Cause of Action
8 of the Complaint. Dkt. 1 at 42:9-45:9.
- 9 2. The Scheduling Order sets forth a series of successive dates. *See* Dkt. 4 at 1:24-2:8.
- 10 3. On February 23, 2017, this Court signed Granted a Stipulation and Proposed Order
11 previously submitted by the parties, which extended the original deadline of **March 17,**
12 **2017** for the parties and counsel to hold the joint inspection of premises to **June 9, 2017.**
13 All of the other preceding and subsequent deadlines that were tied to the March 17, 2017
14 deadline were correspondingly extended. Dkt. 32 at 4.
- 15 4. Although there are Title II and III claims at issue in the instant case, the crux of these
16 claims is different than more common ADA claims, which expressly and exclusively
17 concern the physical condition of property. The claims here concern acts and omissions, as
18 set forth more fully in the Complaint. Dkt. 1 at 42:9-45:9. This case does not concern a
19 controversy surrounding physical barriers or physical access.
- 20 5. Due to the fact that discovery has not commenced, the parties have concluded that it would
21 be premature to hold an inspection at the present time, even if Initial Disclosures under
22 Rule 26(a)(1) are made; the parties all agree that it would be premature and inefficient to
23 hold a joint inspection at this early stage.
- 24 6. Additionally, the parties agree that the issues presented in this case are such that this case is
25 more suitable for a normal scheduling track, as opposed to the scheduling track set forth in
General Order No. 56, pursuant to which the Scheduling Order (Dkt. 4) in the instant action
was issued.

- 1 7. Consequently, the parties respectfully request that this action be taken off of the scheduling
2 track prescribed by General Order No. 56 and, instead, that it be placed on the standard
3 track for cases not covered by General Order No. 56. The parties' understanding of the
4 effect of this stipulation, if granted, is that all deadlines preceding and subsequent to the
5 deadline by which to hold a joint inspection prescribed by the Scheduling Order (Dkts. 4 &
6 32), which currently is June 9, 2017, would be vacated.
- 7 8. The parties, nevertheless, still wish to exchange Initial Disclosures, and have designated
8 **June 30, 2017** as the date by which Initial Disclosures under Rule 26(a)(1) of the Federal
9 Rules of Civil Procedure shall be made.
- 10 9. Based on the foregoing circumstances, the parties hereby jointly request that this matter be
11 taken off the scheduling track prescribed by General Order 56, and that a standard
12 scheduling order for cases not covered by General Order No. 56 be issued instead.
- 13 10. Accordingly, the parties stipulate and respectfully request that this Court enter the Order
14 below, rescinding the Scheduling Order (Dkt. 4), as well as the Order amending the
15 Scheduling Order (Dkt. 32), while ordering that standard orders for cases not covered by
16 General Order No. 56 be issued, and ordering that Initial Disclosures be made on or before
17 **June 30, 2017**.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 Dated: June 2, 2017

LAW OFFICE OF SANJAY S. SCHMIDT

3 /s/ Sanjay S. Schmidt
4 SANJAY S. SCHMIDT
5 Co-Counsel for Plaintiff
6 JEREMY LAPACHET

7 Dated: June 2, 2017

BERTLING & CLAUSEN, LLP

8 /s/ Jemma Saunders*
9 JEMMA SAUNDERS
10 Attorneys for Defendants CFMG, Fithian, Antonio,
11 Berghorst, Trinidad, Devendra, King, Tawana, Alejandro

12 Dated: June 2, 2017

RIVERA & ASSOCIATES

13 /s/ Jesse Manuel Rivera*
14 JESSE MANUEL RIVERA
15 Attorneys for Defendants County of Stanislaus, Sheriff
16 Adam Christianson


17 *Ms. Saunders and Mr. Rivera have given their consent to file this stipulation with their
18 electronic signatures.
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~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION ABOVE, AND GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED. The Scheduling Order (Dkt. 4), as amended (Dkt. 32), shall be rescinded. Standard orders for cases not covered by General Order No. 56 will be issued forthwith. The parties shall make their Initial Disclosures under Rule 26(a)(1) of the Federal Rules of Civil Procedure on or before **June 30, 2017**.

IT IS SO ORDERED.

Dated: 6/5/2017


Hon. Maywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT