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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL HOLBROOK,)	Case No.: C 10-5414 PSG
)	
Plaintiff,)	ORDER TO SHOW CAUSE
v.)	
)	
THANH T. DUONG DBA HECKER PASS)	
GAS & MART DBA SHELL MINI-)	
MART, ET AL.,)	
)	
Defendants.)	
_____)	

Pursuant to General Order 56, Plaintiff Michael Holbrook (“Holbrook”) filed a notice of need for mediation.¹ General Order 56 (as amended on November 5, 2009) sets forth the schedule for any action which asserts a denial of a right of access protected by Titles II or III of the Americans with Disabilities Act (“ADA”). Paragraph 6 states:

If within 45 days from the joint site inspection and review, the parties cannot reach an agreement on injunctive review, or cannot settle the damages and fees claim, plaintiff shall file a “Notice of Need for Mediation” in the form set forth on the Court’s ADR Internet site www.adr.cand.uscourts.gov and on the ECF website www.ecf.cand.uscourts.gov. The matter will then be automatically referred to mediation and the ADR Program will schedule a mediation as soon as possible. The mediator shall have the authority to preside over settlement negotiations that address all issues presented by this matter, including requests for injunctive relief, damages and attorney’s fees. Should a settlement be reached, the mediator shall ensure that the parties make a written or audio record of the essential terms of the settlement

¹ See Docket No. 36.


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sufficient to permit any party to move to enforce the settlement should it not be consummated according to its terms. Should any settlement be conditioned upon future conduct such as remediation, the assigned judge will retain jurisdiction to enforce that component of the settlement.

The ADR Department in this court has since advised the undersigned that Defendant Thanh T. Duong (“Duong”) and his attorney refuse to participate in mediation as prescribed in paragraph 6 above. No relief from the requirements of General Order 56 has been granted by this court, nor has any relief pursuant to Civ.L.R. 7-11 been sought. Accordingly,

IT IS HEREBY ORDERED that Duong and his attorney are ordered to show cause why they should not be sanctioned for failing to comply with General Order 56. Both Duong and his attorney, Susan Dondershine, shall appear on December 13, 2011 at 2PM.

Dated: December 5, 2011


PAUL S. GREWAL
United States Magistrate Judge