

\*E-FILED: June 11, 2013\*

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10 Cecil Shaw

11 **UNITED STATES DISTRICT COURT**  
12  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 CECIL SHAW, ) No. 5:12-CV-04687-HRL  
15 )  
16 Plaintiff, )  
17 ) **CONSENT DECREE; ~~PROPOSED~~**  
18 vs. ) **ORDER**  
19 KARAN & N, INC. dba SYLVAN LIQUORS; )  
20 KAPTAN GHIMIRE; LORENA SOTO )  
21 MAYOR DEFLORES aka LORENA SOTO )  
22 DEFLORES dba LOS JALAPENOS; )  
23 CORINNE R. WAGNER, TRUSTEE OF THE )  
24 CORINNE R. WAGNER 2002 REVOCABLE )  
25 TRUST, SYLVAN PLAZA, LLC, )  
26 Defendants. )

27 **INTRODUCTION**

28 1. Plaintiff, Cecil Shaw (“Plaintiff”), filed a complaint in this action on September 7, 2012, and a First Amended Complaint on January 25, 2013 (the “Complaint”), to obtain statutory damages and to enforce provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, et seq. (“ADA”), and California civil rights laws, against Defendants Karan & N, Inc. dba Sylvan Liquors, Kaptan Ghimire, Lorena Soto Mayor Deflores, Corinne R. Wagner, Trustee of the Corinne R. Wagner 2002 Revocable Trust, and Sylvan Plaza, LLC (“Defendants”) (Plaintiff and Defendants collectively referred to as the “Parties”), relating to

CONSENT DECREE; ~~PROPOSED~~ ORDER

1 the condition of their public accommodations. Plaintiff has alleged that Defendants violated  
2 Title III of the ADA and sections 51, 52, 54.1 and 55 of the California Civil Code, and sections  
3 19955 et seq. of the California Health and Safety Code, by failing to provide full and equal  
4 access to the businesses known as Sylvan Liquors and Los Jalapenos restaurant, both located at  
5 820 East El Camino Real, Sunnyvale, California (collectively the “Facilities”).

6 2. Defendants deny the allegations in the Complaint and by entering into this  
7 Consent Decree and Order do not admit liability for any of the allegations in the Complaint.  
8 The Parties hereby enter into this Consent Decree and Order for the purpose of resolving this  
9 lawsuit without the need for protracted litigation.

### 10 **JURISDICTION**

11 3. The Parties to this Consent Decree agree that the Court has jurisdiction of this  
12 matter pursuant to 28 U.S.C. §§ 1331 and 1343 for alleged violations of the ADA, and  
13 supplemental jurisdiction under 28 U.S.C. § 1367 for alleged violations of California Health &  
14 Safety Code § 19955 et seq., including § 19959; Title 24 California Code of Regulations; and  
15 California Civil Code §§ 51, 52, 54, 54.1, 54.3 and 55.

16  
17 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

### 18 **REMEDIAL RELIEF**

19  
20 4. This Order shall be a full, complete and final disposition and settlement of  
21 Plaintiff’s claims against Defendants for injunctive relief that have arisen out of the Complaint.  
22 The Parties agree that there has been no admission or finding of liability or violation of the  
23 ADA and/or California civil rights laws, and this Consent Decree and Order should not be  
24 construed as such.

25 5. Defendants agree to make the following modifications to the Facilities in  
26 compliance with the standards and specifications set forth in the 2010 Americans with  
27 Disabilities Act Standards for Accessible Design and Title 24 California Code of Regulations:  
28

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1 officers, directors, shareholders, subsidiaries, joint ventures, stockholders, partners, parent  
2 companies, employees, agents, attorneys, insurance carriers, heirs, predecessors, and  
3 representatives of each other Party, from all claims, demands, actions, and causes of action of  
4 whatever kind or nature, presently known or unknown, arising out of or in any way connected  
5 with this action.

6 **CONSENT ORDER BINDING ON PARTIES AND SUCCESSORS IN INTEREST**

7 11. This Consent Decree and Order shall be binding on Plaintiff and Defendants  
8 and any successors in interest. The Parties have a duty to notify all such successors in interest  
9 of the existence and terms of this Consent Decree and Order during the period of the Court's  
10 jurisdiction over this Consent Decree and Order.

11 **TERM OF CONSENT DECREE AND ORDER**

12 12. This Consent Decree and Order shall be in full force and effect for a period of  
13 twenty-four (24) months after the date of entry of this Consent Decree and Order. The Court  
14 shall retain jurisdiction over this action to enforce provisions of this Order for twenty-four (24)  
15 months after the date of entry of this Consent Decree and Order.

16 **SEVERABILITY**

17 13. If any term of this Consent Decree and Order is determined by any court to be  
18 unenforceable, the other terms of this Consent Decree and Order shall nonetheless remain in  
19 full force and effect.

20 **SIGNATORIES BIND PARTIES**

21 14. Signatories on behalf of the Parties represent that they are authorized to bind the  
22 Parties to this Consent Decree and Order. This Consent Decree and Order may be signed in  
23 counterparts and a facsimile signature shall have the same force and effect as an original  
24 signature.

25 Dated: March 18, 2013

/s/ Cecil Shaw \_\_\_\_\_  
Plaintiff, Cecil Shaw

27 Dated: May 6, 2013

/s/ Kaptan Ghimire \_\_\_\_\_  
Defendant, Karan & N, Inc. dba  
Sylvan Liquors

28 CONSENT DECREE; ~~PROPOSED~~ ORDER

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Dated: May 13, 2013

/s/ Kaptan Ghimire  
Defendant, Kaptan Ghimire

Dated: May 7, 2013

/s/ Lorena Soto Mayor Deflores  
Defendant, Lorena Soto Mayor Deflores

Dated: March 19, 2013

/s/ Corinne R. Wagner  
Defendant, Corinne R. Wagner, Trustee  
of the Corinne R. Wagner 2002 Revocable  
Trust

Dated: April 1, 2013

/s/ Cyrus Parvini  
Defendant, Sylvan Plaza, LLC

APPROVED AS TO FORM:

Dated: March 18, 2013

MOORE LAW FIRM, P.C.

/s/ Tanya E. Moore  
Tanya E. Moore, Attorneys for  
Plaintiff Cecil Shaw

Dated: April 16, 2013

/s/ Mark R. Carlquist  
Mark R. Carlquist, Attorney for  
Defendant, Corinne Wagner,  
Trustee of the Corinne R. Wagner  
2002 Revocable Trust

Pursuant to Local Rule 5-1(i)(3), I hereby certify that the concurrence in the filing  
of this document has been obtained by all parties who are signatories hereto, and that I  
maintain the original signature (as defined herein) of each signor to this Consent Decree.

Dated: May 14, 2013

/s/ Tanya E. Moore  
Tanya E. Moore

**ORDER**

Pursuant to the consent of the Parties, and good cause shown,  
**IT IS SO ORDERED.**

Dated: June 11, 2013.



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United States Magistrate Judge  
HOWARD R. LLOYD

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