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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 GLORIE JARAMILLO,

12 Plaintiff,

13 v.

14 TROTT PROPERTIES, LLC;
15 TRINH THI NGUYEN; and
16 DOES 1-10,

17 Defendants.

Case No.: 20cv1511-MMA-LL

**ORDER GRANTING JOINT
MOTION FOR ENTRY OF JOINT
STIPULATION ON FACT
REGARDING DEFENDANTS'
WHEREWITHAL AND DISCOVERY
RESPONSES**

[ECF No. 17]

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19 On November 18, 2020, the parties filed a joint motion titled "Joint Stipulation on
20 Fact Regarding Defendants' Wherewithal and Discovery Responses." ECF No. 17. It sets
21 forth the following stipulations:

22 **Plaintiff:** Plaintiff will currently forbear from propounding any discovery that
23 seeks information concerning the financial status, ability, or wherewithal of
24 the Stipulating Defendants. Plaintiff also withdraws all discovery already
25 propounded concerning this information, including but not limited to:
26 Interrogatories, Set One, No. 9 and Request for Production of Documents, Set
27 One, No. 12.

28 **Stipulating Defendants:** The Stipulating Defendants hereby declare that in
determining whether the removal of a BARRIER is READILY
ACHIEVABLE, factors such as the (1) Stipulating Defendant's financial

1 resources; (2) the facility’s financial resources; (3) the “effect on expenses and
2 resources”; and (4) impact on finances, shall NOT be raised by
3 STIPULATING DEFENDANTS as a defense as to why the Stipulating
4 Defendant cannot remedy and/or remove those alleged BARRIERS.

5 **NOTE:** Stipulating Defendants are **not** stipulating (A) liability to the
6 Plaintiff; (B) that the above identified barrier removals are required by law;
7 (C) that the above referenced barriers exist; or (D) that they are subject to the
8 ADA or related state disability access laws.

9 **NOTE:** The parties understand that the Plaintiff reserves her right to seek
10 financial information in support of a claim for punitive damages. However,
11 Plaintiff will forbear from seeking that information until Plaintiff believes that
12 further discovery information warrants the prosecution of a punitive damages
13 claim against the Stipulating Defendants. Even if Plaintiff reaches a decision
14 that a punitive damages claim should be prosecuted, Plaintiff will,
15 nonetheless, wait until the end of the discovery window to request such
16 information so as to allow maximum opportunity for resolution of the case.

17 Id. at 2–3.

18 The Court **GRANTS** the joint motion for entry of the parties’ Joint Stipulation on
19 Fact Regarding Defendants’ Wherewithal and Discovery Responses.

20 **IT IS SO ORDERED.**

21 Dated: November 20, 2020

