

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 10-cv-03135-RPM

TIMOTHY FOX,
JON JAIME LEWIS,
JULIE REISKIN, and
COLORADO CROSS-DISABILITY COALITION,

Plaintiff,

v.

MORREALE HOTELS, LLC, and
SKETCH RESTAURANT, LLC d/b/a EL DIABLO,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION FOR EXTENSION OF TIME TO SUBMIT NEW
REMEDIAL PLAN AND DENYING PLAINTIFFS' MOTION REQUESTING ENTRY OF FINAL
PERMANENT INJUNCTION AND FINAL JUDGMENT

The injunctive relief granted by this Court's order of March 5, 2012, has been deferred because of issues that have arisen between the defendants and the City and County of Denver affecting the entire building within which the El Diablo restaurant is located. The order deferring injunctive relief was entered on August 3, 2012, granting the defendants to October 8, 2012, to submit a new remedial plan. On October 5, 2012, the defendants filed a motion for extension of time to submit the new remedial plan [156]. The declaration of Jesse Morreale is attached as Exhibit A-1. The plaintiffs filed a response in opposition to that motion and also filed a motion for entry of final permanent injunction and final judgment [157].

Although the plaintiffs' protected interests in access are affected by the re-opening of the restaurant, without modification, the viability of the business is uncertain at this time and the representations made by the plaintiffs concerning communication with City officials are not a basis for any fact findings by this Court. The issues with the City are of such significant importance to any court approved plan to remediate the barriers to wheelchair access that no further orders can be entered until the issues have been resolved. Accordingly, it is

ORDERED that the defendants' motion for extension of time to permit new remedial plan is granted and the plaintiffs' motion requesting entry of final permanent injunction and final judgment is denied.

DATED: October 10, 2012

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge