

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 22-cv-02358-NYW

JOHN MEGGS, and
ACCESS 4 ALL INCORPORATED

Plaintiffs,
v.

FRIENDS HOSPITALITY, LLC,

Defendant.

MEMORANDUM OPINION AND ORDER

Entered by Judge Nina Y. Wang

Pending before the Court is the Notice of Accepting Offer of Judgment filed by Plaintiffs Access 4 All Incorporated and John Meggs (“Plaintiffs”) [Doc. 14, filed November 2, 2022]. Rule 68 of the Federal Rules of Civil Procedure provides:

At least 14 days before the date set for trial, a party defending against a claim may serve on an opposing party an offer to allow judgment on specified terms, with the costs then accrued. If, within 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service.

Fed. R. Civ. P. 68. Pursuant to the Offer of Judgment [Doc. 14-1], **IT IS ORDERED** that:

- (1) Defendant Friends Hospitality, LLC is **IN VIOLATION** of Title III of the Americans with Disabilities Act;
- (2) Defendant **SHALL**, within 12 months of this Order, make all readily achievable alterations to the facilities, or to make such facilities readily accessible to and usable by individuals with disabilities to the extent required by the ADA; and to require Defendant to make reasonable modifications in policies; practices or procedures, when such modifications are necessary to afford all offered goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities; and by failing to take such steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services;

- (3) Plaintiffs may **APPLY** to the Court for reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 12205, but to which Defendant reserves the right to contest the reasonableness of such fees, costs, and expenses;
- (4) Any motion for attorney's fees is **DUE** no later than **November 21, 2022**; and
- (5) The Clerk of the Court is **DIRECTED** to enter judgment in favor of Plaintiffs Access 4 All Incorporated and John Meggs and against Defendant Friends Hospitality LLC.

DATED: November 7, 2022