

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 09-61654-CIV-COHN-SELTZER

NOLAN CAMPBELL,

Plaintiff,

vs.

HGK ENTERPRISES, INC. d/b/a  
LASPADA'S ORIGINAL HOAGIES  
and SHOPPES OF ARROWHEAD,  
LLC,Defendants.  

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**ORDER DENYING MOTION TO STAY OR IN THE ALTERNATIVE TO  
EXTEND DISCOVERY DEADLINES**

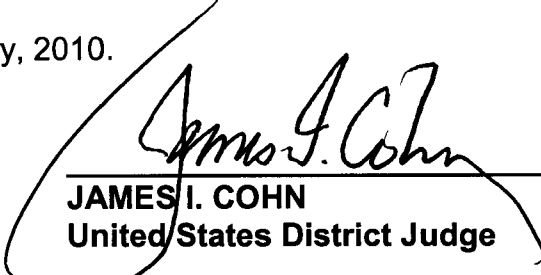
**THIS CAUSE** is before the Court on the Motion to Stay or in the Alternative to Extend Discovery Deadlines [DE 11] filed by Defendant Shoppes of Arrowhead, LLC ("Arrowhead"). The Court has considered the Motion, Plaintiff's Response [DE 14], the record in this case, and is otherwise advised in the premises.

Plaintiff brings this action alleging that a restaurant in Davie, Florida violates the Americans with Disabilities Act ("ADA"). The Motion seeks a 30-day stay of proceedings because (1) Arrowhead believes the restaurant complies with the ADA, (2) Plaintiff's claims are vague and untenable, (3) notice was not provided prior to the filing of the Complaint, and (4) the parties are negotiating settlement terms. The Court finds that the foregoing reasons, as discussed below, do no warrant a stay of this action or present good cause to extend discovery. Moreover, even taken together, such reasons do not support the relief requested.

First, if Arrowhead believes that it will prevail in this action then there is no good reason to delay its resolution. Second, although the assertion that Plaintiff's claims are vague and untenable may support a motion to dismiss or a motion for a more definite statement, that assertion does not support a stay or a continuance. Third, "[a] person may file a suit seeking relief under the ADA without ever notifying the defendant of his intent to do so . . . ." Ass'n of Disabled Am. v. Neptune Designs, Inc., 469 F.3d 1357, 1360 (11th Cir. 2006) (stating that "the ADA does not require pre-suit notice for claims filed against private public accommodations"). Fourth, the parties are free to resolve this case at any time and do not cite any specific impediments to settlement that will be removed by staying the action or extending discovery. Accordingly, it is hereby

**ORDERED AND ADJUDGED** that the Motion to Stay or in the Alternative to Extend Discovery Deadlines [DE 11] is **DENIED**.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, on this 25<sup>th</sup> day of February, 2010.

  
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**JAMES I. COHN**  
**United States District Judge**

Copies provided to:

Counsel of record via CM/ECF