

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 10-20710-CIV-MORENO

NUBIA PADILLA,

Plaintiff,

vs.

FAST GRILL ENTERPRISES OF HIALEAH
INC., a Florida Corporation, d/b/a LA GRANJA
POLLOS A LA BRASA, and PALM SPRINGS
MILE ASSOCIATES, LTD., a Florida Limited
Partnership,

Defendant.

**ORDER REQUIRING VERIFIED CERTIFICATE OF COUNSEL REGARDING ANY
PRIOR FILINGS UNDER THE AMERICANS WITH DISABILITIES ACT**

THIS CAUSE came before the Court upon a *sua sponte* examination of the record.

The Complaint alleges violations by the Defendant of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12181 *et seq.* The Court deems it advisable to require counsel for the Plaintiff to file a verified statement reflecting:

1. Whether or not counsel has conducted a search of case filings in the records of the Clerk of the United States District Court for the Southern District of Florida to ascertain whether the Defendant or the Defendant's property has ever been sued prior to the filing of this suit for alleged violations for the same, similar, or any, violations of the ADA. If such a search was not made prior to filing suit, counsel shall conduct such a search of the records prior to responding to this order and indicate the results of such search.

2. If there has been a prior suit of the nature referred to in the above paragraph, counsel shall state the present status of that litigation if pending and, if not pending, the nature of the

disposition (i.e., settlement, dismissal, other).

3. If there was such litigation and it was disposed of by settlement, counsel shall furnish to the Court specific details of the settlement, including any agreement for attorney fees and costs, either known to him or ascertainable by him with reasonable inquiry. Copies of these documents shall be furnished with the response to this order. Counsel shall also inform the Court of whether the Defendant (and/or property owned by the Defendant and the subject matter of this suit) has complied with any settlement agreement and, if not, what actions Defendant must take to comply with the settlement agreement entered into in the prior litigation.

4. Counsel shall state what efforts were taken by the parties to the prior litigation to enforce the terms of any settlement agreement entered into in any prior litigation. Namely, indicate whether the property owner made any of the necessary repairs to the property to try to bring it into compliance with the ADA, and if not, what efforts the parties in the prior litigation have taken to enforce the settlement agreement entered into in that prior litigation.

It is therefore,

ADJUDGED that Plaintiff's counsel shall file with the Clerk of the Court a verified response to this order on or before **March 19, 2010**. If counsel fails to file the required response, the Court may dismiss the case.

DONE AND ORDERED in Chambers at Miami, Florida, this 12th day of March, 2010.


FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:
Counsel of Record