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FAX TRANSMITTAL FORM

DATE: January 7, 2009

<u>Person/Firm/Company</u>	<u>FAX Number</u>
TO: David W. Peters, Esq. Lawyers Against Lawsuit Abuse 402 West Broadway, Suite 400 San Diego, CA 92101	(619) 353-9990
FROM: Jennifer A. Watson, Legal Assistant to: Theodore A. Pinnock, Esq. David C. Wakefield, Esq. Michelle L. Wakefield, Esq. PINNOCK & WAKEFIELD, A.P.C.	(619) 858-3646
RE: <u>NONI GOTTI v. VERNAL DISNEY, et al.</u> Case No.: 08cv02037 MMA (BLM)	

MESSAGE: Following is a fully executed copy of the Joint Rule 26(f) Report in the above referenced matter. Our office is having this document lodged with Magistrate Major's chambers today. If you have any questions, please call our offices.

Number of Pages Including this Form: -- 10 --

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11 **UNITED STATES DISTRICT COURT**
 12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **NONI GOTTI,**) **Case No.: 3:08-cv-02037-MMA-BLM**
 14 **Plaintiff,**)

15 **v.**)

16 **VERNA L DISNEY; VALLE AYAKO**) **JOINT RULE 26(f) REPORT**
 17 **DBA SHIMAKI TAILORING;**) **Scheduling Conference**
 18 **LYDIA HAIR SALON; And DOES 1**) **Pursuant to Rule 16:**
 19 **THROUGH 10, Inclusive**) **DATE: January 20, 2009**
Defendants.) **TIME: 10:00 A.M.**

20 **JUDGE: Barbara Lynn Major**
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 26 **TO THE HONORABLE COURT:**
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1 The parties, through their attorneys of record, after having conferred
2 pursuant to Rule 26(f), hereby submit their Joint Rule 26(f) Report as follows:

3 **1. SYNOPSIS OF CASE.**

4 **(a) Claims.**

5 Plaintiff brings the following claims as set forth in the complaint:

6 Denial of full and Equal Access, Failure to Remove Architectural Barriers, and
7 Failure to Modify Practices, Policies and Procedures under the Americans with
8 Disabilities Act of 1990; and Denial of Full and Equal Access, and Failure to
9 Modify Practices, Policies and Procedures under California's Unruh Act and
10 Disabled Persons Act. Plaintiff further claims that Defendants were negligent in
11 failing to comply with their statutory duties to provide equal access to members of
12 the disability community and to this specific Plaintiff. The barriers specific to
13 Plaintiff are:

14 Due to Ms. Gotti's back problem, Ms. Gotti has a disabled placard.
15 Ms. Gotti has been disabled for the last 14 years. Ms. Gotti cannot walk long
16 distance. Ms. Gotti has a problem lifting her arm. Therefore, Ms. Gotti requires
17 that the walkway be accessible and she requires regular disabled parking. Also,
18 Ms. Gotti requires that the stairs be accessible so that she will not hurt her back.
19 There are times that Ms. Gotti has a problem grasping the doorknob. Therefore
20 she needs the doorknob to be accessible. Also, due to her back problem Ms. Gotti
21 requires that the mats comply with the ADA. Also, due to her back problem Ms.
22 Gotti requires that the counter be accessible. Also, Ms. Gotti has a problem with
23 the door pressure so the door must be compliant. Ms. Gotti does not require van
24 accessible parking. Therefore, we will remove the allegation from the complaint.

26 **(b) Defenses.**

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Objections to Witnesses or Exhibits, FRCP 26(a)(3)

June 10, 2009

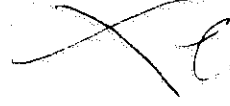
Final PreTrial Conference

June 17, 2009

Trial Date
(anticipate 3-5 days)


July 5, 2009

DATED: January 6, 2009 **PINNOCK & WAKEFIELD, A.P.C.**

By: 
THEODORE A. PINNOCK, ESQ.
Attorney for Plaintiff

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///

DATED: 6 January 2009 **LAWYERS AGAINST LAWSUIT ABUSE**

By: 
s/DAVID W. PETERS, ESQ.
Email: dpeters@ascervus.com
Attorney for Defendants