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12 Attorneys for Plaintiffs
13 NICOLE BROWN-BOOKER and
14 JANA OVERBO

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23 Attorneys for Defendant
24 APPLE INC.

25 UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

28 NICOLE BROWN-BOOKER,
and JANA OVERBO,

Plaintiffs,

vs.

APPLE INC.; DEKA IMMOBILIEN
INVESTMENT GMBH; and DOES 1-10,
Inclusive,

Defendants.

Case No: 3:07-cv-04397-SI

**UPDATED JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: December 18, 2008
Time: 4:00 p.m.
Ctrm: 10, 19th Floor

The Hon. Susan Illston

1 Pursuant to the Court's August 27, 2008 Order, Plaintiffs Nicole Brown-Booker
2 and Jana Overbo ("Plaintiffs") and Defendants Apple Inc. and Deka Immobilien Investment
3 GMBH ("Defendants") (collectively, the "Parties") submit the following updated Joint Case
4 Management Conference Statement in advance of the Case Management Conference scheduled
5 for December 18, 2008 at 4:00 p.m. Reference is made to the previous Case Management
6 Statement, filed on November 10, 2008, and that Case Management Statement is incorporated
7 herein by reference.
8

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10 **I. FACTS AND PROCEDURAL BACKGROUND**

11 **Plaintiffs' and Defendants' Joint Position:** The Parties appeared before this
12 Court for a Case Management Conference on November 14, 2008.

13 At that Case Management Conference, the Parties represented to the Court that
14 they were actively working to settle the case. The Parties have agreed upon a settlement, subject
15 to the Court's approval, of all injunctive relief issues (which will be incorporated into a proposed
16 Consent Decree), as well as all damages issues. The remaining issues relate to payment of
17 plaintiffs' attorneys' fees, litigation expenses and costs. The Parties are presently negotiating a
18 resolution of those issues. Because of the approaching holidays, the Parties request that the
19 December 18, 2008 Further Case Management Conference be continued approximately one
20 month so that the Parties can either settle these issues or agree to make an attorneys' fees motion
21 to the Court.
22

23 **II. SUMMARY OF THE CASE**

24 **Plaintiffs' and Defendants' Joint Position:** This case involves the alleged denial of
25 accessible sales establishment facilities, including the alleged denial of accessible entrance, path
26 of travel, teaching theater seating, elevator, and restroom facilities, to plaintiffs NICOLE
27 BROWN-BOOKER and JANA OVERBO and other disabled persons at the Apple Store, located
28 at One Stockton Street, San Francisco, California.

1 The Parties have now resolved Plaintiffs' claims for injunctive relief and damages, and
2 request further time to negotiate attorneys' fees.

3
4 **III. MEDIATION**

5 **Plaintiffs' and Defendants' Joint Position:** Since the mediation on July 2, 2008,
6 the Parties have undertaken direct negotiations and have settled Plaintiffs' claims for injunctive
7 relief and damages. The Parties are still negotiating attorneys' fees.

8 **IV. NARROWING OF ISSUES**

9 **Plaintiffs' and Defendants' Joint Position:** Plaintiffs' attorneys' fees are the
10 remaining issue in this case.

11
12 **V. OTHER CASE MANAGEMENT ISSUES:**

13 The Parties incorporate their previous positions from their previous Case Management
14 Statement regarding other case management issues.

15
16 Respectfully submitted,
17 Dated: December 12, 2008 PAUL, HASTINGS, JANOFSKY & WALKER LLP
18 By: _____ /s/
19 David M. Walsh
20 Attorneys for Defendant
APPLE INC.

21 Dated: December 12, 2008 LAW OFFICES OF PAUL L. REIN
22 LAW OFFICES OF JULIE A. OSTIL
23
24 By: _____ /s/ Paul L. Rein
25 Attorneys for Plaintiffs
26 NICOLE BROWN-BOOKER, and JANA OVERBO

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Signature Attestation

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

Dated: December 12, 2008

PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: _____ /s/
David M. Walsh

Attorneys for Defendant
APPLE INC.

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6 APPLE INC. and
DEKA IMMOBILIEN INVESTMENT

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18 NORTHERN DISTRICT OF CALIFORNIA
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20 NICOLE BROWN-BOOKER,
and JANA OVERBO,

21 Plaintiffs,

22 vs.

23 APPLE INC.; DEKA IMMOBILIEN
24 INVESTMENT GMBH; and DOES 1-10,
Inclusive,

25 Defendants.
26

Case No: 3:07-cv-04397-SI

**JOINT STIPULATION TO CONTINUE
FURTHER CASE MANAGEMENT
CONFERENCE; [PROPOSED] ORDER**

Date: December 18, 2008
Time: 4:00 p.m.
Ctrm: 10, 19th Floor

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JOINT STIPULATION TO CONTINUE FURTHER
CASE MANAGEMENT CONFERENCE

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This Stipulation is entered into by and between Plaintiffs Nicole Brown-Booker and Jana Overbo (“Plaintiffs”) and Defendants Apple Inc. and Deko Immobilien Investment GMBH (“Defendants”) (collectively, the “Parties”) through their respective counsel of record:

WHEREAS, a Further Case Management Conference is currently scheduled for December 18, 2008 at 4:00 p.m. before this Court;

WHEREAS, the Parties filed their Updated Joint Case Management Statement (Docket No. 27) on December 12, 2008, informing the Court that the Parties have settled the principal action, subject to the Court’s approval;

WHEREAS, the Parties are presently negotiating the remaining issue relating to the payment of plaintiffs’ attorneys’ fees, litigation expenses and costs;

NOW THEREFORE, the Parties respectfully request that the December 18, 2008 Further Case Management Conference be continued to January 20, 2009 so that the Parties can either settle these issues or agree to make an attorneys’ fees motion to the Court.

1 IT IS SO STIPULATED:

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4 Dated: December 16, 2008

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9 Dated: December 16, 2008

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Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: _____
/s/ David M. Walsh

Attorneys for Defendant
APPLE INC.

LAW OFFICES OF PAUL L. REIN

LAW OFFICES OF JULIE A. OSTIL

By: _____
/s/ Paul L. Rein

Attorneys for Plaintiffs
NICOLE BROWN-BOOKER, and JANA OVERBO

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[PROPOSED] CASE MANAGEMENT ORDER

On the stipulation of the Parties, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Further Case Management Conference set for Thursday, December 18, 2008, at 4:00 p.m. in this action is vacated.

IT IS HEREBY ORDERED that the Parties shall appear on Tuesday, January 20, 2009, at 4:00 p.m. for a Further Case Management Conference in this action, with the Parties' Joint Case Management Conference Statement due seven days prior.

Dated: December, 2008



Susan Illston
United States District Court Judge

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