

1 LAURENCE W. PARADIS (State Bar No. 122336)  
MELISSA W. KASNITZ (State Bar No. 162679)  
2 DISABILITY RIGHTS ADVOCATES  
449 Fifteenth Street, Suite 303  
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4 Fax: 510/451-8511  
TTY: 510/451-8716

**FILED**

**JUL 11 2000**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

5 Attorneys for Plaintiffs

6  
7 OFFICE OF THE CITY ATTORNEY  
980 Ninth Street, 10<sup>th</sup> Floor  
8 Sacramento, CA 95814  
Phone: 916/264-5346  
9 Fax: 916/264-7455

**LODGED**

10 Attorneys for Defendants

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12 JUN 30 2000 *me*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DISABILITY RIGHTS ADVOCATES  
449 Fifteenth Street, Suite 303  
Oakland, CA 94612-2821  
(510) 451-8644

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

14 JOAN BARDEN, SUSAN BARNHILL,  
15 HOLLYNN DeLIL, JEFFREY EVANS, TONY  
16 MARTINEZ, BRENDA PICKERN, JEFF  
17 THOM, SUZANNE FITTS VALTERS, MITCH  
WATKINS, CAROL WOLFINGTON, and all  
others similarly situated,

18 Plaintiffs,

19 v.

20 CITY OF SACRAMENTO and MIKE  
21 KASHIWAGI, Director of the Department of  
Public Works of the City of Sacramento, in his  
Official Capacity,

22 Defendants.

Case No. CIV-S-99-497 MLS

CLASS ACTION

**STIPULATION AND  
ORDER APPROVING  
CERTIFICATION OF A CLASS**

Fed. R. Civ. P. Rule 23

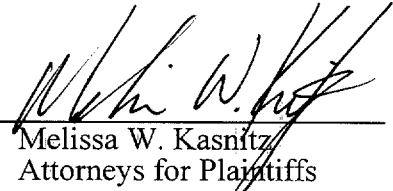
24 It is hereby stipulated by and between the parties that a plaintiff class be certified under  
25 Federal Rule of Civil Procedure 23(b)(2). The plaintiff class shall be defined as: all persons with  
26 mobility and/or vision disabilities who seek full and equal access pertaining to curb cuts and  
27 sidewalks in the City of Sacramento's public rights of way.  
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1 It is further stipulated that plaintiffs Joan Barden, Susan Barnhill, Hollynn Delil, Jeffrey  
2 Evans, Tony Martinez, Brenda Pickern, Jeff Thom, Suzanne Fitts Valters, Mitch Watkins, and  
3 Carol Wolfington be certified as class representatives and that plaintiffs' counsel, Disability  
4 Rights Advocates, be certified as counsel for the class.

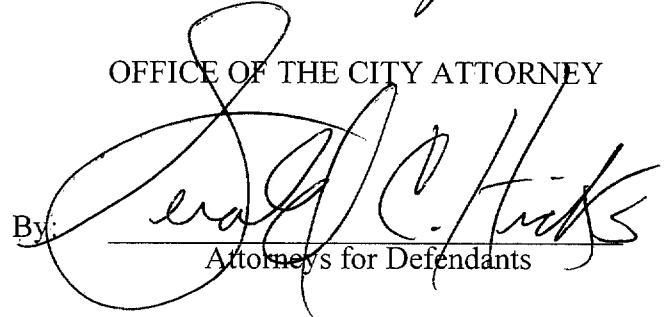
5 Dated: 6/27/00

DISABILITY RIGHTS ADVOCATES

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8 By:   
Melissa W. Kasnitz  
Attorneys for Plaintiffs

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10 Dated: 6/28/00

OFFICE OF THE CITY ATTORNEY

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12  
13 By:   
Attorneys for Defendants

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DISABILITY RIGHTS ADVOCATES  
449 Fifteenth Street, Suite 303  
Oakland, CA 94612-2821  
(510) 451-8644

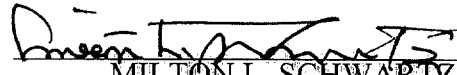
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**ORDER**

Based upon the stipulation of the parties and for good cause shown, IT IS HEREBY ORDERED that this action shall proceed as a class action under Rule 23(b)(2) of the Federal Rules of Civil Procedure. The class shall be defined as: all persons with mobility and/or vision disabilities who seek full and equal access pertaining to curb cuts and sidewalks in the City of Sacramento's public rights of way.

IT IS FURTHER ORDERED that plaintiffs Joan Barden, Susan Barnhill, Hollynn Delil, Jeffrey Evans, Tony Martinez, Brenda Pickern, Jeff Thom, Suzanne Fitts Valters, Mitch Watkins, and Carol Wolfington be certified as class representatives and that plaintiffs' counsel, Disability Rights Advocates, be certified as counsel for the class.

DATED: 7/11/00

By:   
MILTON L. SCHWARTZ  
United States District Court Judge

DISABILITY RIGHTS ADVOCATES  
449 Fifteenth Street, Suite 303  
Oakland, CA 94612-2821  
(510) 451-8644

PROOF OF SERVICE

**CASE NAME:** *Barden, et al. vs. City of Sacramento*  
**COURT:** U. S. District Court, Eastern District of California  
**CASE NUMBER:** CIV. S-99-497 MLS/JFM

I declare that:

I am employed in the County of Sacramento, California. I am over the age of eighteen years and not a party to the within cause; my business address is 980 Ninth Street, Tenth Floor, Sacramento, CA 95814. I am familiar with the mail collection and process of the City of Sacramento in which the mail is deposited with the United States Postal Service on the same day that it is deposited for collection and mailing, in the ordinary course of business.

On the date stated below, I served the following document:

STIPULATION AND [proposed] ORDER APPROVING CERTIFICATION OF CLASS  
STIPULATION AND [proposed] ORDER CONTINUING PRETRIAL AND TRIAL DATES

**Via the United States Postal Service** by causing a true copy and/or original thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail.

**By Personal Delivery** on the parties in this action by causing a true copy and/or original thereof to be delivered by hand to the offices of the addressee(s).

**Via Facsimile** by causing such document to be served via facsimile on the parties in this action via facsimile numbers as stated on this proof of service.

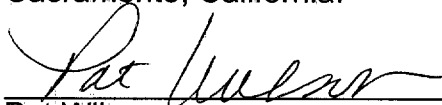
**Via Certified Mail, Return Receipt Requested** by causing a true copy and/or original thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail.

addressed as follows:

For Plaintiffs

Laurence W. Paradis, Esq.  
Melissa w. Kasnitz, Esq.  
DISABILITY RIGHTS ADVOCATES  
449 15th Street, Suite 303  
Oakland, CA 94612  
Fax No. (510) 451-8511

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 30, 2000, at Sacramento, California.

  
\_\_\_\_\_  
Pat Wilson

United States District Court  
for the  
Eastern District of California  
July 11, 2000

\* \* CERTIFICATE OF SERVICE \* \*

2:99-cv-00497

Barden

v.

City of Sacramento

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on July 11, 2000, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Melissa Wendy Kasnitz  
Disability Rights Advocates  
449 15th Street  
Suite 303  
Oakland, CA 94612-2821

CL/MLS

Shana Susan Faber  
Sacramento City Attorney's Office  
980 Ninth Street  
Tenth Floor  
Sacramento, CA 95814-2717

Jack L. Wagner, Clerk

BY: 

Deputy Clerk