

LODGED

FILED
CLERK, U.S. DISTRICT COURT
MAR - 8 2005
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

1 Mark A. Jones (SBN 153297)
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2005 FEB 24 PM 1:45

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

Attorneys for Defendant M.J. CABLE, INC.
dba CABLES RESTAURANT

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Handwritten initials/signature

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and
DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU
HELP OTHERS, a California public benefit
corporation,

Plaintiffs,

v.

CABLE'S RESTAURANT; M.J. CABLE,
INC., a California corporation; 20929
VENTURA BOULEVARD, LLC., a
California limited liability company; and
LJS PROPERTIES, LLC., a California
limited liability company,

Defendants.

CASE NO. CV03-4809 DT (CW)
Civil Rights
JUDGMENT IN A CIVIL ACTION

ENTERED
CLERK, U.S. DISTRICT COURT
MAR 10 2005
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

This action came on regularly for trial by jury on November 16, 2004 through and including
November 18, 2004 with Plaintiff Jarek Molski appearing in person and by Thomas E. Frankovich,
his attorney of record. Defendant M.J. Cable, Inc. dba Cables Restaurant appeared by
representative/owner Tony Dalkas and by Craig N. Beardsley, its attorney of record;

A jury of eight persons was duly empaneled and sworn; witnesses testified, and after being
duly instructed by the Court, the jury deliberated and thereon duly returned the following Special
Verdict: "Do you find that the defendant failed to identify and remove architectural barriers at
Cable's Restaurant?", Answer: "No".; and it appearing that by reason of this Special Verdict that
Defendant M.J. Cable, Inc. dba Cables Restaurant is entitled to Judgment against Plaintiff Jarek

1 Molski, and for costs;

2 **IT IS HEREBY ORDERED AND ADJUDGED**, that Judgment be, and hereby is, entered
3 in favor of Defendant M.J. Cable, Inc. dba Cables Restaurant and against Plaintiff Jarek Molski
4 based upon the Special Verdict issued by the jury on November 18, 2004, a copy of which is
5 attached hereto as Exhibit "A" and incorporated herein by this reference.

6 **IT IS FURTHER ORDERED AND ADJUDGED**, that Defendant recover from Plaintiff
7 Jarek Molski incurred costs of \$1,484.57.

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10 Dated: MAR - 8 2005

DICKRAN TEVRIZIAN

JUDGE DICKRAN TEVRIZIAN
UNITED STATE DISTRICT JUDGE

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SCANNED

*Nov. 18, 2004 @ 3:25 pm
Started afternoon session*

SCANNED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual,

Plaintiff(s),

vs.

CABLE'S RESTAURANT; M.J. CABLE,
INC., a California corporation,

Defendant(s).

CASE NO. CV 03-4809 DT (CWx)
SPECIAL VERDICT FORM

Do you find that the defendant failed to identify and remove architectural
barriers at Cable's Restaurant?

Yes _____ No

If you answered "yes" to the above question, then please review each
alleged barrier and indicate (1) whether the following architectural barriers existed
at Cable's Restaurant as of January 26, 2003, (2) whether defendant M.J. Cable
failed to identify and remove the barrier, and (3) whether the alleged barrier was
"readily achievable" to remove.

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A. Interior Men's Room Door Opening Pressure Greater Than 5 lbs.

(1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

Yes _____ No _____

(2) If "yes," did defendant M. J. Cable fail to identify and remove the barrier?

Yes _____ No _____

(3) If "yes," was it readily achievable to remove?

Yes _____ No _____

B. Failure to Provide a Paper Towel Dispenser at a Height of 40" or Less in the Men's Restroom

(1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

Yes _____ No _____

(2) If "yes," did defendant M.J. Cable fail to identify and remove the barrier?

Yes _____ No _____

(3) If "yes," was it readily achievable to remove?

Yes _____ No _____

C. Failure to Insulate the Drain Under the Sink in the Men's Restroom

(1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

Yes _____ No _____

(2) If "yes," did defendant M.J. Cable fail to identify and remove the barrier?

Yes _____ No _____

STAMPED

1 (3) If "yes," was it readily achievable to remove?

2 Yes _____ No _____

3
4 D. Failure to Provide a Water Closet (Toilet) With a Seat Height of 17" - 19" in the Men's Restroom

5 (1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

6 Yes _____ No _____

7 (2) If "yes," did defendant M.J. Cable fail to identify and remove the
8 barrier?

9 Yes _____ No _____

10 (3) If "yes," was it readily achievable to remove?

11 Yes _____ No _____

12
13 E. Failure to Provide a 42" Side Grab Bar in the Men's Restroom

14 (1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

15 Yes _____ No _____

16 (2) If "yes," did defendant M.J. Cable fail to identify and remove the
17 barrier?

18 Yes _____ No _____

19 (3) If "yes," was it readily achievable to remove?

20 Yes _____ No _____

21
22 F. Failure to Provide a 32" Rear Grab Bar in the Men's Restroom

23 (1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

24 Yes _____ No _____

SCANNED

(2) If "yes," did defendant M.J. Cable fail to identify and remove the barrier?

Yes _____ No _____

(3) If "yes," was it readily achievable to remove?

Yes _____ No _____

G. Failure to Provide 60" of Clear Floor Space, or a Maximum Amount of Clear Space in the Men's Restroom

(1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

Yes _____ No _____

(2) If "yes," did defendant M.J. Cable fail to identify and remove the barrier?

Yes _____ No _____

(3) If "yes," was it readily achievable to remove?

Yes _____ No _____

H. Failure to Provide Levered Hardware (Faucets) on the Lavatory in the Men's Restroom

(1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

Yes _____ No _____

(2) If "yes," did defendant M.J. Cable fail to identify and remove the barrier?

Yes _____ No _____

(3) If "yes," was it readily achievable to remove?

Yes _____ No _____

SCANNED

1 I. Failure to Provide a Paper Toilet Seat Dispenser at a Height of 40" or Less
2 in the Men's Room

3 (1) Did this barrier exist at the Cable's Restaurant on January 26, 2003?

4 Yes _____ No _____

5 (2) If "yes," did defendant M. J. Cable fail to identify and remove the
6 barrier?

7 Yes _____ No _____

8 (3) If "yes," was it readily achievable to remove?

9 Yes _____ No _____

10 J. Should plaintiff be awarded statutory damages in the sum of \$4,000?

11 Yes _____ No _____

12 DATED: 11/18/2004

13 Edward Fih
14 Foreperson

PROOF OF SERVICE
1013A (3) CCP Revised 5/1/88

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STATE OF CALIFORNIA, COUNTY OF KERN

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is: 10000 Stockdale Highway, Suite 350, Bakersfield, California, 93311

On **February 23, 2005**, I served the foregoing document **JUDGMENT IN A CIVIL ACTION**, in this action on Attorney for Interested Parties

 by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;

 X by placing the original X a true copy thereof enclosed in a sealed envelope addressed as follows:

Thomas E. Frankovich, Esq.
Sarah Kraemer, Esq.
2806 Van Ness Avenue
San Francisco, CA 94109

Jonathan L. Smoller, Esq.
Kulik, Gottesman, Mouton & Siegel, LLP
15303 Ventura Blvd., Ste. 1400
Sherman Oaks, CA 91403

 X **BY MAIL**

 X As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon prepaid at Bakersfield, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

 X Executed on **February 23, 2005**, at Bakersfield, California.

 X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Kate M. Baker