

USDC SCAN INDEX SHEET



AXR 4/21/05 8:32  
3:02-CV-02497 HUBBARD V. RITE AID CORPORATION  
\*96\*  
\*DECL.\*

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FILED

05 APR 20 PH 3:02

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:  DEPUTY

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8  
9 THE UNITED STATES DISTRICT COURT  
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11  
12 BY FAX

13 LYNN J. HUBBARD and BARBARA J.  
14 HUBBARD,

15 Plaintiffs,

16 vs.

17 RITE AID CORPORATION; CIUFFO  
18 FAMILY TRUST;

19 Defendants.

Case No. 02cv2497 WQH BLM

DECLARATION OF ROBERT  
SIEVERS IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
VEXATIOUS LITIGANTS

Date: April 22, 2005

Time: 3:00 PM

Floor: 4

Room: 4

Honorable William Q. Hayes

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Hubbard v. Rite Aid, et. al.  
02cv2497 WQH BLM

Declaration of Robert Sievers in Opposition to Defendant's Motion for Vexatious Litigant

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I, Robert Sievers, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. I represented Ahmed Siddiqui and Ishrat Ali dba Denny's #6701 in the case entitled Chapman v. Denny's Case # SACV04-10580 GPS (RZx).
3. On or around February 4, 2005, I contacted The Law Office of Lynn Hubbard to inquire about a settlement. I spoke to Mr. Hubbard's paralegal, Alisha Petras.
4. I informed Ms. Petras that my client, Ahmed Siddiqui and Ishrat Ali dba Denny's #6701, was recently subject to an ADA lawsuit, arising from the same location that Mr. Chapman has recently sued.
5. Furthermore, I indicated that my client had been forced to struggle with the decline in business that made his day-to-day operations difficult.
6. Ms. Petras had indicated to me that Mr. Hubbard would possibly be willing to dismiss my client and waive his fees and costs once he discussed the above circumstances with his client and my office provided the documentation to show that this particular Denny's had just been subject to a similar ADA action.
7. Upon their request, I immediately sent them, by fax and overnight mail, a copy of the previous settlement agreement and a copy of the lawsuit that my client was a party to.
8. On February 22, 2005 Ms. Petras contacted my office and informed me that Mr. Hubbard had received permission from his client to accept \$3,500.00 in statutory damages, rather than \$4,000.00 which he was entitled to, and confirmation that he would waive his fees and costs, so that money could instead be used to bring the facility into compliance with applicable laws and regulations.

Hubbard v. Rita Ald, et al.  
02cv2497 WQH BLM

Declaration of Robert Sievers in Opposition to Defendant's Motion for Vexatious Litigant

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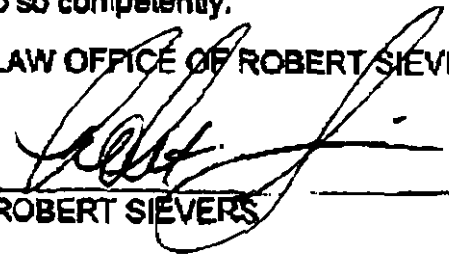
9. On March 10, 2005, the parties entered into a settlement and the matter was concluded.

10. Based on my experience representing a business that was sued for ADA access violations, The Law Offices of Lynn Hubbard was very concerned about promoting access to disabled individuals, even to the point of waiving fees and costs to help.

I hereby declare under the penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge and if called upon to testify to the facts set forth herein I could and would do so competently.

Dated: April 15, 2005

LAW OFFICE OF ROBERT SIEVERS

  
ROBERT SIEVERS

*Hubbard v. Rite Aid, et. al.*  
02cv2487 WQH BLM

Declaration of Robert Sievers in Opposition to Defendant's Motion for Vexatious Litigant

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**PROOF OF SERVICE**

I am, and was at the time of service hereinafter mentioned, a citizen of the United States and a resident of the County of Butte. I am over the age of 18 years and not a party to the within action; my business address is 12 Williamsburg Lane, Chico, Butte County, California.

On this date, I served the foregoing document described as **DECLARATION OF ROBERT SIEVERS IN OPPOSITION TO DEFENDANT'S MOTION FOR VEXATIOUS LITIGANTS** for Case No. 02cv2497 WQH BLM on the parties below as follows:

**Lisa Herzog, Esq.**  
Hart King & Coldren  
200 East Sandpointe, Suite 400  
Santa Ana CA 92707

The following is a procedure in which service of this document was effected:

**U.S. Postal Service** (by placing for collection and deposit in the United States mail a copy of said document at Law Offices of Lynn Hubbard, III, 12 Williamsburg Lane, Chico, Butte County, California, in a sealed envelope, with postage fully prepaid).

**Federal Express/Express Mail**

**UPS Next Day Air**

**FAX**

**California Overnight**

**State:** I declare under penalty of perjury under the laws of the State of California that the foregoing 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.

I am familiar with the practice of Law Offices of Lynn Hubbard, III, for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document would have been deposited with the United States mail on the same day on which it was placed at Law Offices of Lynn Hubbard, III for deposit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: April 20, 2005



MeLisa Dotson