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24 **UNITED STATES DISTRICT COURT**

25 **NORTHERN DISTRICT OF CALIFORNIA**

26 ESTORIA CHERRY, et al.,) No. C 04-4981 WHA
27)
28 Plaintiffs,) **CLASS ACTION**
29)
30 vs.) **STIPULATED JUDGMENT AND ORDER**
31)
32 THE CITY COLLEGE OF SAN)
33 FRANCISCO ("SFCCD" or "CITY)
34 COLLEGE"), et al.,)
35)
36 Defendants.)
37)
38)

1 **I. RECITALS**

2 1. On November 23, 2004, Named Plaintiffs Estoria and Margie Cherry
3 commenced a class action in the United States District Court for the Northern District of
4 California, Case No. C-04-4981 WHA (the "Lawsuit"), against Defendants, alleging *inter*
5 *alia*, discrimination in violation of the Americans with Disabilities Act ("ADA"), Section
6 504 of the Rehabilitation Act of 1973 ("Section 504") and 42 U.S.C. § 1983 regarding
7 physical access for persons with mobility disabilities in the facilities and programs of the
8 San Francisco Community College District ("SFCCD" or "City College"). Defendants filed
9 their Answer to the Complaint on February 7, 2005.

10 2. Defendants are SFCCD and the members of the Board of Trustees of the
11 San Francisco Community College District, in their official capacities, and the
12 Chancellor of the San Francisco Community College District, in his official capacity as
13 Chancellor (collectively, "Defendants").

14 3. On June 15, 2005, the Court entered an Order certifying the following
15 class ("the Class") for declaratory and injunctive relief only:

16 All students disabled by mobility impairments enrolled at City College of San
17 Francisco since November 23, 2001, and who seek access to its services,
 programs and/or activities.

18 Order (1) Granting-In-Part and Denying-In-Part Class Certification and (2) Denying
19 Motion to Compel Production of Potential Class List. Named Plaintiff Estoria Cherry
20 was appointed class representative. A non-student class was not certified by the Court.
21 Ms. Margie Cherry, the other named Plaintiff, has only individual claims for relief.

22 4. The lawsuit has been vigorously prosecuted and defended. Trial in this
23 case was scheduled to begin on February 13, 2006.

24 5. With the exception of those violations that have been previously admitted
25 by Defendants, SFCCD otherwise denies any and all liability to the Named Plaintiffs and
26 to the Class Members, and denies that SFCCD has violated any laws, including without
27 limitation, Title II of the ADA, Section 504 of the Rehabilitation Act and 42 U.S.C. §
28 1983, pertaining to access for persons with mobility disabilities.

