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15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 ROXANNE LOPEZ and HUGO LOPEZ, as) No. C 99-3260 SI (EMC)
guardians ad litem of L.L.; et al.,)
18) **CLASS ACTION**
19 Plaintiffs,)
20 vs.) **STIPULATED JUDGMENT**
21 THE SAN FRANCISCO UNIFIED SCHOOL)
DISTRICT ("SFUSD" or "DISTRICT"), et al.,)
22)
23 Defendants.)
24)
25)
26)
27)
28)

Stipulated Judgment

Lopez et al. v. SFUSD, et al., Case No. C 99-3260 SI (EMC)

1 **I. RECITALS**

2 1. On July 6, 1999, Named Plaintiffs Hugo and Roxanne Lopez as guardians ad
3 litem of Jason Lopez, and Teresa Gallegos commenced a class action in the United States
4 District Court for the Northern District of California, Case No. C-99-3260 SI (the
5 “Lawsuit”), against Defendants, alleging *inter alia*, discrimination in violation of the
6 Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act of 1973
7 (“Section 504”) and 42 U.S.C. § 1983 regarding physical access for persons with mobility
8 and/or vision disabilities in the schools of the San Francisco Unified School District
9 (“SFUSD”). On December 14, 1999, Plaintiffs filed their Second Amended Complaint
10 pursuant to a stipulation of the parties. Defendants filed their Answer to the Second
11 Amended Complaint on January 11, 2000.

12 2. Defendants are members of the School Board of the San Francisco Unified
13 School District, in their official capacities, and the Superintendent of the San Francisco
14 Unified School District, in her official capacity as Superintendent of Schools
15 (collectively, “Defendants”).

16 3. On May 2, 2001, the Court entered an Order certifying the following two
17 classes:

18 1) All persons disabled by mobility and/or visual impairments who have
19 enrolled as students in the San Francisco Unified School District since July 6,
20 1996 and who have allegedly been denied their rights under Title II of the
21 Americans with Disabilities Act, Section 504 of the Rehabilitation Act and 42
22 U.S.C. section 1983 to access to the programs, services, activities and/or facilities
23 of the San Francisco Unified School District as a result of physical barriers.

24 2) All persons (other than students) disabled by mobility and/or visual
25 impairments who have allegedly been denied their rights under Title II of the
26 Americans with Disabilities Act, Section 504 of the Rehabilitation Act and 42
27 U.S.C. section 1983 to access to the programs, services, activities and/or facilities
28 of the San Francisco Unified School District as a result of physical barriers.

Order Re Class Certification at 4. For the purposes of this Stipulated Judgment, the two
classes are hereinafter referred to as “the Class.”

1 4. The lawsuit has been vigorously prosecuted and defended. Trial in this
2 case was scheduled to begin on June 21, 2004.

3 5. Defendants deny any and all liability to the Named Plaintiffs and to the
4 Class Members, and deny that they have violated any laws, including without limitation,
5 Title II of the ADA, Section 504 and 42 U.S.C. § 1983, pertaining to access for persons
6 with mobility and/or vision disabilities.

7 **II. DEFINITIONS**

8 As used in this Stipulated Judgment (hereinafter the “Judgment”), the following
9 terms shall have the meaning ascribed to them in this Section and in the Recitals. Except
10 to the extent clearly required to the contrary by the context of its usage in this Stipulated
11 Judgment, any term not expressly defined in this Section or elsewhere in this Judgment
12 that has an expressly defined meaning in either the ADA, Section 504, or the regulations
13 promulgated thereunder (hereinafter the “regulations”), or the Americans with
14 Disabilities Act Accessibility Guidelines (“ADAAG”) shall have the meaning ascribed to
15 it by the ADA, Section 504, the regulations, or the ADAAG. All other terms shall be
16 interpreted according to their plain and ordinary meaning.

17 **A. Access or Accessible**

18 “Access” or “accessible,” unless otherwise indicated, mean and refer to conditions
19 that comply with the standards set forth in the Americans with Disabilities Act
20 Accessibility Guidelines (“ADAAG”). Access work performed pursuant to
21 Section III of this Judgment shall be performed in compliance with the standards
22 set forth in the Americans with Disabilities Act Accessibility Guidelines.

23 **B. Class Counsel**

24 “Class Counsel” means and refers to Schneider & Wallace, the Legal Aid
25 Society-Employment Law Center, and/or José R. Allen, including the attorneys
26 therein.