

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**MAHALA AULT, STACIE RHEA and
DAN WALLACE,**

Plaintiffs,

-vs-

Case No. 6:07-cv-1785-Orl-31KRS

WALT DISNEY WORLD CO.,

Defendant.

ORDER

This matter came before the Court *sua sponte* and upon consideration of the “Consolidated Response on Date for the Fairness Hearing” (Doc. 140) filed by Defendant, Walt Disney World Company, Plaintiffs Mahala Ault, Stacie Rhea and Dan Wallace, *Amicus Curiae* the United States Department of Justice, and Objectors Tina Baughman, Jerry Kerr, and Disability Rights Advocates for Technology.

The fairness hearing concerning the proposed settlement in this class action was originally scheduled to occur on Tuesday, March 31, 2009 (Doc. 85). However, upon consideration of the various objections received by the Court subsequent to the Notice of Class Action Settlement and Fairness Hearing, the Court postponed the fairness hearing (Doc. 116). On April 9, 2009, the Court conducted a status conference to determine, *inter alia*, the best time to reschedule the fairness hearing and to establish a limited briefing schedule for the parties (Doc. 136). On April 14, 2009, the parties, the United States Department of Justice, and certain Objectors filed their “Consolidated Response on Date for the Fairness Hearing” (Doc. 140), indicating that the best

time to reschedule the fairness hearing would be Wednesday, June 3, 2009, and, if necessary, Thursday, June 4, 2009.

Upon review, it is **ORDERED** and **ADJUDGED** that:

1. The fairness hearing in this matter is set for **Wednesday, June 3, 2009**, and, if necessary, will continue through Thursday, June 4, 2009. The hearing will begin promptly at 9:00 a.m. and, to accommodate as many persons as possible, will be held in the Court's ceremonial courtroom, Courtroom 3A of the George C. Young United States Courthouse and Federal Building, 401 W. Central Boulevard, Orlando, Florida 32801-0120.

2. By no later than Friday, May 15, 2009, all parties, objectors, and *amicus curiae* who intend to present any evidence or offer any testimony at the fairness hearing shall file a notice with the Court disclosing

- a. The nature and description of any tangible evidence to be offered; and
- b. The names and qualifications (if applicable) of any witnesses or expert witnesses intended to be called and a complete summary of their expected testimony.

3. By no later than Friday, April 24, 2009, Defendant Walt Disney World Company shall file its response in opposition to the Motion to Intervene (Doc. 128) filed by Jerry Miller, Disability Rights Advocates for Technology, Daniel M. Glade, Alan A. Maccini, and James F. Overby.

4. By no later than Friday, May 1, 2009, Defendant Walt Disney World Company shall file a consolidated response, to be limited to no more than fifteen (15) pages in length, in opposition to the objections docketed in this case as of April 10, 2009.

5. The Court has prepared a Second Notice of Class Action Settlement and Rescheduled Fairness Hearing (the "Notice") that is attached to the instant Order. By no later than Friday, May 1, 2009, counsel for the parties and objectors shall provide notice of the rescheduled fairness hearing to the class as follows:

a. Class counsel will send the attached Notice by standard U.S. mail and email, as appropriate and consistent with counsel's prior practice (*see* Docs. 86 and 87), to the 63 individuals whom counsel have previously identified as having a mobility disability and expressed an interest in bringing a Segway to the Walt Disney World Resort or Disneyland Resort;

b. Jerry Kerr, President of Disability Rights Advocates for Technology ("DRAFT") and its Segs4Vets program, shall email the attached Notice to all of DRAFT's members and shall also post same on DRAFT's and Segs4Vet's web sites in a reasonably conspicuous and accessible area of those web sites; and

c. Class counsel will send the attached Notice by both standard U.S. mail and email to the Executive Director of Rehabilitation Engineering and Assistive Technology Society of North America ("RESNA"), with instructions that the Notice be emailed to all of RESNA's members.


6. Any party wishing to present witness testimony at the fairness hearing via video conferencing must make a specific application to the Court by no later than Friday, May 22, 2009.

7. The Court will address the parties' applications for attorneys' fees (Docs. 91, 92 and 93) after the Court has ruled on the objections to the proposed settlement.

DONE and ORDERED in Chambers, Orlando, Florida on April 16, 2009.

Copies furnished to:

Counsel of Record
Unrepresented Party


GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE