

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

KATHY DYER and MICHAEL)
YELAPI)
Individuals,)
)
Plaintiffs,)

Case No. 8:01-CV-787-T-EAJ

CLASS ACTION

vs.)

ST. PETERSBURG SURGERY)
CENTER,)
LTD., et al.,)

Defendants.

**JOINT NOTICE OF FILING ACCESSIBILITY COMPLIANCE
REPORTS AND JOINT STATUS REPORT**

Come now the Plaintiffs, Kathy Dyer, Michael Yelapi, and those similarly situated (“Plaintiffs”), and Defendants HealthSouth Corporation, *et al.* (“Defendants”), and jointly submit this Joint Filing and Status Report.

1. The Parties hereby give notice of filing the second and final batch of Accessibility Compliance Reports (“ACRs”) for referral to the Special Master.
2. This filing includes all 84 remaining ACRs that require approval by the Court. The Special Master previously reviewed 21 ACRs and provided a Report and Recommendation to the Court on those ACRs (Doc. No. 137).
3. As required by Paragraph 3 of the Court’s Order Appointing Special Master (Doc. No. 102), the Special Master is to provide a substantive review of the

first 50 ACRs and issue a Report and Recommendation to the Court. Paragraph 3 also provides that nothing “shall prohibit the Parties from consenting to extend the Special Master’s term if necessary.” The Parties hereby consent to the Special Master reviewing all 84 remaining ACRs.

4. To expedite this matter, a true and correct copy of the second batch of ACRs filed with the Court has been sent directly to the Special Master for his review.

5. The Special Master also has been asked to consider and comment upon any changes between the original ADA regulations, the 2004 Americans With Disabilities Act Architectural Guidelines (“ADAAG”), 28 C.F.R Part 36, the new ADA regulations, and the 2010 ADA Standards for Accessible Design that may implicate any agreed modification.

6. Within forty-five days after receiving the Special Master’s edits of and comments to the second batch of ACRs, the Parties will edit the ACRs to reflect any changes and re-file the revised ACRs with the Court in final form for publication as part of the notice procedure.

7. At that time the Parties will file a motion regarding the procedure for filing class notice and requesting a fairness hearing.

For the foregoing reasons, the Parties request that the Court enter an order referring the second batch of ACRs to the Special Master for his review and

issuance of a report and recommendation to the Court regarding the removal of architectural barriers identified in the ACRs.

/s/ M. Jefferson Starling, III

M. Jefferson Starling, III
Balch & Bingham, LLP
1901 6th Avenue North
Suite 1500
Birmingham, Alabama 35203
Telephone: (205) 226-3406

Christopher L. Griffin (FBN
0273147)
FOLEY & LARDNER LLP
100 N. Tampa Street, Suite 2700
Post Office Box 3391
Tampa, Florida 33601
(813) 229-2300

Attorneys for Defendants

/s/ Kip Roth (w/permission)

Kip Roth
Kip Roth, P.A.
601 N. Ashley Drive
Suite 210
Tampa, Florida 33602
Telephone: (801) 870-7777

Attorney for Plaintiffs