

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robinson v. Collegeville Market & Cafe, et al.

Case No. 2:24-cv-1752-DJC-JDP · No. 2:24-cv-1752-DJC-JDP · Decided December 5, 2025

SUMMARY

The document contains findings and recommendations in an Eastern District of California action brought by David Robinson against Collegeville Market & Café and P M & J Group, Inc. The magistrate judge recommends granting default judgment on the plaintiff’s ADA and California Unruh Civil Rights Act claims, awarding \$8,000 in statutory damages, injunctive relief, and \$3,650.76 in attorney’s fees and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 5, 2025
DOCKET	2:24-cv-1752-DJC-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment on claims under Title III of the Americans with Disabilities Act and the California Unruh Civil Rights Act after defendants were personally served, failed to respond, and had defaults entered by the clerk. The magistrate judge issued findings and recommendations recommending that the motion be granted.
STANDARD OF REVIEW	A motion for default judgment is reviewed under the discretionary factors identified in Eitel v. McCool. After entry of default, well-pleaded factual allegations other than those concerning damages are generally taken as true, but legally insufficient claims and facts necessary to establish liability that are not pleaded are not established by default.
PRECEDENTIAL VALUE	unpublished
PARTIES	David Robinson v. Collegeville Market & Cafe, PM & J Group, Inc.

TOPICS

default judgment

public accommodations discrimination

architectural barriers

injunctions

attorney fees

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

remedies

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to default judgment on his ADA Title III claim based on alleged inaccessible parking and other architectural barriers.
2. Whether the alleged ADA violation also established a violation of the California Unruh Civil Rights Act and entitled plaintiff to statutory damages.
3. Whether plaintiff was entitled to injunctive relief requiring defendants to provide an accessible parking space with proper signage.
4. Whether plaintiff was entitled to attorney's fees and costs, and what amount was reasonable.

HOLDINGS

1. Default judgment should be entered for plaintiff on his ADA Title III claim because the complaint sufficiently alleged that plaintiff was disabled, defendants operated a place of public accommodation, plaintiff was denied equal access because of his disability, the facility contained prohibited architectural barriers, and removal of those barriers was readily achievable.
2. Plaintiff was entitled to default judgment on his Unruh Act claim and \$8,000 in statutory damages, consisting of \$4,000 for the alleged denial of equal access during his visit and \$4,000 for deterrence from attempting to access the public accommodation.
3. Plaintiff should be granted an injunction requiring defendants to provide an accessible parking space with proper signage.
4. Plaintiff should be awarded \$3,045 in attorney's fees and \$605.76 in costs, for a total award of \$3,650.76.

KEY QUOTATIONS

“However, “a defendant’s default does not automatically entitle the plaintiff to a court-ordered judgment.””
(at 1)

“Generally, once default is entered “the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.”” (at 2)

“However, “necessary facts not contained in the pleadings, and claims which are legally insufficient, are not established by default.”” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that he is physically disabled and uses a wheelchair for mobility. Defendants owned, managed, and operated Collegeville Market, a place of public accommodation in Stockton, California. During plaintiff's

May 27, 2024 visit, the market allegedly lacked an accessible parking space and had no striping or markings identifying the accessible parking space and access aisle. Plaintiff alleged that the barriers could be removed without significant difficulty or expense.

PROCEDURAL HISTORY

Plaintiff filed claims alleging that defendants operated a public accommodation with inaccessible parking and other architectural barriers. Defendants were personally served on June 27, 2024, failed to plead or otherwise defend, and the clerk entered default on August 22, 2024. Plaintiff then moved for default judgment, statutory damages, injunctive relief, attorney's fees, and costs. The magistrate judge recommended granting the motion and entering judgment, subject to review by the assigned district judge.

DISPOSITION

other

CASES CITED

- PepsiCo, Inc. v. Cal. Sec. Cans, 238 F. Supp. 2d 1172, 1174 (C.D. Cal. 2002)
- Draper v. Coombs, 792 F.2d 915, 924-25 (9th Cir. 1986)
- Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir. 1980)
- Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)
- Philip Morris USA, Inc. v. Castworld Prods., Inc., 219 F.R.D. 494, 498 (C.D. Cal. 2003)
- PepsiCo, Inc. v. Triunfo-Mex, Inc., 189 F.R.D. 431, 432 (C.D. Cal. 1999)
- TeleVideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987)
- Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977)
- Cripps v. Life Ins. Co. of N. Am., 980 F.2d 1261, 1267 (9th Cir. 1992)
- Doe v. CVS Pharmacy, Inc., 982 F.3d 1204, 1212 (9th Cir. 2020)
- Molski v. M.J. Cable, Inc., 481 F.3d 724, 730 (9th Cir. 2007)
- Gilbert v. Shahi Assocs., Inc., No. 1:21-cv-01375-DAD-SAB, 2022 WL 1557162, at *8 (E.D. Cal. May 17, 2022)
- Parr v. L & L Drive-Inn Rest., 96 F. Supp. 2d 1065, 1085 (D. Haw. 2000)
- Wyatt v. Ralphs Grocery Co., 65 F. App'x 589, 590 (9th Cir. 2003)
- Elektra Entm't Grp. Inc. v. Crawford, 226 F.R.D. 388, 393 (C.D. Cal. 2005)
- Acosta v. Martinez, No. 1:19-cv-0307-AWI-EPG, 2020 WL 1026890, at *5 (E.D. Cal. Mar. 3, 2020)
- Penpower Tech. Ltd. v. S.P.C. Tech., 627 F. Supp. 2d 1083, 1093 (N.D. Cal. 2008)
- Pickern v. Best W. Timber Cove Lodge Marina Resort, 194 F. Supp. 2d 1128, 1131 (E.D. Cal. 2002)
- Johnson v. Cala Stevens Creek/Monroe, LLC, 401 F. Supp. 3d 904, 913 (N.D. Cal. 2019)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1111 (9th Cir. 2008)
- Fischer v. SJB-P.D. Inc., 2124 F.3d 1115, 1119 (9th Cir. 2000)
- Dozier v. Singh, No. 1:23-cv-00736-DAD-AC, 2024 WL 2848452, at *5 (E.D. Cal. 2024)

- Whitaker v. Sheikh, No. 2:21-cv-0493-KJM-KJN, 2022 WL 1262023, at *10 (E.D. Cal. 2022)
- Johnson v. Sweet Spark, Inc., No. 2:17-cv-02474-WBS-DB, 2020 WL 1324507, at *5 (E.D. Cal. 2020)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID ROBINSON, Case No. 2:24-cv-1752-DJC-JDP 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 COLLEGEVILLE MARKET & CAFE, et al., 15
Defendants. 16 17 Plaintiff brings this action against defendants Collegeville Market & Café and
PM & J 18 Group, Inc., alleging that defendants violated the Americans with Disabilities Act
("ADA"), 42 19 U.S.C. §§ 12181-12189, and the California Unruh Civil Rights Act ("Unruh
Act").

Defendants 20 have not answered the complaint or otherwise appeared. I recommend that
plaintiff's motion be 21 granted. 22 Background 23 The complaint alleges that plaintiff is
physically disabled and must use a wheelchair for 24 mobility. ECF No. 1 ¶¶ 9-11. Defendants
Collegeville Market & Café and P M & J Group, Inc. 25 are the owners, managers, and operators
of a business known as Collegeville Market (the 26 "market"), located at 13521 E Mariposa Road
in Stockton, California.

Id. ¶¶ 1, 4-5. The business 27 is open to the public and is therefore a place of public
accommodation. Id. ¶¶ 22-23. 28 1 On May 27, 2024, plaintiff visited the market and encountered
multiple architectural 2 barriers. Id. ¶¶ 15-19. Specifically, the business did not have an accessible
parking space and, 3 though the parking lot had proper signage for an accessible parking space,
there was no striping 4 nor any markings indicating where the handicap parking and access aisle
were located.

Id. ¶¶ 17- 5 19. 6 On June 27, 2024, defendants' registered agent was personally served with a
copy of the 7 summons and complaint. ECF No. 5, 6. After defendants failed to timely respond,
plaintiff 8 requested entry of default, ECF No. 7, which the Clerk of Court entered on August 22,
2024. 9 ECF No. 8. Plaintiff now moves for default judgment on his ADA and Unruh Act claims.

He 10 seeks \$8,000 in statutory damages under the Unruh Act, as well as injunctive relief and
attorney's 11 fees and costs. 12 Legal Standard 13 Under Federal Rule of Civil Procedure 55,
default may be entered against a party who 14 fails to plead or otherwise defend against an action.
See Fed. R. Civ. P. 55(a).

However, "[a] 15 defendant's default does not automatically entitle the plaintiff to a court-ordered
judgment." 16 PepsiCo, Inc. v. Cal. Sec. Cans, 238 F. Supp. 2d 1172, 1174 (C.D. Cal. 2002) (citing

Draper v. 17 Coombs, 792 F.2d 915, 924-25 (9th Cir. 1986)). Rather, the decision to grant or deny a motion 18 for default judgment is discretionary. Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir.

1980). In 19 exercising that discretion, the court considers the following factors: 20 (1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff's substantive claim, (3) the sufficiency of the complaint, 21 (4) the sum of money at stake in the action, (5) the possibility of a dispute concerning the material facts, (6) whether the default was 22 due to excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

23 24 Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986). "In applying this discretionary 25 standard, default judgments are more often granted than denied." Philip Morris USA, Inc. v. 26 Castworld Prods., Inc., 219 F.R.D. 494, 498 (C.D. Cal. 2003) (quoting PepsiCo, Inc. v. Triunfo- 27 Mex, Inc., 189 F.R.D. 431, 432 (C.D. Cal. 1999)). 28 Generally, once default is entered "the factual allegations of the complaint, except those 1 relating to the amount of damages, will be taken as true." TeleVideo Sys., Inc. v. Heidenthal, 826 2 F.2d 915, 917-18 (9th Cir.

1987) (quoting Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th 3 Cir. 1977)). However, "necessary facts not contained in the pleadings, and claims which are 4 legally insufficient, are not established by default." Cripps v. Life Ins. Co. of N. Am., 980 F.2d 5 1261, 1267 (9th Cir. 1992). 6 Discussion 7 A. Americans with Disabilities Act 8 Title III of the ADA provides that "[n]o individual shall be discriminated against on the 9 basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, 10 advantages, or accommodations of any place of public accommodation by any person who owns, 11 leases (or leases to), or operates a place of public accommodation." 42 U.S.C. § 12182(a).

12 Discrimination includes "a failure to remove architectural barriers... in existing facilities... 13 where such removal is readily achievable." Id. § 12182(b)(2)(A)(iv). Under the ADA, the term 14 readily achievable means "easily accomplishable and able to be carried out without much 15 difficulty or expense." Id. § 12181(9). 16 To succeed on an ADA disability discrimination claim, a plaintiff "must show that (1) she 17 is disabled within the meaning of the ADA; (2) the defendant is a private entity that owns, leases, 18 or operates a place of public accommodation; and (3) the plaintiff was denied public 19 accommodations by the defendant because of her disability." Doe v. CVS Pharmacy, Inc., 982 20 F.3d 1204, 1212 (9th Cir.

2020) (quoting Molski v. M.J. Cable, Inc., 481 F.3d 724, 730 (9th Cir. 21 2007)). To succeed on such a claim, a plaintiff must also prove that: (1) the existing facility at the 22 defendant's place of business presents an architectural barrier prohibited under the ADA, and 23 (2) the removal of the barrier is readily achievable." Gilbert v. Shahi Assocs., Inc., No. 1:21-cv- 24 01375-DAD-SAB, 2022 WL 1557162, at *8 (E.D.

Cal. May 17, 2022) (quoting *Parr v. L & L 25 Drive-Inn Rest.*, 96 F. Supp. 2d 1065, 1085 (D. Haw. 2000)); see also *Wyatt v. Ralphs Grocery 26 Co.*, 65 F. App'x 589, 590 (9th Cir. 2003). 27 The complaint alleges that plaintiff is disabled, and that defendants are the owners and 28 operators of a place of public accommodation. ECF No. 1 ¶¶ 9-11, 17-19. Plaintiff alleges that 1 defendants denied him public accommodation because the market did not have an accessible 2 parking lot.

Id. He further alleges that these architectural barriers could be removed without 3 significant difficulty or expense. *Id.* ¶ 32. These allegations are sufficient to state an ADA claim. 4 See *Molski*, 481 F.3d at 730.

Accordingly, the second and third Eitel factors—the merits of the 5 substantive claim and sufficiency of the complaint—weigh in favor of default judgment. 6 Furthermore, many of the remaining Eitel factors weigh in favor of granting plaintiff's 7 motion. Defendants were properly served, see ECF No. 5, 6, but have not responded to the 8 complaint.

Thus, their default was not entered due to excusable neglect. Moreover, the relief 9 sought is authorized by statute and, accepting plaintiff's allegations as true, there is little 10 possibility of a dispute concerning material facts. See *Elektra Entm't Grp. Inc. v. Crawford*, 226 11 F.R.D. 388, 393 (C.D. Cal. 2005) ("Because all allegations in a well-pleaded complaint are taken 12 as true after the court clerk enters default judgment, there is no likelihood that any genuine issue 13 of material fact exists.").

Additionally, because defendants have failed to respond to the 14 complaint, plaintiff has no recourse for obtaining relief absent default judgment. See *Acosta v. 15 Martinez*, No. 1:19-cv-0307-AWI-EPG, 2020 WL 1026890, at *5 (E.D. Cal. Mar. 3, 2020) 16 (finding that, despite one defendant's appearance at the hearing on the motion for default 17 judgment, his subsequent failure to file any responsive pleadings made it "apparent that [both] 18 [d]efendants [would] not appear to defend [the] action").

And, although decisions on the merits 19 are favored, such a decision is impossible where the defendants decline to take part in the action. 20 See *Penpower Tech. Ltd. v. S.P.C. Tech.*, 627 F. Supp. 2d 1083, 1093 (N.D. Cal. 2008). 21 Accordingly, plaintiff is entitled to default judgment on his ADA claim. 22 B. Unruh Civil Rights Act 23 The Unruh Civil Rights Act provides: "All persons within the jurisdiction of this state are 24 free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, 25 disability, medical condition, marital status, or sexual orientation are entitled to the full and equal 26 accommodations, advantages, facilities, privileges, or services in all business establishments of 27 every kind whatsoever." Cal. Civ.

Code § 51(b). The Unruh Act provides that a violation of the 28 ADA constitutes a violation of the Unruh Act. See *Pickern v. Best W. Timber Cove Lodge 1 Marina Resort*, 194 F. Supp. 2d 1128,

1131 (E.D. Cal. 2002); Cal. Civ. Code § 54.1(d). 2 Violations of the Unruh Act permits statutory damages in the amount of \$4,000 for each occasion 3 that a plaintiff is denied equal access.

Id. § 52(a). Since plaintiff's Unruh Act claim is predicated 4 on defendants' alleged violation of the ADA, he is entitled to \$8,000 in statutory damages; \$4,000 5 for one visit and \$4,000 for one deterrence. See *Johnson v. Cala Stevens Creek/Monroe, LLC*, 6 401 F. Supp. 3d 904, 913 (N.D. Cal. 2019) (finding that a plaintiff is entitled to statutory damages 7 of \$4,000 for each occasion on which he is denied equal access or deterred from attempting to 8 enter a place of public accommodation under the Unruh Act).

9 C. Attorneys' Fees and Costs 10 Plaintiff seeks \$605.76 in costs, which consists of the \$405 filing fee and \$200.76 to 11 serve both defendants. ECF No. 13-1 at 2. These costs are reasonable and should be awarded. 12 Plaintiff also seeks \$4,350 in attorney's fees.

To determine the reasonableness of 13 attorney's fees, the court utilizes the lodestar method. *Moreno v. City of Sacramento*, 534 F.3d 14 1106, 1111 (9th Cir. 2008); *Fischer v. SJB-P.D. Inc.*, 2124 F.3d 1115, 1119 (9th Cir. 2000). 15 Under that method, "a district court must start by determining how many hours were reasonably 16 expended on the litigation, and then multiply those hours by the prevailing local rate for an 17 attorney of the skill required to perform the litigation." Id. 18 Plaintiff request is based on 8.7 hours at a rate of \$500 per hour for work performed by 19 attorney Richard Morin.

ECF No. 13-1 at 2. While the time spent litigating this case is 20 reasonable, the hourly rate is higher than what is typically awarded for an attorney with less than 21 fifteen years of experience in this district. See *Dozier v. Singh*, No. 1:23-cv-00736-DAD-AC, 22 2024 WL 2848452 at *5 (E.D. Cal. 2024) (finding that \$300 per hour for Richard Morin's work 23 on an ADA case was reasonable); see also *Whitaker v. Sheikh*, No. 2:21-cv-0493-KJM-KJN, 24 2022 WL 1262023, at *10 (E.D.

Cal. 2022) (awarding an hourly rate of \$300 is appropriate for 25 founding partner, an hourly rate of \$250 for an attorney who has practiced law for more than 10 26 years, and \$150 for an attorney who has practiced law for "more than five years"); *Johnson v. 27 Sweet Spark, Inc.*, No. 2:17-cv-02474-WBS-DB, 2020 WL 1324507, at *5 (E.D. Cal. 2020) 28 (finding reasonable hourly rates of \$300 for partners, \$250 for senior attorneys, and \$150 for 1 | junior attorneys).

I find that for a founding partner with less than fifteen years of experience a 2 | rate of \$350 per hour is reasonable. Accordingly, I recommend plaintiff be awarded \$3,045 in 3 | attorney's fees. 4 Accordingly, it is hereby RECOMMENDED that: 5 1. Plaintiff's motion for default judgment, ECF No. 13, be granted. 6 2. Default judgment be entered against defendants Collegeville Market & Café and P M 7 | & J Group, Inc on plaintiff's ADA and Unruh Act claims.

8 3. Plaintiff be awarded statutory damages under the Unruh Act in the amount of \$8,000. 9 4. Plaintiff be granted an injunction requiring defendant to provide an accessible parking 10 | space with proper signage. 11 5. Plaintiff be awarded attorneys' fees and costs in the amount of \$3,650.76. 12 These findings and recommendations are submitted to the United States District Judge 13 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)().

Within fourteen days of 14 | service of these findings and recommendations, any party may file written objections with the 15 | court and serve a copy on all parties. Any such document should be captioned "Objections to 16 | Magistrate Judge's Findings and Recommendations," and any response shall be served and filed 17 | within fourteen days of service of the objections.

The parties are advised that failure to file 18 | objections within the specified time may waive the right to appeal the District Court's order. See 19 | Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 20 | 1991). 21 IT IS SO ORDERED. Dated: _ December 4, 2025 ow—— 24 JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE 26 27 28