

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Dunsmore v. San Diego County Sheriff's Department

Case No. 20-cv-00406-AJB-DDL (S.D. Cal. Aug. 7, 2025) · No. 20-cv-00406-AJB-DDL · Decided August 8, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted and partially denied plaintiffs’ motion for interim attorneys’ fees and costs arising from an ADA settlement. The order addresses plaintiffs’ prevailing-party status, statutory fee-shifting provisions, the lodestar method, the reasonableness of counsel’s hourly rates, and the applicable San Diego legal market. The case concerns alleged disability-access violations and conditions in San Diego County Jail facilities.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 8, 2025
DOCKET	20-cv-00406-AJB-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for an interim award of attorneys' fees and litigation costs arising from an ADA settlement. The district court granted the motion in part and denied it in part.
STANDARD OF REVIEW	The court exercised discretion to determine the reasonableness of requested attorneys' fees and costs, applying the lodestar method and reviewing billing records and supporting evidence.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- attorney fees
- ada / disability
- remedies
- class actions
- civil procedure

PRACTICE AREAS

- civil rights
- disability rights
- attorneys' fees
- class actions
- civil procedure

QUESTIONS PRESENTED

1. Whether plaintiffs were prevailing parties entitled to an interim award of attorneys' fees and costs under the ADA, the Rehabilitation Act, and California Code of Civil Procedure section 1021.5 after entering into an enforceable ADA settlement.
2. What attorneys' fees were reasonable under the lodestar method, including the appropriate hourly rates and number of compensable hours.
3. What litigation expenses and expert costs were reasonable and adequately supported for reimbursement.

HOLDINGS

1. A plaintiff who enters into a legally enforceable settlement agreement with the defendant prevails for purposes of the ADA fee-shifting provision and may receive reasonable attorneys' fees and costs. A party may also receive an interim fee award after prevailing on the merits of one or more claims at an interlocutory stage.
2. Reasonable attorneys' fees are calculated under the lodestar method by multiplying reasonably expended hours by a reasonable hourly rate, subject to discretionary adjustments.
3. Counsel may recover reasonable litigation expenses typically billed to paying clients, but unsupported or inadequately itemized expenses may be reduced.

KEY QUOTATIONS

“Under the ADA, “a plaintiff ‘prevails’ and thus is entitled to attorney’s fees and costs, when he or she enters into a legally enforceable settlement agreement with the defendant.”” (at 3)

“The lodestar figure is calculated by multiplying the number of hours the prevailing party reasonably expended on the litigation (as supported by adequate documentation) by a reasonable hourly rate for the region and for the experience of the lawyer.” (at 5)

“The relevant community is the forum in which the district court sits.” (at 13)

“The Court is the best judge of the value of professional services rendered in his court[.]” (at 14)

FACTUAL BACKGROUND

Plaintiffs are current or former inmates of San Diego County Jail facilities and alleged that jail policies and practices created dangerous, discriminatory, and unconstitutional conditions, including failures to accommodate incarcerated people with disabilities. The parties litigated the disability-accommodation claim, conducted discovery and expert inspections, and participated in at least seventeen settlement conferences. They reached an ADA settlement covering the disability subclass, which the court approved before plaintiffs sought interim fees and costs.

PROCEDURAL HISTORY

Plaintiffs, current and former inmates of San Diego County Jail facilities, brought a putative class action alleging, among other things, failure to provide reasonable accommodations to incarcerated people with disabilities under the ADA, the Rehabilitation Act, and California Government Code section 11135. The court certified three subclasses under Federal Rule of Civil Procedure 23(b)(2), and the parties entered an ADA

settlement that the court approved. Plaintiffs then moved for interim attorneys' fees and costs; after briefing and a July 31, 2025 hearing, the court reduced requested rates, hours, expert costs, and certain transportation expenses and awarded \$1,588,887.21 in fees and \$427,496.18 in costs.

DISPOSITION

other

CASES CITED

- Richard S. v. Department of Developmental Services of State of California, 317 F.3d 1080, 1086 (9th Cir. 2003)
- Barrios v. California Interscholastic Federation, 277 F.3d 1128, 1134 (9th Cir. 2002)
- Doe by Gonzales v. Maher, 793 F.2d 1470, 1499 (9th Cir. 1986)
- Honig v. Doe, 484 U.S. 305 (1988)
- Blackwell v. Foley, 724 F. Supp. 2d 1068, 1073 (N.D. Cal. 2010)
- Marks v. Clarke, 102 F.3d 1012, 1034 (9th Cir. 1996)
- Ward v. County of San Diego, 791 F.2d 1329 (9th Cir. 1986)
- La Mirada Avenue Neighborhood Association of Hollywood v. City of Los Angeles, 22 Cal. App. 5th 1149, 1160 (2018)
- Morales v. City of San Rafael, 96 F.3d 359, 363 (9th Cir. 1996)
- Muniz v. United Parcel Service, Inc., 738 F.3d 214, 222 (9th Cir. 2013)
- In re Bluetooth Headset Products Liability Litigation, 654 F.3d 935, 941-42 (9th Cir. 2011)
- Staton v. Boeing Co., 327 F.3d 938, 963-64 (9th Cir. 2003)
- Welch v. Metropolitan Life Insurance Co., 480 F.3d 942, 945-46 (9th Cir. 2007)
- Cunningham v. County of Los Angeles, 879 F.2d 481, 488 (9th Cir. 1989)
- Hanlon v. Chrysler Corp., 150 F.3d 1011, 1029 (9th Cir. 1998)
- Stanger v. China Electric Motor, Inc., 812 F.3d 734, 738 (9th Cir. 2016)
- Fischel v. Equitable Life Assurance Society of the United States, 307 F.3d 997, 1007 (9th Cir. 2002)
- Guam Society of Obstetricians & Gynecologists v. Ada, 100 F.3d 691, 696 (9th Cir. 1996)
- Gaffney v. City of Allentown, No. 97-4455, 1998 WL 32758 (E.D. Pa. Jan. 7, 1998)
- Stetson v. Grissom, 821 F.3d 1157, 1166 (9th Cir. 2016)
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542, 552 (2010)
- Davis v. City and County of San Francisco, 976 F.2d 1536, 1546 (9th Cir. 1992)
- Barjon v. Dalton, 132 F.3d 496, 500 (9th Cir. 1997)
- Camacho v. Bridgeport Financial, Inc., 523 F.3d 973, 980 (9th Cir. 2008)
- Kochenderfer v. Reliance Standard Life Insurance Co., 2010 WL 1912867, at *4 (S.D. Cal. Apr. 21, 2010)
- Gates v. Deukmejian, 987 F.2d 1392, 1405 (9th Cir. 1993)
- Soler v. County of San Diego, 2021 WL 2515236, at *5 (S.D. Cal. June 18, 2021)

- T.B. v. San Diego Unified School District, 293 F. Supp. 3d 1177, 1189 (S.D. Cal. 2018)
- Erhart v. BofI Federal Bank, 2023 WL 6382460, at *14 (S.D. Cal. Sept. 28, 2023)
- Fitzgerald v. Pollard, 2024 WL 4596401, at *11 (S.D. Cal. Oct. 28, 2024)
- Serrano v. Priest, 20 Cal. 3d 25, 49 (1977)
- Freese v. Pennie, 110 Cal. 467, 469 (1895)
- Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210 (9th Cir. 1986)
- Gonzalez v. City of Maywood, 729 F.3d 1196, 1203 (9th Cir. 2013)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1112 (9th Cir. 2008)
- Democratic Party of Washington State v. Reed, 388 F.3d 1281, 1286 (9th Cir. 2004)
- Ferland v. Conrad Credit Corp., 244 F.3d 1145, 1150 (9th Cir. 2001)
- In re Toys R Us-Delaware, Inc.--Fair & Accurate Credit Transactions Act (FACTA) Litigation, 295 F.R.D. 438, 461 (C.D. Cal. 2014)
- Ketchum v. Moses, 24 Cal. 4th 1122, 1132, 1138 (2001)
- In re Omnivision Technologies, Inc., 559 F. Supp. 2d 1036, 1048 (N.D. Cal. 2008)
- Harris v. Marhoefer, 24 F.3d 16, 19 (9th Cir. 1994)
- In re Immune Response Securities Litigation, 497 F. Supp. 2d 1166, 1177 (S.D. Cal. 2007)
- In re Media Vision Technology Securities Litigation, 913 F. Supp. 1362, 1366 (N.D. Cal. 1996)