

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Sepulveda v. Alomari

No. 23-cv-01443-TSH (N.D. Cal. May 7, 2025) · No. 23-cv-01443-TSH · Decided May 7, 2025

SUMMARY

The United States District Court for the Northern District of California denied Defendants’ motion for summary judgment and granted Plaintiff’s motion for partial summary judgment in an action concerning alleged barriers to accessibility at Mi Ranchito Market. The court found genuine disputes regarding Plaintiff’s standing to seek injunctive relief and held that Plaintiff established his disability, encountered the alleged barriers, and that the barriers continued to exist. The court did not grant summary judgment on the ultimate availability of injunctive relief or damages because the readily achievable removal issue remained unresolved.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 7, 2025
DOCKET	23-cv-01443-TSH
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in an action alleging violations of Title III of the Americans with Disabilities Act and related California statutes.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed reasonable inferences in favor of the nonmoving party and held that credibility determinations are inappropriate at summary judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mojeeb Ahmed Alomari, Adel M. Aldafari, Mi Ranchito Market, Mi Ranchito Market #2 v. Richard Sepulveda

TOPICS

summary judgment

ada standing

architectural barriers

disability definition

ada / disability

PRACTICE AREAS

civil procedure

disability discrimination

Americans with Disabilities Act

federal jurisdiction

accessibility barriers

summary judgment

QUESTIONS PRESENTED

1. Whether Plaintiff had standing to seek injunctive relief under Title III of the ADA despite moving approximately 60 miles from the market.
2. Whether genuine disputes of material fact concerning Plaintiff's deterrence and intent to revisit the market precluded summary judgment for Defendants.
3. Whether Plaintiff established on partial summary judgment that the alleged accessibility barriers existed on the visit dates, that he encountered them, and that they continued to exist.
4. Whether Plaintiff was entitled to summary judgment establishing his complete ADA claims or entitlement to injunctive relief and damages.

HOLDINGS

1. A Title III ADA plaintiff may establish standing for injunctive relief by presenting evidence that he is currently deterred from visiting a place of public accommodation because of an accessibility barrier or was previously deterred and intends to return where he is likely to encounter the barrier. Plaintiff's evidence concerning his ongoing medical care and ties to Oakland created a genuine dispute regarding his intent to revisit the market.
2. Defendants were not entitled to summary judgment because genuine disputes of material fact existed regarding Plaintiff's intention to revisit Mi Ranchito Market.
3. Plaintiff was entitled to partial summary judgment establishing that the alleged barriers existed on the dates he visited Mi Ranchito Market, that he encountered them, and that the barriers continued to exist.
4. Plaintiff was not entitled at this stage to summary judgment establishing his complete causes of action or entitlement to injunctive relief and damages because he had not shown that removal of the barriers was readily achievable.

KEY QUOTATIONS

"Plaintiff's history as a serial litigant 'has no place in our standing analysis.'" (at 12)

"Rather, the barrier need only interfere with the plaintiff's 'full and equal enjoyment' of the facility." (at 13)

"As Plaintiff has made no such showing here, summary judgment on his claims is inappropriate." (at 16)

FACTUAL BACKGROUND

Richard Sepulveda has lumbar disc disease and degenerative arthritis, is limited in the use of his legs, and uses a walker. He visited Mi Ranchito Market on July 9, 2022, and January 25, 2023, and alleged that blocked service areas, narrow aisles and alcoves, and an excessively sloped route interfered with his ability to enter, move through, shop in, and use the market. Although he later moved approximately 60 miles away, he stated that he continued to receive frequent medical care in Oakland and maintained longstanding ties to the area. A January 2024 inspection identified several conditions that did not comply with federal and state accessibility requirements.

PROCEDURAL HISTORY

Sepulveda filed the action on March 28, 2023, seeking injunctive and declaratory relief and statutory damages based on alleged accessibility barriers at Mi Ranchito Market. After a joint site visit and expert inspection, Defendants moved for summary judgment on standing and Plaintiff moved for partial summary judgment concerning the existence, encounter, and continued existence of the barriers. The court denied Defendants' motion and granted Plaintiff's motion in part, while declining to grant summary judgment on whether Plaintiff had established any complete cause of action or entitlement to damages or injunctive relief.

DISPOSITION

other

CASES CITED

- FDA v. Alliance for Hippocratic Medicine, 602 U.S. 367, 380 (2024)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992)
- Johnson v. Jew, 2021 WL 3621828, at *4, *6 (N.D. Cal. Aug. 16, 2021)
- Wilson v. Kayo Oil Co., 563 F.3d 979, 980 (9th Cir. 2009) (per curiam)
- Langer v. Kiser, 57 F.4th 1085, 1092, 1094 (9th Cir. 2023)
- D'Lil v. Best Western Encina Lodge & Suites, 538 F.3d 1031, 1034-39 (9th Cir. 2008)
- Doran v. 7-Eleven, Inc., 524 F.3d 1034 (9th Cir. 2008)
- Pickern v. Holiday Quality Foods, Inc., 293 F.3d 1133, 1035 (9th Cir. 2002)
- Sepulveda v. Perez, No. 23-CV-03897-EMC, ECF No. 50, at *1 (N.D. Cal. Feb. 9, 2025)
- Sepulveda v. Alzamzami, 2025 WL 1085071, at *1 (N.D. Cal. Apr. 10, 2025)
- Hernandez v. Amidron Energy, LLC, 2023 WL 8421043, at *6, *10 (N.D. Cal. Dec. 4, 2023)
- Chapman v. Pier 1 Imports (U.S.) Inc., 631 F.3d 939, 944-47 (9th Cir. 2011)
- Molski v. Mandarin Touch Restaurant, 385 F. Supp. 2d 1042, 1045 (C.D. Cal. 2005)
- Molski v. Arby's Huntington Beach, 359 F. Supp. 2d 938, 947 n.10 (C.D. Cal. 2005)
- Stiner v. Brookdale Senior Living, Inc., 2024 WL 3498492, at *4 (N.D. Cal. July 22, 2024)
- Strojnik v. Bakersfield Convention Hotel I, LLC, 436 F. Supp. 3d 1332, 1343 (E.D. Cal. 2020)
- Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1062 (9th Cir. 2007)
- Lopez v. Catalina Channel Express, 974 F.3d 1038-40 (9th Cir. 2020)

- *Fortyune v. City of Lomita*, 766 F.3d 1098, 1101 (9th Cir. 2014)
- *Arizona ex rel. Goddard v. Harkins Amusement Enterprises, Inc.*, 603 F.3d 666, 670 (9th Cir. 2010)
- *Daubert v. Lindsay Unified School District*, 760 F.3d 982, 984 (9th Cir. 2014)
- *Sepulveda v. Buelna*, 2021 WL 3411197, at *5 (N.D. Cal. July 17, 2021), report and recommendation adopted, 2021 WL 3409294 (N.D. Cal. Aug. 4, 2021)
- *Sepulveda v. Cong.*, 2020 WL 7232900, at *4 (N.D. Cal. Nov. 9, 2020), report and recommendation adopted as modified, 2020 WL 7227202 (N.D. Cal. Dec. 8, 2020)
- *Powers v. Mad Vapatory LLC*, 2020 WL 3402245, at *3-4 (N.D. Cal. June 19, 2020)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-50 (1986)
- *Olsen v. Idaho State Board of Medicine*, 363 F.3d 916, 922 (9th Cir. 2004)
- *Keenan v. Allan*, 91 F.3d 1275, 1279 (9th Cir. 1996)
- *Cafasso, U.S. ex rel. v. General Dynamics C4 Systems, Inc.*, 637 F.3d 1047, 1061 (9th Cir. 2011)
- *Carmen v. San Francisco Unified School District*, 237 F.3d 1026, 1031 (9th Cir. 2001)
- *Christian Legal Society Chapter of University of California v. Wu*, 626 F.3d 483, 488 (9th Cir. 2010)
- *Norse v. City of Santa Cruz*, 629 F.3d 966, 973 (9th Cir. 2010)