

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Acosta v. Singh

Acosta · No. 1:24-cv-01437-JLT-HBK · Decided May 14, 2025

SUMMARY

The document contains Findings and Recommendations by a United States Magistrate Judge recommending that Plaintiff Jose Acosta’s motion for default judgment be granted against Jaswant Singh and Rajinder Kaur. It addresses proper service, the Eitel factors, claims under Title III of the Americans with Disabilities Act, the California Unruh Act, and California accessibility laws. The recommendations include \$4,000 in statutory damages, \$3,774.76 in attorney’s fees and costs, and injunctive relief requiring removal of specified accessibility barriers.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 14, 2025
DOCKET	1:24-cv-01437-JLT-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55(b)(2) after defendants were personally served, failed to answer or appear, and the clerk entered default. The magistrate judge issued findings and recommendations that the motion be granted, subject to review by the assigned district judge.
STANDARD OF REVIEW	A court may enter default judgment under Federal Rule of Civil Procedure 55(b)(2) after the clerk enters default, but must first determine that service was proper and then evaluate the six Eitel factors. Well-pleaded factual allegations, other than those concerning damages, are accepted as true after default; damages must be proven, and legal conclusions and inadequately pleaded facts are not admitted.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jose Acosta v. Jaswant Singh, individually and doing business as Grant Market, Rajinder Kaur, individually and doing business as Grant

TOPICS

default judgment service of process ada / disability architectural barriers attorney fees

PRACTICE AREAS

Civil procedure Americans with Disabilities Act Disability access Default judgment
Attorney's fees and costs

QUESTIONS PRESENTED

1. Whether defendants were properly served and the clerk's defaults were lawfully entered.
2. Whether the six Eitel factors supported entry of default judgment.
3. Whether the complaint adequately stated claims under Title III of the ADA, the California Unruh Civil Rights Act, and California accessibility statutes.
4. Whether plaintiff was entitled to injunctive relief requiring removal of specified architectural barriers.
5. Whether plaintiff was entitled to \$4,000 in statutory damages and \$3,774.76 in attorney's fees, litigation expenses, and costs.

HOLDINGS

1. Defendants were properly served by personal service, and the clerk properly entered default against them.
2. The six Eitel factors overwhelmingly favored entry of default judgment.
3. The complaint adequately stated a prima facie Title III ADA discrimination claim based on alleged architectural barriers at a place of public accommodation.
4. The complaint adequately stated claims under the California Unruh Civil Rights Act and the cited California accessibility statutes.
5. Plaintiff was entitled to recommended injunctive relief requiring removal of the identified barriers within sixty days of the district court's order.
6. The court recommended an award of \$4,000 in Unruh Act statutory damages and \$3,774.76 in attorney's fees, litigation expenses, and costs.

KEY QUOTATIONS

"The court cannot enter default judgment if the defendants were not properly served." (at 2)

"After the clerk enters a default, the court shall accept "as true all factual allegations in the complaint, except those as to the amount of damages."" (at 5)

"To prevail on a Title III ADA claim, plaintiff "must establish that: (1) he is disabled within the meaning of the ADA; (2) [defendants] are a private entity that owns, leases, or operates a place of public

accommodation; and (3) [defendants] discriminated against him by denying him public accommodations because of his disability.”” (at 7)

“Cases should be decided upon their merits whenever reasonably possible.” (at 9)

FACTUAL BACKGROUND

Jose Acosta, who uses a wheelchair because a physical disability substantially limits his ability to walk, visited Grant Market in Fresno, California, intending to purchase refreshments and snacks. He alleged that faded accessible-parking markings, the absence of an access aisle, an obstructed route to the entrance, narrow interior aisles, and a transaction counter that was too high prevented or impeded equal access to the facility. Acosta alleged that he was deterred from returning but intended to return after the barriers were removed. Singh and Kaur, alleged owners, operators, or lessors of the market, were served but did not respond.

PROCEDURAL HISTORY

Plaintiff filed this action asserting claims under Title III of the Americans with Disabilities Act, the California Unruh Civil Rights Act, and California accessibility statutes. Defendants were personally served on December 12, 2024, but did not appear or answer. The clerk entered default on January 21, 2025, and plaintiff filed the motion for default judgment on April 21, 2025. The magistrate judge recommended entry of judgment for plaintiff, an award of statutory damages, attorney's fees and costs, and specified injunctive relief.

DISPOSITION

other

CASES CITED

- *Mason v. Genisco Tech. Corp.*, 960 F.2d 849, 851 (9th Cir. 1992)
- *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986)
- *Yoon Chul Yoo v. Arnold*, 615 F. App'x 868, 870 (9th Cir. 2015)
- *Strojnuk v. JW World Enters., Inc.* Best W. Bakersfield N., 2021 WL 22137, at *1 (E.D. Cal. Jan. 4, 2021)
- *Wecosign, Inc. v. IFG Holdings, Inc.*, 845 F. Supp. 2d 1072, 1078 (C.D. Cal. 2012)
- *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980)
- *True Religion Apparel, Inc. v. Jet 2A*, 2009 WL 10671791, at *3 (C.D. Cal. Feb. 11, 2009)
- *Solis v. Orland Sand & Gravel Corp.*, 2013 WL 85403, at *3 (E.D. Cal. Jan. 8, 2013)
- *Wells Fargo Equip. Fin., Inc. v. Virk Sys., Inc.*, 2021 WL 347408, at *2 (E.D. Cal. Feb. 2, 2021)
- *Soto v. Rio Gary II, L.P.*, 2022 WL 112047, at *2 (C.D. Cal. Jan. 12, 2022)
- *Cripps v. Life Ins. Co. of N. Am.*, 980 F.2d 1261, 1267 (9th Cir. 1992)
- *Lopez v. Catalina Channel Express, Inc.*, 974 F.3d 1030, 1033 (9th Cir. 2020)
- *Trujillo v. GH Food Mart, Inc.*, 2020 WL 4697139, at *4 (E.D. Cal. Aug. 13, 2020)
- *Whitaker v. Tesla Motors, Inc.*, 985 F.3d 1173, 1177 (9th Cir. 2021)
- *Gilbert v. HBA Enter., Inc.*, 2022 WL 2663761 (E.D. Cal. July 8, 2022)

- Trujillo v. GH Food Mart, Inc., 2022 WL 2236932
- Christofferson v. All Pure Pool Serv. of Cent. California, Inc., 2020 WL 3249323, at *19 (E.D. Cal. June 16, 2020)
- United Specialty Insurance Co. v. Saleh, 2016 WL 4434479, at *2 (E.D. Cal. Aug. 22, 2016)
- USA Truck, Inc. v. Jugan Express Inc., 2020 WL 2128387, at *2 (E.D. Cal. May 5, 2020)
- Wander v. Kaus, 304 F.3d 856, 858 (9th Cir. 2002)
- Kraus v. Rattu, 2020 WL 526105, at *5 (E.D. Cal. Feb. 3, 2020)
- Anglin v. Barron, 2017 WL 5713375, at *4 (E.D. Cal. Nov. 28, 2017)
- Parr v. L & L Drive-Inn Restaurant, 96 F. Supp. 2d 1065, 1088 (D. Haw. 2000)
- Whitaker v. Sheikh, 2020 WL 1262023, at *6 (E.D. Cal. Apr. 28, 2022)
- Castillo-Antonio v. Dabwan, 2022 WL 210395, at *7
- Pomponio v. Budwal, 2020 WL 3497007, at *6 (E.D. Cal. June 29, 2020)
- Vogel v. Harbor Plaza Ctr., LLC, 893 F.3d 1152, 1160 (9th Cir. 2018)
- McDonald v. Navy Exch. Serv. Command, 691 F. App'x 448, 449 (9th Cir. 2017)
- Trujillo v. 4B Market Incorporated, et al., 2022 WL 17667894 (E.D. Cal. Dec. 14, 2022)
- Trujillo v. La Valley Foods, Inc., 2017 WL 2992453, at *7 (E.D. Cal. July 14, 2017)
- Morales v. 76 Orinda, 830 F. App'x 209, 210 (9th Cir. 2020)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)