

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Joseph Rouse v. Jay St Fresh 99 Cents Pizza Inc.

Rouse · No. 23-CV-6548(FB) · Decided February 19, 2026

SUMMARY

The United States District Court for the Eastern District of New York granted in part Plaintiff Joseph Rouse’s motion for attorney’s fees and costs following a default judgment in an ADA action concerning alleged wheelchair-accessibility barriers. The Court awarded \$1,737.50 in attorney’s fees and \$402 in costs, denying additional claimed costs for lack of supporting documentation.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Frederic Block
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 19, 2026
DOCKET	23-CV-6548(FB)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney's fees and costs after obtaining default judgment and injunctive relief in an action alleging barriers to wheelchair access under the Americans with Disabilities Act. The unopposed motion sought \$6,877.50 in attorney's fees and \$2,460.18 in costs.
STANDARD OF REVIEW	The court independently assessed the reasonableness of the requested attorney's fees and costs, exercising discretion to determine reasonable hours and hourly rates.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; nonprecedential
PARTIES	Joseph Rouse v. Jay St Fresh 99 Cents Pizza Inc.

TOPICS

attorney fees

costs

default judgment

ada / disability

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to the requested attorney's fees after obtaining default judgment in the ADA action.
2. Whether the requested hourly rates and expended hours were reasonable.
3. Whether plaintiff could recover the claimed costs without appropriate supporting documentation.
4. Whether the filing fee shown on the docket could be awarded as a documented cost.

HOLDINGS

1. The court may independently assess and reduce an unopposed request for attorney's fees when the requested rates and hours are not reasonable. The court reduced the request to \$1,737.50.
2. Costs may be denied when the prevailing party does not submit appropriate supporting documentation.

KEY QUOTATIONS

“Nonetheless, the Court has a separate responsibility to assess the reasonableness of the fee request.” (at 2)

“Courts in this district have rejected the award of costs without supporting documentation.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that structural barriers hindered his access to defendant's pizza shop while using a wheelchair. After defendant defaulted and did not cure the default, plaintiff obtained default judgment and ADA-related injunctive relief. Plaintiff's counsel claimed 13.1 legal hours, 16.2 total hours including administrative time, hourly rates of \$525 for legal work and \$125 for administrative work, and \$2,460.18 in costs.

PROCEDURAL HISTORY

Plaintiff filed the ADA action on August 31, 2023. After defendant failed to cure its default, plaintiff moved for default judgment. The matter was referred to Magistrate Judge Marcia M. Henry, whose Report and Recommendation recommended entry of default judgment with ADA-compliant provisions and allowed plaintiff to seek attorney's fees. The district court adopted the R&R without objection on March 3, 2025. Plaintiff then moved for fees and costs, and the court partially granted that motion.

DISPOSITION

other

CASES CITED

- *Simmons v. New York City Transit Auth.*, 575 F.3d 170, 173 (2d Cir. 2009)
- *Stanczyk v. City of New York*, 752 F.3d 273, 284 (2d Cir. 2014)
- *Feltzin v. Union Mall LLC*, 393 F. Supp. 3d 204 (E.D.N.Y. 2019)

- Broadway & Cooper LLC, No. 23-CV-07849, 2025 WL 1249605, at *3

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