

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gastelum v. Best Buy, Inc.

Case No. 1:23-cv-00244-KES-BAM (E.D. Cal. May 16, 2025) · No. 1:23-cv-00244-KES-BAM · Decided May 19, 2025

SUMMARY

The document is a magistrate judge’s findings and recommendations concerning cross-motions for summary judgment in an ADA Title III accessibility case. The court recommends granting Best Buy’s motion and denying Fernando Gastelum’s motion because he failed to establish an injury in fact for Article III standing; it alternatively concludes that his evidence was insufficient to prove the alleged accessibility violations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 19, 2025
DOCKET	1:23-cv-00244-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on cross-motions for summary judgment in an action alleging that a retail store violated Title III of the Americans with Disabilities Act by maintaining architectural and other accessibility barriers.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. At summary judgment, the plaintiff must support Article III standing with admissible evidence and specific facts rather than mere allegations. The court may not make credibility determinations or weigh conflicting evidence, and evidence is viewed in the nonmoving party's favor. The plaintiff bears the burden of proving an ADA Accessibility Guidelines violation.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Fernando Gastelum v. Best Buy, Inc.

TOPICS

public accommodations discrimination

architectural barriers

ada standing

summary judgment

civil procedure

PRACTICE AREAS

Americans with Disabilities Act

civil rights

federal civil procedure

summary judgment

Article III standing

public accommodations accessibility

QUESTIONS PRESENTED

1. Whether Gastelum established Article III injury-in-fact standing to seek injunctive relief under Title III of the ADA.
2. Whether Gastelum's evidence established violations of the ADA Accessibility Guidelines concerning accessible-route width, bathroom-door operating force, or service-counter accessibility.
3. Whether Best Buy's motion for summary judgment should be granted and Gastelum's cross-motion denied.

HOLDINGS

1. An ADA plaintiff seeking injunctive relief must provide admissible evidence and specific facts showing that an alleged accessibility barrier affected the plaintiff's full and equal enjoyment of the facility because of the plaintiff's particular disability. Gastelum failed to make that showing because he did not establish that he used a wheelchair at the store or otherwise explain how the alleged barriers affected the loss of his leg.
2. Gastelum was not entitled to summary judgment because his photographs, declaration, and legal conclusions did not objectively establish violations of the ADA Accessibility Guidelines.
3. Best Buy's motion for summary judgment should be granted, and Gastelum's motion for summary judgment should be denied.

KEY QUOTATIONS

"The Court therefore concludes that Gastelum's statements identifying barriers that relate to wheelchair users, without evidence that he used his wheelchair at the Store, are insufficient to demonstrate he suffered an injury-in-fact." (at 8)

"The Court therefore finds Gastelum has failed to establish an injury-in-fact for purposes of ADA, Title III standing." (at 11)

"Best Buy's motion for summary judgment be GRANTED. Gastelum's motion for summary judgment be DENIED." (at 15)

FACTUAL BACKGROUND

Gastelum, who is missing a leg, uses a wheelchair in some locations and a prosthetic leg and cane in others. He alleged that during an August 10, 2022 visit to Best Buy's Fresno store he encountered narrow accessible routes, a bathroom door requiring excessive force and wrist twisting, and cluttered service counters. He alleged that these conditions interfered with his full and equal enjoyment of the store and deterred him from returning. The court found that he did not provide competent evidence showing which mobility aid he used at the store or how the alleged barriers affected his particular disability.

PROCEDURAL HISTORY

Gastelum filed a second amended complaint asserting an ADA claim and seeking injunctive relief. His state-law claims under the Unruh Civil Rights Act and California Disabled Persons Act had previously been dismissed without prejudice after the court declined supplemental jurisdiction. Gastelum moved for summary judgment, and Best Buy cross-moved for summary judgment based principally on standing and mootness. The magistrate judge recommended granting Best Buy's motion and denying Gastelum's motion, subject to objections and review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 255 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Soremekun v. Thrifty Payless, Inc.*, 509 F.3d 978, 984 (9th Cir. 2007)
- *F.T.C. v. Stefanchik*, 559 F.3d 924, 929 (9th Cir. 2009)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)
- *First Nat'l Bank of Arizona v. Cities Serv. Co.*, 391 U.S. 253, 289 (1968)
- *Richards v. Nielsen Freight Lines*, 602 F. Supp. 1224, 1244-45 (E.D. Cal. 1985), *aff'd*, 810 F.2d 898 (9th Cir. 1987)
- *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 180-81 (2000)
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)
- *Langer v. Kiser*, 57 F.4th 1085, 1092 (9th Cir. 2023)
- *Chapman v. Pier 1 Imports*, 631 F.3d 939, 944, 947, 954 (9th Cir. 2011)
- *Center for Biological Diversity v. Export-Import Bank*, 894 F.3d 1005, 1012 (9th Cir. 2018)
- *Jones v. L.A. Cent. Plaza LLC*, 74 F.4th 1053, 1058 (9th Cir. 2023)
- *Gerlinger v. Amazon.com Inc., Borders Grp., Inc.*, 526 F.3d 1253, 1255-56 (9th Cir. 2008)
- *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 905 (9th Cir. 2011)
- *Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 730 (9th Cir. 2007)
- *Parr v. L & L Drive-Inn Restaurant*, 96 F. Supp. 2d 1065, 1085 (D. Haw. 2000)

- *Beggins v. Carpenter*, No. 2:18-cv-01550-KJM-AC, 2020 WL 7227562, at *3 (E.D. Cal. Dec. 8, 2020)
- *Gastelum v. Kohl's Inc.*, No. 1:21-cv-1740 JLT BAM, 2023 WL 2575825, at *6, *7-*8 (E.D. Cal. Mar. 20, 2023)
- *Gastelum v. Tc Heritage Inn 2 of Bakersfield LLC*, No. 1:21-cv-1230 JLT BAK (SAB), 2022 WL 541791, at *6 (E.D. Cal. Feb. 23, 2022)
- *Gastelum v. TJX Companies, Inc.*, No. CV 23-8905-JFW(AJR_x), 2024 WL 1601256, at *3 (C.D. Cal. Mar. 28, 2024)
- *Gastelum v. The TJX Companies, Inc.*, No. 23-cv-00726-NC, 2024 WL 2124536 (N.D. Cal. Mar. 18, 2024)
- *Strojnuk v. Ashford Scottsdale LP*, No. CV-20-02352-PHX-DWL, 2021 WL 2002977, at *9 (D. Ariz. May 19, 2021)
- *Chavez v. Yong Kyun Won*, No. 1:19-cv-0595 JLT, 2020 WL 5203451, at *4-*5 (E.D. Cal. Sept. 1, 2020)
- *Johnson v. Starbucks Corp.*, 818 F. App'x 657, 659 (9th Cir. 2020)
- *Whitaker v. Beauty Essentials, Inc.*, No. 2:19-CV-06610-SK, 2021 WL 12166346, at *2 (C.D. Cal. Mar. 16, 2021)
- *Whitaker v. Starbucks Corp.*, No. 2:20-CV-00111-RGK-JC, 2020 WL 2027593, at *2 (C.D. Cal. Mar. 4, 2020)
- *Johnson v. Starbucks Corp.*, No. C 17-02454 WHA, 2019 WL 1427435, at *2 (N.D. Cal. Mar. 29, 2019)
- *Lammey v. Starbucks Corp.*, No. 2:18-cv-9477RGKJCX, 2019 WL 4187377, at *2 (C.D. Cal. June 27, 2019)
- *Whitaker v. Ling-Su Chinn, LLC*, No. CV 19-8210-JFW(PLAX), 2020 WL 10995648, at *4 (C.D. Cal. Dec. 21, 2020)
- *Tinnin v. Sutter Valley Med. Found.*, 647 F. Supp. 3d 864, 872 (E.D. Cal. 2022)
- *Xiong v. Chavez*, No. 1:13-CV-00083-SKO, 2016 WL 345609, at *20 (E.D. Cal. Jan. 28, 2016)
- *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)