

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hipp v. The City of Vallejo

Hipp · No. 2:25-cv-01806-DJC-SCR · Decided June 28, 2025

SUMMARY

The United States District Court for the Eastern District of California granted four unhoused plaintiffs’ ex parte application for a temporary restraining order against the City of Vallejo. The order enjoins the City from evicting the plaintiffs from their temporary residences pending a hearing on a preliminary injunction, based on irreparable harm, the balance of hardships, the public interest, and serious questions concerning alleged failures to provide reasonable accommodations under Title II of the Americans with Disabilities Act. The court waived the bond requirement and set the preliminary-injunction hearing for July 11, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 28, 2025
DOCKET	2:25-cv-01806-DJC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed an action alleging violations of Title II of the Americans with Disabilities Act and the Fourteenth Amendment, together with an ex parte application for a temporary restraining order to prevent the City from evicting them from temporary residences near Vallejo City Hall and related public facilities.
STANDARD OF REVIEW	Temporary restraining orders are evaluated under the preliminary-injunction factors: likelihood of success on the merits, irreparable harm absent relief, balance of equities, and the public interest. Under the Ninth Circuit's serious-questions test, serious questions going to the merits plus a sharply favorable balance of hardships may support relief if the plaintiff also shows likely irreparable injury and that the injunction is in the public interest.
PRECEDENTIAL VALUE	unpublished and interlocutory district-court order

PARTIES

Kurt Hipp, Corletta Tate, M.T., Watson v. City of Vallejo

TOPICS

injunctions

reasonable accommodation

ada / disability

civil rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

Americans with Disabilities Act

municipal law

injunctive relief

QUESTIONS PRESENTED

1. Whether plaintiffs satisfied the requirements for an ex parte temporary restraining order preventing the City from evicting them from their temporary residences.
2. Whether plaintiffs demonstrated serious questions on the merits of their Title II ADA reasonable-accommodation claims.
3. Whether a bond should be required under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. Plaintiffs were entitled to a temporary restraining order under the serious-questions test because they demonstrated likely irreparable harm, a balance of hardships sharply in their favor, serious questions concerning their claims, and that the public interest favored relief.
2. Plaintiffs demonstrated serious questions concerning whether the City violated Title II of the ADA by failing to provide reasonable accommodations or communicate with plaintiffs about their disability-related accommodation requests before proceeding with the planned evictions.
3. No bond was required because the record did not indicate that the City would suffer damages from the short delay in eviction proceedings.

KEY QUOTATIONS

“For the reasons stated below, Plaintiffs’ Application (ECF No. 5) is granted.” (Order at 1)

“The purpose of a temporary restraining order is to preserve the status quo and to prevent irreparable harm “just so long as is necessary to hold a hearing, and no longer.”” (Order at 2)

“This requires that public entities, such as the City, make “reasonable modifications” to their policies, practices, and procedures to avoid discrimination on the basis of disability.” (Order at 6)

“As Plaintiffs have shown that they face irreparable injury should they be evicted, the balance of hardships tips clearly in their favor, that the public interest favors a temporary restraining order, and that there are serious questions going to the merits of Plaintiffs’ claims, a temporary restraining order is warranted under the Winter factors.” (Order at 7)

FACTUAL BACKGROUND

Four unhoused plaintiffs lived in or near parking areas by Vallejo City Hall, the Vallejo Library, and the Vallejo Ferry Terminal. The City posted notices announcing evictions, and three plaintiffs submitted requests for reasonable accommodations related to disabilities under Title II of the ADA. Plaintiffs alleged that the City neither provided accommodations nor contacted them about their disabilities or requests, while the City continued to announce a June 30, 2025 eviction. The plaintiffs submitted evidence that eviction would cause individualized harms involving medical treatment, stability, access to services, and disability-related needs.

PROCEDURAL HISTORY

Plaintiffs filed the action and an ex parte application for a temporary restraining order after the City posted notices stating that evictions would occur on June 30, 2025. The district court granted the application, enjoined the specified evictions until July 12, 2025, waived the bond requirement, and set a hearing on a preliminary injunction for July 11, 2025.

DISPOSITION

other

CASES CITED

- *Granny Goose Foods, Inc. v. Brotherhood of Teamsters*, 415 U.S. 423, 439 (1974)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)
- *Stuhlbarg International Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)
- *Park Village Apartment Tenants Ass'n v. Mortimer Howard Trust*, 636 F.3d 1150, 1159 (9th Cir. 2011)
- *Knight v. Richardson Bay Regional Agency*, 637 F. Supp. 3d 789, 800 (N.D. Cal. 2022)
- *Volis v. City of Los Angeles Housing Authority*, No. 2:13-cv-01397-MMM-SP, 2014 WL 12704885, at *3 (C.D. Cal. Jan. 7, 2014)
- *Stean v. Wells Fargo & Co.*, No. 3:09-cv-01272-JSW, 2009 WL 1405912, at *2 (N.D. Cal. May 18, 2009)
- *Associated General Contractors of California, Inc. v. Coalition of Economic Equity*, 950 F.2d 1401, 1412 (9th Cir. 1991)
- *McGary v. City of Portland*, 386 F.3d 1259, 1266, 1270 (9th Cir. 2004)
- *Enyart v. National Conference of Bar Examiners*, 630 F.3d 1153, 1167 (9th Cir. 2011)
- *Connecticut General Life Insurance Co. v. New Images of Beverly Hills*, 321 F.3d 878, 882 (9th Cir. 2003)
- *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003)