

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Marquise Bailey v. Santa Fe Express Hand Car Wash, Inc., et al.

No. 8:25-cv-00422-KES, United States District Court for the Central District of California (September 3, 2025)

SUMMARY

The United States District Court for the Central District of California ordered Do Joon Lee and Rie Ja Lee to show cause why sanctions should not be imposed for failing to participate in the Rule 26(f) process and a scheduling conference. The court required a status report addressing their nonappearance, preferred alternative dispute resolution procedure, and contact information. The order warned that continued noncompliance could result in monetary sanctions or default judgment against the trust.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Karen E. Scott, U.S. Magistrate Judge
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 3, 2025
DOCKET	8:25-cv-00422-KES
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause after the defendants failed to participate in the Rule 26(f) meet-and-confer process, failed to submit a joint Rule 26(f) report, and failed to appear at the scheduling conference.
PRECEDENTIAL VALUE	unpublished, nonprecedential interlocutory district-court order
PARTIES	Marquise Bailey v. Santa Fe Express Hand Car Wash, Inc., Do Joon Lee, as trustee of the Do Joon Lee and Rie Ja Lee Revocable Living Trust

TOPICS

- sanctions
- discovery dispute
- default judgment
- civil procedure
- ada / disability

PRACTICE AREAS

civil procedure

civil rights

Americans with Disabilities Act

discovery and sanctions

alternative dispute resolution

QUESTIONS PRESENTED

1. Whether defendants' failure to participate in the Rule 26(f) conference, submit a joint discovery report, and attend the scheduling conference warranted an order to show cause and possible sanctions.
2. Whether the court could warn that continued noncompliance could result in monetary sanctions or default judgment against the Trust.

HOLDINGS

1. Parties are required to comply with Federal Rule of Civil Procedure 26(f), applicable local rules, and the court's scheduling orders, including meeting and conferring, preparing a joint discovery report, and participating in the required scheduling process.
2. If a party or attorney fails to participate in good faith in developing and submitting a Rule 26(f) discovery plan, the court may, after an opportunity to be heard, require payment of the reasonable expenses caused by the failure.
3. A default judgment may be entered as a sanction for failure to comply with the Federal Rules of Civil Procedure when the noncompliance reflects willfulness, bad faith, or fault.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 26(f) requires the parties to meet and prepare a joint report to the Court about scheduling and proposing a discovery plan.” (2)

“If a party or its attorney fails to participate in good faith in developing and submitting a proposed discovery plan as required by Rule 26(f), the court may, after giving an opportunity to be heard, require that party or attorney to pay to any other party the reasonable expenses, including attorney’s fees, caused by the failure.” (3)

FACTUAL BACKGROUND

Bailey brought claims under the Americans with Disabilities Act against Santa Fe Express Hand Car Wash, Inc. and the Trust. Although the Trust answered, the Lees, who purported to represent the Trust pro se, did not respond to plaintiff's attempts to arrange the required Rule 26(f) conference or jointly prepare the required report. They also failed to appear at the August 22, 2025 scheduling conference.

PROCEDURAL HISTORY

Bailey filed an ADA complaint on March 5, 2025. The Trust answered, and the court ordered the parties to meet and confer, file a joint Rule 26(f) report, and attend a scheduling conference. Plaintiff filed a unilateral Rule 26(f) report stating that defendants had not responded to multiple contacts; defendants then failed to appear at the scheduling conference. The court ordered Mr. and Mrs. Lee to file a status report explaining their noncompliance and warned that sanctions, including monetary sanctions or default judgment, could follow.

DISPOSITION

other

CASES CITED

- Becker v. Wells Fargo Bank, NA, Inc., No. 10-cv-2799, 2012 WL 6005759, at *4, 2012 U.S. Dist. LEXIS 170729, at *10 (E.D. Cal. Nov. 30, 2012)
- Jorgensen v. Cassiday, 320 F.3d 906, 912 (9th Cir. 2003)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES—GENERAL Case No. 8:25-cv-00422-KES Date: September 3, 2025 Title: MARQUISE BAILEY v. SANTA FE EXPRESS HAND CAR WASH, INC., et al. PRESENT: THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE Jazmin Dorado Not Present Courtroom Clerk Court Reporter ATTORNEYS PRESENT FOR ATTORNEYS PRESENT FOR PLAINTIFF: DEFENDANTS: None Present None Present PROCEEDINGS (IN CHAMBERS): Order to Show Cause Why Defendants Should Not Be Sanctioned I. BACKGROUND On March 5, 2025, Marquise Bailey (“Plaintiff”) filed a Complaint bringing claims under the Americans with Disabilities Act (“ADA”) against the Santa Fe Express Hand Car Wash, Inc. and Do Joon Lee “as trustee of the Do Joon Lee and Rie Ja Lee Revocable Living Trust” (“the Trust”).

(Dkt. 1 at 1-2.) The Trust has answered the Complaint. (Dkt. 14.) The Lees are representing the Trust pro se, based upon the representation that they are its sole beneficial owners. (Dkt. 15, 18); see generally Becker v. Wells Fargo Bank, NA, Inc., No. 10- cv-2799, 2012 WL 6005759, at *4, 2012 U.S. Dist. LEXIS 170729, at *10 (E.D. Cal. Nov. 30, 2012).

On June 23, the Court entered an order setting a telephonic scheduling conference with the Court and the parties for August 22. (Dkt. 20.) The order also stated: On or before August 1, 2025, the parties shall meet and discuss the issues described below.

On or before August 8, 2025, the parties shall file a joint Rule 26(f) Report. The Rule 26(f) Report shall be drafted by Plaintiff (unless the parties agree otherwise), but shall be submitted and signed jointly. (Id. at 3.)

On August 8, Defendant filed a unilateral Rule 26(f) report, which stated: Plaintiff and Defendant have not completed the conference due to Defendant’s CIVIL MINUTES – GENERAL Case No. 8:25-cv-00422-KES Date: September 3, 2025 Page 2 lack of availability and responsiveness to Plaintiff’s multiple attempts, through different methods, to attempt to get in contact with Defendant.

Plaintiff attempted to call Defendant by phone with the phone number (714-236-5107) provided by Defendant in Defendant's pleading. However, no one has picked up Plaintiff's phone call.... On August 1, 2025, Plaintiff also sent out a physical letter containing an urgent plea to reach out to Plaintiff for fulfilling the meet and confer obligation to Defendant's address by USPS regular mail; however, Defendant has not responded by phone, letter, or email as of this date.

(Id. at 2.) On August 22, the Court held the Scheduling Conference. Plaintiff's counsel appeared by telephone, and Defendants did not appear. II. LEGAL STANDARDS The parties in this case are required to follow the Federal Rules of Civil Procedure and the Local Civil Rules of the Central District of California.¹ Federal Rule of Civil Procedure 26(f) requires the parties to meet and prepare a joint report to the Court about scheduling and proposing a discovery plan.

Under the Local Civil Rules, the parties must also state which type of Alternative Dispute Resolution ("ADR") procedure they would like to participate in. See Local Rule 26-1(c). Parties in all cases must participate in at least one of three types of ADR: ADR PROCEDURE NO. 1 - The parties shall appear before the district judge or magistrate judge assigned to the case for such settlement proceedings as the judge may conduct or direct.

ADR PROCEDURE NO. 2 - The parties shall appear before a neutral selected from the Court's Mediation Panel. ADR PROCEDURE NO. 3 - The parties shall participate in a private dispute resolution proceeding. See Local Rule 16-15.4. "If a party or its attorney fails to participate in good faith in developing and submitting a proposed discovery plan as required by Rule 26(f), the court may, after giving an opportunity to be heard, require that party or attorney to pay to any other party the reasonable expenses, 1 The Federal Rules of Civil Procedure are available at: <https://www.federalrulesofcivilprocedure.org/frcp/>, and the Local Civil Rules are available at: <https://www.cacd.uscourts.gov/court-procedures/local-rules>.

CIVIL MINUTES – GENERAL Case No. 8:25-cv-00422-KES Date: September 3, 2025 Page 3 including attorney's fees, caused by the failure." Fed. R. Civ. P. 37(f). Additionally, if a defendant fails to comply with any of the Federal Rules of Civil Procedure without a good reason, the Court may also enter a default judgment against the defendant. See Local Rule 83-2.2.4; Jorgensen v. Cassiday, 320 F.3d 906, 912 (9th Cir.

2003) (holding that a default judgment may be entered as a sanction if the party has demonstrated "willfulness, bad faith, or fault"). If a default judgment is entered, this generally means that the defendant is automatically liable for any relief that the plaintiff asked for in the complaint, including monetary damages.

In an ADA case like this one, a default judgment could require the defendants to make expensive changes to their property and pay the plaintiff's attorney's fees. III. CONCLUSION IT IS HEREBY ORDERED that, on or before October 3, 2025, Mr. and Mrs. Lee shall file a status

report that: (a) Explains why they failed to call in to the Scheduling Conference and respond to Plaintiff's counsel's phone calls and letters about the required Rule 26(f) report; (b) States which of the three ADR procedures discussed above they would prefer to participate in; and (c) States an email address where the Court and defense counsel can contact them (if they have access to an email address).

If Mr. and Mrs. Lee fail to respond to this order, or if their response fails to adequately explain why they violated the rules, the Court may enter sanctions against them, including monetary damages and/or a default judgment against their trust.

The final page of this order lists the contact information for the Court's pro se clinics, where Mr. and Mrs. Lee can find free attorneys to assist them in understanding and following the requirements of this order.

The Orange County Bar Association also has Lawyer Referral and Information Service to assist parties in finding paid attorneys. More information is available by calling (949) 440-6747 or (877) 257-4762, or by visiting: <http://irisoc.org/>. Initials of Deputy Clerk jd CIVIL MINUTES – GENERAL Case No. 8:25-cv-00422-KES Date: September 3, 2025 Page 4 Free Legal Help for People without an Attorney Los Angeles Santa Ana Riverside Location: Location: Location: Edward Roybal R. Federal Building Ronald Reagan Federal Building George E. Brown Federal Building and Courthouse and Courthouse 3420 Twelfth Street 255 East Temple Street 411 W. 4th Street Room 125 Suite 170 (Terrace Level) Room 1055 (1st Floor) Riverside, CA 92501 Los Angeles, CA 90012 Santa Ana, CA 92701 Hours: Hours by appointment only: Hours: Tuesday and Thursday Monday, Wednesday, Tuesday 1-4 p.m. (virtual by phone 9 a.m.-3 p.m. and Friday or Zoom) 9:30 am-12:00 pm and Thursday 10 a.m.-12 p.m. and 1:30- For more information, contact 2:00-4:00 pm 3:30 p.m. (in person at the Public Service Law Corporation at: courthouse) (951) 682-7968 To make an appointment or for more information, contact Public For more information, contact Counsel at: Public Law Center at: (213) 385-2977, Ext.

270 (714) 541-1010, Ext. 222 Visit the Court's website for further information: <http://prose.cacd.uscourts.gov/federal-pro-se-clinics>