

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TEXAS, SHERMAN DIVISION

Clinton Williams v. ABCD Restaurants and Hospitality LLC

No. 4:25-CV-00219-ALM-BD (E.D. Tex.) · No. No. 4:25-CV-00219-ALM-BD · Decided January 23, 2026

SUMMARY

A United States magistrate judge recommends granting Clinton Williams’s motion for default judgment against ABCD Restaurants and Hospitality LLC in an action under Title III of the Americans with Disabilities Act. The recommendation concludes that the defendant’s failure to retain counsel or respond resulted in default, that the complaint adequately alleges inaccessible parking at a public accommodation, and that Williams is entitled to a permanent injunction, \$8,712.50 in attorney’s fees, and \$405 in costs. The parties were given 14 days to object.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Texas, Sherman Division                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Bill Davis, United States Magistrate Judge                                                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Eastern District of Texas, Sherman Division                                                                                                                                                                                                                                                                                                               |
| DECIDED               | January 23, 2026                                                                                                                                                                                                                                                                                                                                                                               |
| DOCKET                | No. 4:25-CV-00219-ALM-BD                                                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55 after defendant failed to retain counsel or file a responsive pleading. The magistrate judge issued a report and recommendation recommending that the motion be granted and that plaintiff receive injunctive relief, attorney's fees, and costs.                                                                |
| STANDARD OF REVIEW    | For a report and recommendation, the district court conducts de novo review of specifically objected-to findings and conclusions under 28 U.S.C. § 636(b)(1); unobjected-to findings are subject to review for plain error. In evaluating default judgment, the court applies Rule 55 and considers procedural sufficiency, substantive sufficiency of the pleading, and the relief warranted. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                |

## TOPICS

default judgment

architectural barriers

injunctions

attorney fees

ada / disability

## PRACTICE AREAS

civil procedure

Americans with Disabilities Act

disability discrimination

remedies

attorney's fees

## QUESTIONS PRESENTED

1. Whether default judgment was procedurally warranted where ABCD Restaurants failed to retain counsel or respond after service and repeated warnings.
2. Whether Williams's well-pleaded allegations established a Title III ADA claim based on the absence of accessible parking.
3. Whether Williams was entitled to declaratory relief, a permanent injunction, attorney's fees, and costs.
4. Whether the amount of attorney's fees and costs could be determined without a damages hearing.

## HOLDINGS

1. Default judgment was procedurally warranted because ABCD Restaurants was properly served, failed to retain counsel or plead, had been given repeated opportunities and warnings, and its default was not attributable to good-faith mistake or excusable neglect.
2. The complaint sufficiently pleaded a Title III ADA claim because Williams adequately alleged that he had a disability, One Stop was a public accommodation, and ABCD Restaurants denied him full and equal enjoyment by failing to provide accessible parking.
3. The court did not determine that the alleged absence of accessible parking supported the reasonable-modification or alterations theories, but concluded that it adequately supported the architectural-barrier theory.
4. A permanent injunction was warranted because Williams established irreparable injury, inadequacy of legal remedies, a favorable balance of hardships, and consistency with the public interest.
5. Declaratory relief should not be awarded because the record was meager, Williams had not specified precisely what he wanted declared, and a declaration would serve no clear purpose given the available injunctive relief.
6. Williams was entitled to \$8,712.50 in attorney's fees and \$405 in costs, for a total award of \$9,117.50, without a separate damages hearing.

## KEY QUOTATIONS

*“A party seeking a permanent injunction must show: (1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that,*

*considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.” (Discussion Part III.B)*

*“It is RECOMMENDED that the motion for default judgment, Dkt. 15, be GRANTED.” (Recommendation)*

## FACTUAL BACKGROUND

Williams alleged that he has significant mobility impairments and uses a disabled parking placard. He visited One Stop, a property owned by ABCD Restaurants in Plano, Texas, and alleged that the property lacked accessible parking spaces, handicap parking spaces, and handicap parking signs, preventing him from safely accessing the business. ABCD Restaurants failed to retain counsel or file a responsive pleading after service and repeated warnings, resulting in entry of default.

## PROCEDURAL HISTORY

Williams filed a Title III ADA action and served ABCD Restaurants' registered agent. The entity's nonattorney registered agent twice attempted to seek permission to represent the company; both motions were struck, and ABCD Restaurants was ordered to obtain counsel and warned that failure to do so could result in default. After the defendant failed to retain counsel or respond, the clerk entered default, and Williams moved for default judgment. The magistrate judge recommended granting the motion, subject to district-court review of any timely objections.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The magistrate judge recommended that the district court grant the motion for default judgment, award \$9,117.50 in attorney's fees and costs, deny declaratory relief, and permanently enjoin ABCD Restaurants and specified persons from disability discrimination and require ABCD Restaurants to make One Stop readily accessible and usable by individuals with disabilities. Parties may file specific written objections within 14 days; the district court must conduct de novo review of specifically objected-to findings.

## CASES CITED

- Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201–03 (1993)
- N.Y. Life Ins. Co. v. Brown, 84 F.3d 137, 141 (5th Cir. 1996)
- James v. Frame, 6 F.3d 307, 310 (5th Cir. 1993)
- Graham v. Coconut LLC, No. 4:16-cv-00606-ALM, 2017 WL 2600318, at \*1 (E.D. Tex. June 15, 2017)
- Wooten v. McDonald Transit Assocs., Inc., 788 F.3d 490, 496–97 (5th Cir. 2015)
- Jackson v. FIE Corp., 302 F.3d 515, 524–25 (5th Cir. 2002)
- Frame v. S-H, Inc., 967 F.2d 194, 204 (5th Cir. 1992)
- Tatum v. N.Y. Tribeca Grp. LLC, No. 6:25-cv-00103-JDK-JDL (E.D. Tex. June 3, 2025)

- *Lindsey v. Prive Corp.*, 161 F.3d 886, 893 (5th Cir. 1998)
- *Viridity Energy Sols., Inc. v. Lone Star Demand Response, LLC*, No. 4:21-cv-00419-SDJ, 2022 WL 4004785, at \*3 (E.D. Tex. July 12, 2022)
- *Blanton v. Cobra Enters. of Utah, Inc.*, No. 3:18-cv-00765-M, 2019 WL 7841085, at \*2 (N.D. Tex. Sept. 23, 2019)
- *United States v. Trowbridge*, No. 9:14-cv-138-MHS-KFG, 2015 WL 5334267, at \*1–2 (E.D. Tex. Sept. 10, 2015)
- *Adams v. Chime Sols., Inc.*, No. 3:23-cv-1482-S, 2024 WL 4137263, at \*6 (N.D. Tex. Aug. 14, 2024)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Surtain v. Hamlin Terrace Found.*, 789 F.3d 1239, 1245 (11th Cir. 2015)
- *Allen v. Vertafore, Inc.*, 28 F.4th 613, 616 (5th Cir. 2022)
- *Greer v. EDK Allen II LP*, No. 4:10-cv-1, 2011 WL 1656406, at \*3 (E.D. Tex. Mar. 8, 2011)
- *Apac v. MEH Props. Inc.*, No. EP-24-cv-127-KC, 2024 WL 4647640, at \*5–9 (W.D. Tex. Nov. 1, 2024)
- *Salinas v. Collier*, No. 1:20-cv-00181-BU, 2024 WL 3251715, at \*18 (N.D. Tex. Feb. 2, 2024)
- *Hanks v. Olivarez*, No. 3:18-cv-2435-S, 2019 WL 13472193, at \*5 (N.D. Tex. May 24, 2019)
- *Disc Disease Sols. Inc. v. VGH Sols., Inc.*, 888 F.3d 1256, 1260 (Fed. Cir. 2018)
- *Kennedy v. Wichita Cnty. Heritage Soc'y*, No. 7-06-cv-124-AH, 2008 WL 2511755, at \*2 (N.D. Tex. June 23, 2008)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Orix Credit All., Inc. v. Wolfe*, 212 F.3d 891, 895–96 (5th Cir. 2000)
- *Travelers Ins. Co. v. La. Farm Bureau Fed'n, Inc.*, 996 F.2d 774, 778 (5th Cir. 1993)
- *Alpine Transp. Risk Retention Grp., Inc. v. JFC Transp. LLC*, No. 3:24-cv-48-S, 2025 WL 2816813, at \*6 (N.D. Tex. June 13, 2025)
- *SUA Inc. Co. v. Buras*, 421 F. App'x 384, 385 (5th Cir. 2011)
- *Pub. Affs. Assocs., Inc. v. Rickover*, 369 U.S. 111, 112–13 (1962)
- *Hewitt v. Helms*, 482 U.S. 755, 762 (1987)
- *Abraham v. Alpha Chi Omega*, 708 F.3d 614, 627 (5th Cir. 2013)
- *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006)
- *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 550, 552 (2010)
- *Black v. SettlePou, P.C.*, 732 F.3d 492, 502 (5th Cir. 2013)
- *Saizan v. Delta Concrete Prods. Co.*, 448 F.3d 795, 800 & n.18 (5th Cir. 2006)
- *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974)
- *Alejandro v. Prop. Care Sols. LLC*, No. 4:22-cv-00029, 2022 WL 3223176, at \*7 (E.D. Tex. Aug. 9, 2022)
- *Thomas v. Arn*, 474 U.S. 140, 155 (1985)
- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc)