NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRIS KOHLER, Plaintiff - Appellant, v. MIDWAY LAND, LLC and SEA FINANCIAL, INC., Defendants - Appellees.	No. 13-55759 D.C. No. 3:12-cv-00148-JM-WMC MEMORANDUM[*]

Appeal from the United States District Court
for the Southern District of California
Jeffrey T. Miller, Senior District Judge, Presiding

Argued and Submitted February 3, 2015
Pasadena California

Before: REINHARDT and GOULD, Circuit Judges, and MOTZ, Senior District Judge.[**]

[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[**] The Honorable J. Frederick Motz, Senior District Judge for the U.S. District Court for the District of Maryland, sitting by designation.

In this case, brought under the ADA, the district court granted summary judgment to the defendants. It concluded that although "there would be a material issue of fact with respect to the slope of the areas challenged by Plaintiff because [Plaintiff's and Defendants' witnesses, both of whom made measurements after remediation had purportedly occurred,] reach contrary conclusions," Kohler's witness had not demonstrated his qualifications to serve as an expert witness; therefore, it refused to consider his declaration.

Subsequently, we held in *Strong v. Valdez Fine Foods*, 724 F.3d 1042 (9th Cir. 2013), that a disabled plaintiff complaining of precisely the same barrier – excessive slopes in a parking lot – was not required to offer expert evidence or precise measurements to survive summary judgment. We therefore vacate the portion of the district court's judgment challenged on appeal and remand this case for reconsideration in light of *Strong*.[1]

VACATED and REMANDED.

Costs awarded to Kohler.

[1]We also conclude that the allegations in Kohler's complaint and declaration are sufficient to establish standing under *Chapman v. Pier 1 Imports (U.S.) Inc.*, 631 F.3d 939 (9th Cir. 2011) (en banc).