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David G. Geffen, Esq. (SBN 129342)
DAVID GEFFEN LAW FIRM
530 Wilshire Boulevard, Suite 205
Santa Monica, California 90401
(310) 434-1111 Telephone
(310) 434-1115 Fax
E Mail: geffenlaw@aol.com

JS-6

Attorneys for Plaintiff
HECTOR MONTANO

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HECTOR MONTANO, an
individual,
Plaintiff,

CASE No. CV12-3462 FMO (AGRx)

v.

JUDGMENT FOR DAMAGES AND
INJUNCTIVE RELIEF

BONNIE BRAE CONVALESCENT
HOSPITAL, and DOES 1
THROUGH 10, inclusive,
Defendants.

This matter came for bench trial on October 28, 2013 before the Hon. Fernando M. Olguin, U.S. District Court Judge. David G. Geffen of David Geffen Law Firm appeared as attorneys for Hector Montano (“Plaintiff” or “Montano”). Bruce Benjamin, of the Law Offices of Bruce Benjamin appeared as attorneys for Bonnie Brae Convalescent Hospital, Inc. (“Defendant” or “Bonnie Brae”).

Having read and considered all of the parties’ briefs, heard all of the testimony of witnesses presented at trial, reviewed and considered all of the evidence presented at

1 the trial, considered the oral arguments of counsel as well as their post-trial briefs,
2 and made its specific findings of fact and conclusions of law, the court hereby
3 orders judgment as follows:

- 4 1. Judgment in favor of Montano and against Bonnie Brae on Montano's claims
5 that Bonnie Brae discriminated against Montano on the basis of his disability
6 in violation of the FHA, FEHA, Unruh Civil Rights Act, CDPA,
7 Rehabilitation Act, and California Business and Professions Code Section
8 17200;
- 9 2. Bonnie Brae is ordered to pay Montano damages under the FHA, FEHA, and
10 Unruh Civil Rights Act, in the amount of \$65,000, with interest to accrue at
11 the legal rate from January 7, 2015;
- 12 3. Bonnie Brae is ordered to pay Montano punitive damages in the additional
13 amount of \$10,000 on his claims of violations of the FHA and FEHA;
- 14 4. Injunctive Relief pursuant to the FHA, FEHA, and Section 17200:
15 Defendant, its officers, directors, employees, licensees, and all other persons
16 acting in concert with it shall do the following:
 - 17 a. Hire an ADA consultant with, at a minimum, experience in the FHA, ADA
18 and the Rehabilitation Act. No later than six months from the filing date of
19 this Order, the consultant shall: (i) conduct a site inspection of the rooms,
20 facilities and common areas of Bonnie Brae to assess compliance with the
21 FHA, ADA and Rehabilitation Act; (ii) prepare and present a detailed report
22 to the court and counsel for the parties setting forth all disability access
23 deficiencies relating to plaintiff's residency and recommending modifications;
24 and (iii) propose a process for residents to request reasonable
25 accommodations and Bonnie Brae to respond to the requests.
 - 26 b. No later than six (6) months after the court issues its order based on the
27 consultant's report and the parties' briefing (if any), defendant shall: (i) at a
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minimum, provide plaintiff with his requested accommodations, including an accessible room, bathroom, shower and public area that complies with the requirements set forth in the ADA Accessibility Guidelines. Specifically, defendant shall ensure that plaintiff is assigned to a room large enough to accommodate his wheelchair, with bathroom entrances wide enough for his wheelchair, door levers that he can operate without assistance, and a thermostat that maintains room temperature; and (ii) implement the reasonable accommodation process approved by the court.

c. Defendant shall pay plaintiff’s counsel at an hourly rate not to exceed \$250 for all time plaintiff’s counsel spends relating to the development and implementation of the injunctive relief ordered by the court.

5. Plaintiff’s remaining claims for damages under the CDPA, and common law tort claims, are moot or duplicative in light of the damages awarded on Plaintiff’s successful FHA FEHA, and Unruh Act claims.

IT IS SO ORDERED.

Dated: January 12, 2015

_____/s/_____
HON. FERNANDO M. OLGUIN
JUDGE, UNITED STATES DISTRICT COURT