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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Martin Vogel,
Plaintiff,
v.
Sym Properties, LLC,
Defendant.

Case No. CV 15-09855-AB (ASx)
JUDGMENT

The following facts are undisputed: Plaintiff Martin Vogel is a T-3 paraplegic, paralyzed from the waist down, who is unable to walk and requires the use of a wheelchair; Defendant Sym Properties LLC owns, operates, or leases the public accommodation at 9202-9218 Alondra Boulevard, Bellflower, CA 90706; Plaintiff visited the public accommodation at least three times; one disabled parking space lacks the required signage and has slopes and/or cross slopes that exceed 2.0%; at least two of the access aisles have slopes and/or cross slopes that exceed 2.0%; and at least one of the access aisles has a level change that exceeds 0.5 inches and lacks flared edges.

Based on these facts, this Court finds the following: Plaintiff Martin Vogel is

1 disabled pursuant to 42 U.S.C. § 12102(2); Defendant owns, operates, or leases the
2 public accommodation at issue pursuant to 42 U.S.C. § 12182(b)(2)(A)(iv); the
3 disabled parking space lacks the appropriate signage in violation of the Americans
4 with Disabilities Act Accessibility Guidelines (“ADAAG”) § 4.6.4 (1991) and
5 ADAAG § 703.7.2.1 (2010), at least one of the disabled parking spaces has slopes
6 and/or cross slopes that exceed 2.0% in violation of ADAAG § 4.6.6 (1991) and
7 ADAAG § 502.4 (2010), at least two of the access aisles have slopes and/or cross
8 slopes that exceed 2.0% in violation of ADAAG § 4.6.6 (1991) and ADAAG § 502.4
9 (2010), and at least one of the access aisles lacks flared edges in violation of ADAAG
10 §§ 4.3.8, 4.7.5, 4.7.6, 4.8.2, 4.8.6 (1991), and ADAAG §§ 303.4, 405.2, 405.3, 406.3,
11 406.5 (2010); and Plaintiff visited the public accommodation at issue on at least three
12 occasions. Because of Plaintiff’s disability and the access barriers he encountered at
13 the subject facility, he was denied full and equal access on each occasion. Under
14 California law, a violation of the Americans with Disabilities Act is also a violation of
15 the Unruh Civil Rights Act, which entitles a plaintiff to statutory damages in the
16 amount of \$4,000 per offense. Cal. Civ. Code §§ 51, 52.

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1 Accordingly, judgment is hereby entered in favor of Plaintiff as follows:
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3 1. Defendant shall pay Plaintiff the sum of twelve thousand dollars and zero
4 cents (\$12,000.00), the total statutory damages incurred from Plaintiff's three visits to
5 the property;

6 2. Defendant shall remove all barriers to access complained of by Plaintiff in
7 his Complaint;

8 3. Defendant shall pay Plaintiff's reasonable costs of suit and reasonable
9 attorneys' fees, the amounts of which will be determined by this Court *via* Plaintiff's
10 Motion for Attorneys' Fees and Costs.
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12 **IT IS SO ORDERED.**

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14 Dated: March 8, 2017

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16 HONORABLE ANDRÉ BIROTTE JR.
17 UNITED STATES DISTRICT JUDGE

18 cc: Fiscal
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