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United States District Court
Central District of California

Martin Vogel,
Plaintiff,
v.
Dolanotto, LLC,
Defendant.

} Case No. 2:16-cv-02488-ODW-KSx
} **[Proposed] Judgment**

1 In light of Plaintiff's Notice of Withdrawal of Health & Safety Code
2 Claims, wherein Plaintiff withdraws his Second Claim (Disabled Persons Act –
3 California Civil Code §§ 54 and 55), and Fourth Claim (Denial of Full and Equal
4 Access to Public Facilities under Health and Safety Code §§ 19953, 19955(a),
5 19956, and 19959) (ECF No. 48), the Court **DISMISSES** Plaintiff's second, and
6 fourth claims.

7 This Court finds the following: Plaintiff Martin Vogel ("Plaintiff") is
8 disabled pursuant to 42 U.S.C. § 12102(2); Defendant Dolanotto, LLC
9 ("Defendant") owns, operates, or leases the public accommodation at issue
10 pursuant to 42 U.S.C. § 12182(b)(2)(A)(iv); and that Plaintiff visited the public
11 accommodation at issue on at least one occasion. Because of Plaintiff's disability
12 and the access barriers he encountered at the subject Facility, he was denied full
13 and equal access on each occasion. Accordingly, judgment is hereby entered in
14 favor of Plaintiff as follows:

- 15 1. Defendant shall pay Plaintiff the sum of four thousand dollars and zero
16 cents (\$4,000.00) for violation of the Unruh Civil Rights Act;
- 17 2. Defendant shall remove slopes and/or cross slopes that exceed 1:48
18 (2.08%) within the disabled parking space and adjacent access aisle at
19 the Facility and Defendant shall provide the requisite signage at the
20 disabled parking space; and

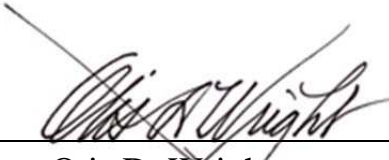
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3. Defendant shall pay Plaintiff's reasonable costs of suit and reasonable attorneys' fees including litigation costs and expenses, the amounts of which will be determined by this Court.

IT IS SO ORDERED.

DATED: February 15, 2018



Hon. Otis D. Wright
United States District Judge