

'0'

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LUIS VILLEGAS,
Plaintiff,
v.

CV 20-7291-RSWL-ASx

**ORDER re: Plaintiff's
Application for Default
Judgment [18]**

WONG-ONE, LLC, a
California Limited
Liability Company; DZUBAK
INVESTMENTS, LLC, a
California Limited
Liability Company; and
DOES 1 to 10,
Defendants.

Plaintiff Luis Villegas ("Plaintiff") claims Defendant Wong-One, LLC and Defendant Dzubak Investments, LLC, (collectively, "Defendants") violated the Americans with Disabilities Act (the "ADA") and California's Unruh Civil Rights Act (the "Unruh Act"). Plaintiff filed this Application for Default Judgment [18] on March 5, 2021 (the "Application").

1 For the reasons set forth below, the Court **GRANTS**
2 Plaintiff's Application as to the ADA claim and **DECLINES**
3 to exercise supplemental jurisdiction over Plaintiff's
4 Unruh Act Claim.

5 **I. BACKGROUND**

6 **A. Factual Background**

7 Plaintiff is a paraplegic who uses a wheelchair for
8 mobility. Compl. ¶ 1, ECF No. 1. Defendant Wong-One,
9 LLC owned or owns the real property located at 130 N.
10 Robertson Blvd., Beverly Hills, California. Id. ¶¶ 2-3.
11 Defendant Dzubak Investments, LLC owned or owns Beverly
12 Hills Mercantile & Liquor (the "Store"), which is
13 located at the subject property. Id. ¶¶ 2-5.

14 On or about July 28, 2020, Plaintiff visited the
15 Store with the intention to avail himself of its goods.
16 Compl. ¶ 10; Pl.'s Appl. for Default J. ("Appl.") Ex. 2
17 ("Pl.'s Decl.") ¶ 3, ECF No. 18-4. As a result of his
18 physical disabilities, however, Plaintiff alleges he was
19 denied full and equal access to the property when he
20 encountered no wheelchair accessible sales counters in
21 compliance with ADA standards. Pl.'s Decl. ¶ 4.

22 On or about August 4, 2020, an investigator with
23 the Center for Disability Access visited the Store to
24 survey and photograph the property. Appl. Ex. 3 ("Louis
25 Decl.") ¶¶ 1-2, ECF No. 18-5. In addition to finding no
26 wheelchair accessible sales counters, the investigator
27
28

1 discovered no wheelchair accessible dining surfaces.¹
2 Id. ¶¶ 3-4.

3 **B. Procedural Background**

4 Plaintiff filed his Complaint [1] on August 13,
5 2020, asserting violations of the ADA and Unruh Act.
6 Plaintiff served Defendants [10, 13] on August 20, 2020.
7 To date, Defendants have not appeared in the Action.
8 Following Plaintiff's Requests for Entry of Default [14,
9 15], the Clerk entered default [16, 17] on September 15,
10 2020.

11 On March 5, 2021, Plaintiff filed the present
12 Application [18]. Plaintiff seeks an order requiring
13 Defendants to provide ADA-compliant sales counters and
14 dining surfaces. Appl. 2:23-26, ECF No. 18. Plaintiff
15 additionally seeks an award totaling \$8,000.00 in
16 statutory damages, plus \$4,074.50 in attorneys' fees and
17 costs. Id. at 2:27-3:3; Appl. Ex. 1 ("Handy Decl."),
18 Billing Summary, ECF No. 18-3.

19 **II. DISCUSSION**

20 **A. Legal Standard**

21 Federal Rule of Civil Procedure ("Rule") 55(b)
22 authorizes a district court to grant default judgment
23 after the clerk enters default under Rule 55(a). Fed.
24 R. Civ. P. 55(b). Before a court can enter default

25
26 ¹ Plaintiff did not actually encounter the dining surfaces
27 in July 2020. Compl. ¶ 17; Pl.'s Decl. ¶ 5. Plaintiff learned
28 from the pre-filing investigator that the Defendants failed to
provide wheelchair accessible dining surfaces due to toe
clearance issues. Pl.'s Decl. ¶ 5; Louis Decl. ¶ 4.

1 judgment against a defendant, the plaintiff must satisfy
2 the procedural requirements set forth in Local Rule 55-
3 1. Pursuant to L.R. 55-1, the movant for default
4 judgment must submit a declaration establishing: (1)
5 when and against which party the default was entered;
6 (2) on which pleading the default was entered; (3)
7 whether the defaulting party is a minor, incompetent
8 person, or active service member; (4) that the
9 Servicemembers Civil Relief Act, 50 U.S.C. App. § 3931,
10 does not apply; and (5) that the defaulting party was
11 properly served with notice.

12 It is within the district court's discretion to
13 grant or deny an application of default judgment.
14 Aldabe v. Aldabe, 616 F.2d 1089, 1092-93 (9th Cir.
15 1980). In determining whether default judgment is
16 proper, a court considers the "Eitel factors": (1) the
17 possibility of prejudice to the plaintiff; (2) the
18 merits of the plaintiff's substantive claim; (3) the
19 sufficiency of the complaint; (4) the sum of money at
20 stake; (5) the possibility of a dispute concerning
21 material facts; (6) whether the defendant's default was
22 due to excusable neglect; and (7) the strong policy
23 favoring decision on the merits. Eitel v. McCool, 782
24 F.2d 1470, 1471-72 (9th Cir. 1986).

25 After entry of default by the clerk, all factual
26 allegations in the complaint, except those relating to
27 damages, are assumed as true. See TeleVideo Sys., Inc.
28 v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987)

1 (quoting Geddes v. United Fin. Grp., 559 F.2d 557, 560
2 (9th Cir. 1977)). Thus, the plaintiff is required to
3 provide evidence of all damages he seeks to recover in
4 the complaint. See PepsiCo, Inc. v. Cal. Sec. Cans, 238
5 F. Supp. 2d 1172, 1175 (C.D. Cal. 2002). When default
6 judgment is granted, the relief awarded "must not differ
7 in kind from, or exceed in amount, what is demanded in
8 the [complaint]." Fed. R. Civ. P. 54(c).

9 **B. Discussion**

10 1. Jurisdiction

11 When a party moves for default judgment, a court
12 must examine both subject matter and personal
13 jurisdiction. In re Tuli, 172 F.3d 707, 712 (9th Cir.
14 1999).

15 a. ADA Claim

16 The Court has subject matter jurisdiction under 28
17 U.S.C. §§ 1331 and 1343 for violations of the ADA. See
18 Civil Rights Educ. & Enf't Ctr. v. Hosp. Props. Tr., 867
19 F.3d 1093, 1098 (9th Cir. 2017). Further, the Court has
20 personal jurisdiction over Defendants because they have
21 "minimum contacts" with California such that "the suit
22 does not offend 'traditional notions of fair play and
23 substantial justice.'" Calder v. Jones, 465 U.S. 783,
24 788 (1984) (quotation omitted). More specifically,
25 Defendants own the real property and/or Store located at
26 130 N. Robertson Blvd., Beverly Hills, California, where
27 the incident giving rise to this Action occurred.
28 Compl. ¶¶ 4-5; Appl. Ex. 9 ("Gutierrez Decl.") ¶¶ 3-4,

1 ECF No. 18-11.

2 b. Unruh Act Claim

3 The court has supplemental jurisdiction over
4 "claims that are so related to claims in the action
5 within such original jurisdiction that they form part of
6 the same case or controversy under Article III of the
7 United States Constitution." 28 U.S.C. § 1367(a).
8 However, even if supplemental jurisdiction exists, the
9 Court may exercise its discretion to decline
10 supplemental jurisdiction "in exceptional circumstances"
11 or where "there are other compelling reasons for
12 declining jurisdiction." 28 U.S.C. § 1367(c)(4).

13 The Unruh Act provides that "[a]ll persons within
14 the jurisdiction of [California] are free and equal, and
15 no matter what their . . . disability . . . status are
16 entitled to the full and equal accommodations,
17 advantages, facilities, privileges, or services in all
18 business establishments of every kind whatsoever." Cal.
19 Civ. Code § 51(b). The Unruh Act also provides that any
20 violation of the ADA constitutes a violation of § 51 of
21 the Unruh Act. Cal. Civ. Code § 51(f). Moreover,
22 unlike the ADA, the Unruh Act allows a plaintiff to
23 recover statutory damages for each offense. Cal. Civ.
24 Code at § 52(a).

25 In 2012, California adopted a heightened pleading
26 standard for actions brought under the Unruh Act "to
27 combat the influx of baseless claims and vexatious
28 litigation in the disability access litigation sphere."

1 Langer v. Al Sunset, LLC, No. 2:21-CV-03594-FLA-AFM,
2 2021 WL 2038372, at *1 (C.D. Cal. May 21, 2021). These
3 heightened pleading requirements apply to actions
4 alleging "construction-related accessibility claims,"
5 which California law defines as "any civil claim in a
6 civil action with respect to a place of public
7 accommodation . . . based wholly or in part on an
8 alleged violation of any construction-related
9 accessibility standard." Cal. Civ. Code § 55.52(a)(1).

10 Moreover, California law imposes additional
11 limitations on "high-frequency litigants," defined as "a
12 plaintiff who has filed ten or more complaints alleging
13 construction-related accessibility violation within the
14 twelve-month period immediately preceding the filing of
15 the current complaint alleging a construction-related
16 accessibility violation." Cal. Civ. Code §
17 425.55(b)(1).

18 By enacting restrictions on the filing of
19 construction-related accessibility claims, district
20 courts have expressed their interest in limiting the
21 financial burdens California businesses may face for
22 claims of statutory damages against them under the Unruh
23 Act. See Ghadiri v. Tacos Queretaro Mexican Food et
24 al., No. 8:21-CV-00740-JLS-KES, 2021 WL 2073478, at *1
25 (C.D. Cal. May 21, 2021). Thus, district courts should
26 consider fairness and comity when determining whether to
27 exercise supplemental jurisdiction over construction-
28 related claims under the Unruh Act. See, e.g., Schutz

1 v. Cuddeback, 262 F. Supp. 3d 1025, 1031 (S.D. Cal.
2 2017) (“[T]he Court finds it improper to allow Plaintiff
3 to use federal court as an end-around to California’s
4 pleading requirements. Therefore, as a matter of comity,
5 and deference to California’s substantial interest in
6 discouraging unverified disability discrimination
7 claims, the Court declines supplemental jurisdiction
8 over Plaintiff’s Unruh Act Claim.”). For a high-
9 frequency litigant seeking relief under the Unruh Act,
10 it would be improper to allow a plaintiff to use federal
11 court as an “end-around” to California’s heightened
12 pleading requirements. Id.

13 Here, Plaintiff is a high-frequency litigant who
14 has filed 134 cases in the Central District, including
15 twenty-five complaints in the twelve-month period
16 immediately preceding the filing of this current
17 Action.² As such, and because of California’s

18 ² See Villegas v. Van Chau et al., No. 2:20-CV-07292-VAP-PD
19 (filed Aug. 13, 2020); Villegas v. Farsight, Inc., No. 2:20-CV-
20 05090-RSWL-PD (filed June 9, 2020); Villegas v. Attina Co. et
21 al., No. 2:20-CV-03301-DMG-SK (filed Apr. 9, 2020); Villegas v.
22 Whittier, LLC et al., No. 2:20-CV-00728-CJC-MAA (filed Jan. 24,
23 2019); Villegas v. Snow et al., No. 2:19-CV-10768-SK (filed Dec.
24 20, 2019); Villegas v. Zagros Inv., LLC et al., No. 2:19-CV-
25 10456-ODW-JC (filed Dec. 11, 2019); Villegas v. Rashid et al.,
26 2:19-CV-09847-DMG-KS (filed Nov. 18, 2019); Villegas v. Ora
27 Prop., LLC et al., No. 2:19-CV-09616-ODW-FFM (filed Nov. 8,
28 2019); Villegas v. Haroon et al., No. 2:19-CV-09224-SVW-AFM
(filed Oct. 28, 2019); Villegas v. Tran et al., No. 2:19-CV-
09223-MWF-RAO (same); Villegas v. Tedwin S & B, LLC et al., No.
2:19-CV-09191-SVW-AGR (filed Oct. 25, 2019); Villegas v. Baltagi
Enter., LLC et al., No. 2:10-CV-09145-JAK-SK (filed Oct. 24,
2019); Villegas v. 310 E. Manchester Ave. Assoc., LLC et al., No.
2:19-CV-09055-JFW-FFM (filed Oct. 21, 2019); Villegas v. Weiss et
al., No. 2:19-CV-09054-CJC-AFM (same); Villegas v. Webb Energy

1 substantial interest in discouraging unverified
2 discrimination claims, the Court declines to exercise
3 supplemental jurisdiction over Plaintiff's Unruh Act
4 claim. A significant number of judges in the Central
5 District of California and elsewhere have similarly
6 declined to exercise supplemental jurisdiction over
7 construction-related claims asserted by high-frequency
8 litigants.³

9 Moreover, the Court will not be depriving Plaintiff
10 of any remedies because his ADA claim remains pending
11 before the Court. Appl. 2:23. If Plaintiff so chooses,
12

13 Holdings, LLC et al., No. 2:19-CV-09024-VAP-MRW (same); Villegas
14 v. Azalea Joint Venture, LLC et al., No. 2:19-CV-09022-AB-AS
15 (same); Villegas v. Park et al., No. 2:19-CV-09021-PSG-RAO
16 (same); Villegas v. Montebello Ctr., No. 2:19-CV-07760-CBM-AS
17 (filed Sept. 9, 2019); Villegas v. Glendale I Mall Assoc., LP et
18 al., No. 2:19-CV-07720-PSG-MAA (filed Sept. 6, 2019); Villegas v.
19 G & M GAPCO, LLC et al., No. 2:19-CV-07530-JFW-AGR (filed Aug.
20 30, 2019); Villegas v. Thrifty Payless, Inc et al., No. 2:19-CV-
21 07186-AB-PJW (filed Aug. 19, 2019); Villegas v. White et al., No.
22 8:19-CV-01564-JVS-KES (filed Aug. 14, 2019); Villegas v.
23 Valaskantzis et al., 2:19-CV-07019-VAP-AS (filed Aug. 13, 2019);
24 Villegas v. Teshima et al., No. 2:19-CV-07012-AB-RAO (same);
25 Villegas v. Conzonire et al., No. 2:19-CV-07011-FMO-GJS (same).

21 ³ See, e.g., Lammy v. Leung et al., No. CV 19-4579-GW-ASX,
22 2020 WL 7861967 (C.D. Cal. Nov. 12, 2020) (Wu, J.); Marquez v.
23 Carwood Ctr., LLC et al., No. 2:20-CV-05948-VAP-JEMX, 2020 WL
24 8816340 (C.D. Cal. Oct. 19, 2020) (Phillips, J.); Madriz v.
25 Villalobos et al., No. CV 20-00202-CJC(KKX), 2020 WL 4006524
26 (C.D. Cal. Feb. 14, 2020) (Carney, J.); see also Langer v.
27 Petras, No. 19-cv-1408-CAB-BGS, 2019 WL 3459107 (S.D. Cal. July
28 31, 2019) (Bencivengo, J.); Reyes v. Flourshings Plus, Inc., No.
19cv261 JM (WVG), 2019 WL 1958284 (S.D. Cal. May 2, 2019)
(Miller, J.); Schutza v. Alessio Leasing, Inc., No. 18cv2154-
LAB(AGS), 2019 WL 1546950 (S.D. Cal. Apr. 8, 2019) (Burns, J.).

1 he may pursue his Unruh Act claim in state court.⁴

2 2. Local Rule 55-1

3 Plaintiff has satisfied the procedural requirements
4 for entry of default judgment under Local Rule 55-1.
5 See Gutierrez Decl. The Clerk entered default against
6 Defendants on September 15, 2020 for failure to respond
7 to Plaintiff's Complaint. Id. ¶ 5. Defendants are not
8 infants, incompetent persons, or exempted under the
9 Servicemembers Civil Relief Act. Id. ¶ 2. Lastly,
10 Plaintiff served Defendants with notice of this
11 Application on March 5, 2021. Id. ¶ 6.

12 3. Requested Relief

13 When seeking default judgment, a Plaintiff "is
14 required to prove all damages sought in the
15 [C]omplaint." Philip Morris USA, Inc. v. Castworld
16 Prods., 219 F.R.D. 494, 498 (C.D. Cal. 2003). Here,
17 Plaintiff seeks an injunction, damages, and attorneys'
18 fees and costs.

19 a. Injunctive Relief

20 Under the ADA, a plaintiff is entitled to
21 injunctive relief to make "facilities readily accessible
22 to and usable by individuals with disabilities." 42
23 U.S.C. § 12188(a)(2). Here, Plaintiff requests an order
24

25 ⁴ Plaintiff encountered the barrier on July 28, 2019. Pl.'s
26 Decl. ¶ 3. The statute of limitations has not yet lapsed, and
27 Plaintiff is able to bring his Unruh Act claim in state court.
28 See Harris v. Cnty. of San Diego, No. CV 18-924-BTM-AHG, 2019 WL
6683367, at *4 (S.D. Cal. Dec. 5, 2019) (finding that Unruh Act
claims "are subject to a two-year statute of limitations").

1 requiring Defendants to comply with the ADA by providing
2 wheelchair accessible sales counters and dining
3 surfaces. Thus, the Court **GRANTS** Plaintiff's request to
4 require Defendants to provide wheelchair accessible
5 sales counters in compliance with the ADA.

6 To prove discrimination stemming from failure to
7 remove an architectural barrier, however, the fourth
8 factor requires a plaintiff to actually encounter the
9 architectural barrier that precluded him or her full and
10 equal access to the facility. See Ho v. Mlynarski
11 Inv'rs, LLC, SACV-18-00371-CJC-JDEX, 2019 WL 4238872, at
12 *2 (C.D. Cal. Apr. 30, 2019). Here, Plaintiff did not
13 actually encounter the non-ADA compliant dining
14 surfaces. Pl.'s Decl. ¶ 5. Although Plaintiff failed
15 to meet this factor, one form of discrimination is
16 failure to remove architectural barriers unless they are
17 not readily achievable to remove. See 42 U.S.C. §
18 12182(b)(2)(A)(iv); Grove v. De La Cruz, 407 F. Supp. 2d
19 1126, 1130 (C.D. Cal. 2005). Because Defendants failed
20 to appear and argue whether the architectural barriers
21 were readily achievable to remove, the Court **GRANTS**
22 Plaintiff's request to require Defendants to provide
23 wheelchair accessible dining surfaces.⁵

24
25
26 ⁵ The dining services include one foldable table and two
27 foldable chairs. Even if Defendants had appeared and answered to
28 Plaintiff's complaint, it is hard to imagine that the Court would
find these architectural barriers as not readily achievable to
remove. See Appl. Ex. 4 at 33, ECF No. 18-6.

1 b. Damages

2 Plaintiff seeks a total of \$8,000.00 in statutory
3 damages for Defendants' alleged violation of the Unruh
4 Act. Because the Court declines to exercise
5 supplemental jurisdiction over Plaintiff's Unruh Act
6 claim, the Court **DENIES** Plaintiff's request for
7 statutory damages.

8 c. Attorneys' Fees & Costs

9 The ADA authorizes attorneys' fees in this matter.
10 42 U.S.C. § 12205; Cal. Civ. Code § 52(a); see also
11 Jankey v. Poop Deck, 537 F.3d 1122, 1130 (9th Cir. 2008)
12 ("A prevailing plaintiff under the ADA should ordinarily
13 recover an attorney's fee unless special circumstances
14 would render such an award unjust.") (internal quotation
15 marks omitted). For ADA cases, reasonable attorneys'
16 fees are determined by reference to the lodestar method.
17 Vogel v. Harbor Plaza Center, LLC, 893 F.3d 1152 (9th
18 Cir. 2018) (finding that it was an abuse of discretion
19 for the district court to treat the Local Rule 55-3 fee
20 schedule, which is ordinarily used in instances of
21 default judgment, as presumptively reasonable, rather
22 than using a lodestar approach to calculate attorneys'
23 fees for ADA and Unruh civil rights cases). A court
24 "must first determine the presumptive lodestar figure by
25 multiplying the number of hours reasonably expended on
26 the litigation by the reasonable hourly rate." Secalt
27 S.A. v. Wuxi Shenxi Constr. Mach. Co., 668 F.3d 677, 689
28 (9th Cir. 2012) (quotation omitted). The fee applicant

1 must "produce satisfactory evidence—in addition to the
2 attorney's own affidavits—that [his] requested [hourly]
3 rates [were] in line with those prevailing in the
4 community for similar services by lawyers of reasonably
5 comparable skill, experience and reputation." Grove v.
6 Wells Fargo Fin. Cal., Inc., 606 F.3d 577, 583 (9th Cir.
7 2010) (quoting Blum v. Stenson, 465 U.S. 886, 896 n.11
8 (1984)). The fee applicant bears "the burden of
9 documenting the appropriate hours expended in the
10 litigation" and of "submit[ting] evidence in support of
11 those hours worked." USW v. Ret. Income Plan for
12 Hourly-Rated Emps. of ASARCO, Inc., 512 F.3d 555, 565
13 (9th Cir. 2008) (quotation omitted). Here, Plaintiff
14 requests deviation from the default fee schedule in
15 Local Rule 55-3, seeking \$3,244.50 in attorneys' fees
16 and \$830.00 in costs, totaling \$4,074.50. See Handy
17 Decl., Billing Summary.

18 Here, Plaintiff's counsel staffed four attorneys on
19 this case: Russell Handy ("Handy"), Mark Potter
20 ("Potter"), Amanda Seabock ("Seabock"), and Faythe
21 Gutierrez ("Gutierrez"). Handy Decl. ¶¶ 3–6. Plaintiff
22 seeks hourly rates of \$595.00 for partner-level senior
23 attorneys Handy and Potter, \$450.00 for Seabock, and
24 \$400.00 for Gutierrez. Id. In support of this request,
25 Plaintiff relies on the declarations by Handy,
26 highlighting the attorneys' qualifications by their
27 experience in disability litigation, other legal
28 experience, success in law school, and involvement in

1 disability-related organizations. Id. Plaintiff also
2 submits declarations from Richard Pearl and John
3 O'Connor, two attorneys' fees experts, as well as
4 excerpts from the 2018 Real Rate Report, to support the
5 fees requested.⁶ See Appl. Exs. 6-8, ECF Nos. 18-8 to
6 18-10.

7 This Action is a routine ADA case in which
8 Plaintiff's counsel has reused the same documents and
9 "carbon-copy complaints" in other cases. Tate v. Deoca,
10 No. CV 14-08739-SJO-MRW, 2018 WL 5914220, at *8 (C.D.
11 Cal. July 31, 2018). Indeed, "[a] simple comparison of
12 the filings in this case with the filings in thousands
13 of other cases filed by Plaintiff's counsel in this
14 district reveals almost no original work." Id.

15 This Court is guided not by the amount requested
16 but by the "fees awarded by other judges in the same
17 locality in similar cases." Moreno v. City of
18 Sacramento, 534 F.3d 1106, 1115 (9th Cir. 2008)
19 (citation omitted). Given that this Action appears to
20 be nearly identical to the thousands of other cases
21 filed by Plaintiff's counsel, and after reviewing awards

22
23 ⁶ Other district courts have found these reports limited in
24 use. See Johnson v. Jun, 19-CV-06474-BLF, 2020 WL 6507995, at *9
25 (N.D. Cal. Nov. 5, 2020) (finding that Pearl's declaration and
26 the Real Rate Report failed to consider the nature of work done
27 and the skill or reputation of the attorneys in each case);
28 Johnson v. Cortese, 5:19-CV-02671-EJD, 2020 WL 7495164, at *9
(N.D. Cal. Dec. 21, 2020) (finding Pearl's report "to be of
limited use in determining the prevailing market rate") (quoting
Johnson v. Progreso Dev., LLC, No. 5:20-CV-02167-EJD, 2020 WL
6136093, at *3 (N.D. Cal. Oct. 19, 2020)).

1 in similar cases, the Court reduces Plaintiff's
2 requested hourly rates as follows: \$425.00/hour for both
3 Handy and Potter, \$350.00/hour for Seabock, and
4 \$250.00/hour for Gutierrez.⁷

5 The next issue is whether the hours billed in this
6 Action are reasonable. "[A] district court should
7 exclude hours 'that are excessive, redundant, or
8 otherwise unnecessary.'" McCown v. City of Fontana,
9 5565 F.3d 1097, 1102 (9th Cir. 2009) (quoting Hensly v.
10 Eckerhart, 461 U.S. 424, 434 (1983)). Plaintiff
11 submitted an itemized billing statement which reflects
12 that Plaintiff's attorneys spent 6.5 hours on this case.
13 See Handy Decl., Billing Summary at 1.

14 Potter, a senior attorney and founding partner,
15 billed 0.7 hours for using "[G]oogle satellite images,
16 street view, website and/or [Y]elp" to examine the Store
17 in order to inform the investigator which photos and
18 measurements he wanted to obtain. Id. at 2. Potter's
19 online research is excessive given the site's relatively
20 small size and "the obvious and blatant nature of the
21 barriers." Compl. ¶ 21. Accordingly, the Court reduces

23 ⁷ See Garcia v. Padilla, No. 2:20-cv-03033-SVW-JPR, 2020 WL
24 8027786, at *3 (C.D. Cal. Sept. 15, 2020) (reducing hourly rates
25 to \$425.00 for Handy and Potter, \$350.00 for Seabock, and \$250.00
26 for Gutierrez.); Langer v. Anaya, No. CV19-01075 PA(SHKx), 2020
27 WL 687611, at *4 (C.D. Cal. Jan. 6, 2020) (same for Handy,
28 Potter, and Seabock); Lopez v. Silvia, No. CV18-4813 PSG(JEMx),
2020 WL 2619163, at *4 (C.D. Cal. Apr. 16, 2020) (granting
\$250/hour for similarly experienced attorneys as Gutierrez at
Counsel's firm); Langer v. Garcia, No. 218CV02374VAPFFMX, 2019 WL
8013124, at *4 (C.D. Cal. Dec. 3, 2019) (same).

1 this time to 0.4 hours.

2 Handy, another senior attorney and founding
3 partner, billed 0.8 hours to review the investigator's
4 report and photographs and to "greenlight complaint
5 drafting or give investigator further instructions."
6 Handy Decl., Billing Summary at 2. The Court finds that
7 Handy's billed hours are excessive based on his ADA
8 expertise and the simple nature of the claim. The Court
9 therefore reduce this billed time to 0.4 hours. See
10 Chalmers v. City Los Angeles, 796 F.2d 1205, 1210 (9th
11 Cir. 1986) (stating that billing hours may be reduced
12 "if the case was overstaffed and the hours duplicated"
13 or "if the hours are deemed excessive or otherwise
14 unnecessary").

15 Handy then billed 0.3 hours in which he conducted
16 "[p]ublic records research to determine the identity of
17 the responsible parties and to determine if there had
18 been alterations or modifications that would have
19 triggered stricter Title 24 obligations for this
20 property." Handy Decl., Billing Summary at 2. However,
21 "[a] basic public records search to identify the owner
22 of the Property is not the type of legal work that
23 should be billed by an attorney at \$425.00 per hour."
24 Love, 2017 WL 2927429, at *4. Because this billing item
25 was not "reasonably expended," the Court excludes it
26 from the attorneys' fee award. See Hensley v.
27 Eckerhart, 461 U.S. 424, 434 (1983) ("The district
28 court...should exclude from [its] initial fee

1 calculation hours that were not 'reasonably
2 expended'...hours that are excessive, redundant, or
3 otherwise unnecessary.").

4 Lastly, Handy billed 0.6 hours to "draft [the]
5 complaint and related initial filing doc[ument]s &
6 prepare interoffice barrier memo and service
7 instructions." See Handy Decl., Billing Statement at 2.
8 Given that Plaintiff's counsel files nearly identical
9 complaints and other related documents in all of its
10 cases, save for a few distinguishing details of fact,
11 the Court finds 0.6 hours to draft the complaint and
12 other related documents and instructions to be
13 unreasonable. See Arroyo v. Thrifty Payless, Inc., CV
14 19-7244-RSWL-SS, 2020 WL 1068246, at *8 (C.D. Cal. Jan.
15 31, 2020) (reducing billing item to 0.4 hours when the
16 Court found that 0.7 hours to draft the complaint and
17 interoffice memo was unreasonable). Accordingly, the
18 Court reduces this billing item to 0.3 hours.

19 Seabock billed 0.3 hours for reviewing court-issued
20 documents such as the Notice of Assignment and Notice to
21 Parties regarding ADA Disability Access Litigation.
22 Handy Decl., Billing Summary at 2. Because Plaintiff's
23 counsel files a significant amount of similar cases in
24 this district, and considering Seabock's experience
25 working with seasoned ADA-litigation attorneys Handy and
26 Potter since 2012, see Handy Decl. ¶ 5, the Court finds
27 this time expended reviewing routine and boilerplate
28 court notices excessive and reduce it accordingly to 0.1

1 hours.

2 Gutierrez billed 1.5 hours for "[a]mend[ing] the
3 default judgment template with all component[] parts."
4 Handy Decl., Billing Summary at 3. Not only is this
5 time excessive, but it is redundant with the two
6 additional entries totaling 1.1 hours for "select[ing]
7 photos to be used in the default judgment packet" and
8 "work[ing] on declaration[s]" filed in support of the
9 instant Application. Id. Therefore, the Court reduces
10 the total time spent on the instant Application from 2.6
11 hours to 1.8 hours.

12 Considering Plaintiff's counsel's familiarity with
13 ADA cases, the simple nature of this case for
14 experienced attorneys, the redundancy of the work
15 involved, and the complete lack of opposition, the Court
16 reduces the total hours billed by Plaintiff's counsel by
17 2.3 hours.⁸ See Arroyo v. Raspados Xpress LA, Inc., No.
18 CV 19-7016 PA (ASX), 2020 WL 6106314, at *3 (C.D. Cal.
19 Aug. 10, 2020) (finding that Plaintiff's counsel "has
20 repeatedly misrepresented and hidden from all of the
21 courts in which it applied for fees the deceptive nature
22 of its billing practices," which include intentionally
23 not keeping contemporaneous billing records and
24 "seek[ing] fees for work performed by paralegals at
25 hourly rates for work performed by attorneys").
26 Therefore, the Court awards \$1,425.00 in attorneys'

27 ⁸ 0.8 hours billed by Potter, 1.0 hours billed by Handy, 0.6
28 hours billed by Seabock, and 1.8 hours billed by Gutierrez.

1 fees.

2 Finally, as the prevailing party, Plaintiff is also
3 entitled to costs. 29 U.S.C. § 1920, Fed. R. Civ. P.
4 54(d)(1); C.D. Cal. Local Rule 54-2. Plaintiff seeks to
5 recover \$830.00 in costs, which includes \$400.00 in
6 filing fees, \$30.00 in service costs, and \$400.00 for an
7 investigator. Handy Decl., Billing Summary at 1.

8 In recent similar cases, Plaintiff's firm submitted
9 investigator costs of \$100.00, as opposed to the
10 quadrupled amount of \$400.00 in this present Action.⁹
11 Moreover, in cases where Plaintiff's firm has submitted
12 investigator costs of \$400.00, this Court has routinely
13 reduced these costs to \$100.00.¹⁰ Because Plaintiff has
14 not provided any other supporting evidence to support
15 the quadrupled investigator expense besides the billing
16 statement, the Court awards Plaintiff \$530.00 in costs.

19 ⁹ See Uriarte-Limon v. Torres, No. 2:20-CV-02862-SVW-JC,
20 2020 WL 5260480, at *4 (C.D. Cal. July 15, 2020); Marquez v.
21 Chateau Hosp., Inc., No. CV200107FMORAOX, 2020 WL 5118077, at *8
22 (C.D. Cal. June 11, 2020); Whitaker v. Westside Properties-2, LLC
23 et al., No. 2:19-CV-07946-AB-RAO, 2020 WL 2614623, at *5 (C.D.
24 Cal. Mar. 2, 2020); Lamney v. Plaza Segundo, LLC, No.
25 LACV1904484JAKPLAX, 2019 WL 8638804, at *9 (C.D. Cal. Dec. 20,
26 2019); Sherfield v. Brite Spot, LLC, No. CV 19-6181-MWF-KS, 2019
27 WL 8160897, at *3 (C.D. Cal. Dec. 12, 2019).

28 ¹⁰ See Cagle v. Multani, No. CV 20-3038-MWF (PDX), 2020 WL
7861969, at *4 (C.D. Cal. Sept. 3, 2020). Garcia v. Mouannes, No.
CV2002591ABAGRXX, 2020 WL 6064024, at *5 (C.D. Cal. Aug. 6, 2020);
Garcia v. Nouk, No. CV 20-2565-MWF-GJS, 2020 WL 6064029, at *3
(C.D. Cal. July 21, 2020); Garcia v. Sanchez, No. CV 20-18484-
MWF-PVC, 2020 WL 6064025, at *3 (C.D. Cal. July 17, 2020).

