

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  
EASTERN DISTRICT OF CALIFORNIA

CHRIS LANGER,  
  
Plaintiff,  
  
v.  
  
COOKE CITY RACEWAY, INC.,  
  
Defendant.

No. 1:21-cv-01488-JLT-BAK  
  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTION FOR DEFAULT JUDGMENT  
WITH LEAVE TO AMEND**  
  
(Docs. 23, 25, 31)

Chris Langer filed this action against Cooke City Raceway, Inc., alleging violations of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*; and California’s Unruh Civil Rights Act, California Civil Code § 51, *et seq.* (Doc. 1.)

On May 20, 2022, and May 23, 2022, Plaintiff filed a motion for default judgment, and a corrected notice of filing. (Docs. 23, 25; *see also* Doc. 31 at 2 n.2.) The assigned magistrate judge issued findings and recommendations that Plaintiff’s motion for default judgment be denied with leave to amend, or alternative granted with a reduction in attorneys’ fees. (Doc. 31.) Plaintiff filed objections soon after. (Doc. 33.)

According to 28 U.S.C. § 636 (b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of the case. Having carefully reviewed the entire file, including the filed objections, the Court finds that the findings and recommendations are supported by the record and proper analysis. As the findings and recommendations explain, Plaintiff’s claims are premised upon

1 “difficulty and discomfort” he allegedly experienced in attempting to view videos on Defendant’s  
2 website, which allegedly deterred Plaintiff from further use of the website. (*See* Doc. 31 at 4.)  
3 The Court agrees with the magistrate judge that Plaintiff has not sufficiently alleged the required  
4 nexus between Defendant’s website and the goods and services provided at Defendant’s physical  
5 location. (*See id.* at 14–17.) Plaintiff asks in the objections that that if the Court is inclined to  
6 deny the motion, it be without prejudice to Plaintiff offering further testimony regarding the  
7 nexus between the website and the physical business. Adopting the reasons explained in the  
8 findings and recommendations, the Court finds it more appropriate to grant Plaintiff leave to file  
9 an amended complaint to address the deficiencies identified in the complaint. Thus,

- 10 1. The findings and recommendations issued July 27, 2022 (Doc. 31) are **ADOPTED**  
11 **IN FULL.**
- 12 2. The motion for default judgment (Doc. 22) is **DENIED.**
- 13 3. Plaintiff is granted leave to file an amended complaint within 21 days of entry of  
14 this order.
- 15 4. This matter is referred to the assigned magistrate judge for further proceedings.
- 16 5. Plaintiff is directed to mail a copy of this order to Defendant at its last known  
17 address.

18  
19 IT IS SO ORDERED.

20 Dated: August 12, 2022

  
UNITED STATES DISTRICT JUDGE