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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE TRUJILLO,

Plaintiff,

v.

MALWA FOOD MART INC; MANJIT
SINGH dba US GAS AND FOOD;
BALWINDER SINGH dba US GAS AND
FOOD,

Defendants.

Case No. 1:21-cv-01580-AWI-BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF’S MOTION FOR DEFAULT
JUDGMENT**

(Docs. 21, 23)

On October 25, 2021, Plaintiff Jose Trujillo initiated this action pursuant to the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12181 *et seq.*, California’s Unruh Civil Rights Act, California Civil Code § 51, and the California Health and Safety Code, against Defendants Malwa Food Mart Inc; Manjit Singh dba US Gas and Food; and Balwinder Singh dba US Gas and Food (collectively “Defendants”). (Doc. 1.) The Clerk of the Court entered default against Defendant Balwinder Singh on December 27, 2021, and against Defendants Malwa Food Mart Inc and Manjit Singh on February 28, 2022. (Docs. 7 and 17.) Plaintiff moved for entry of default judgment on March 30, 2022. (Doc. 21.)

On April 25, 2022, the assigned magistrate judge issued findings and recommendations that Plaintiff’s motion for default judgment be granted in part. (Doc. 23.) Those findings and recommendations were served on the parties and contained notice that any objections thereto

1 were to be filed within fourteen (14) days after service. (*Id.*; *see also* Doc. 24.) The time for
2 filing objections has passed and no objections have been filed.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
5 and recommendations to be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on April 25, 2022 (Doc. 23) are adopted in
8 full;
- 9 2. Plaintiff's motion for default judgment is granted in part;
- 10 3. Defendants are found and declared to be in violation of Title III of the Americans with
11 Disabilities Act and the California Unruh Civil Rights Act;
- 12 4. Defendants are ordered to make the following modifications to the facility known as
13 US Gas and Food, located at 1930 West Clinton Ave., Fresno, California 93724, such
14 that each item is brought into compliance with the accessibility requirements of the
15 Americans with Disabilities Act and California Code of Regulations, Title 24, as
16 follows:
 - 17 a. Provide a properly configured and identified accessible fuel pump;
 - 18 b. Provide a properly configured accessible route from the fuel pumps to the
19 Facility entrance;
 - 20 c. Provide proper level exterior maneuvering clearances at the Facility entrance;
 - 21 d. Provide a properly configured accessible portion of the transaction counter;
 - 22 e. Provide a properly configured accessible route of travel to the restroom; and
 - 23 f. Provide properly configured accessible door hardware at the Facility entrance.
- 24 5. Judgment is entered in Plaintiff's favor and against Defendants in the amount of
25 \$8,748.22, consisting of:
 - 26 a. Statutory damages awarded to Plaintiff under the Unruh Act in the amount of
27 \$4,000.00;
 - 28 b. Attorney's fees and costs awarded to Plaintiff in the amount of \$4,748.22

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(attorney's fees in the amount of \$2,850.00 (9.5 hours at \$300 per hour),
paralegal fees in the amount of \$931.50 (8.1 hours at \$115.00 per hour), and
costs of suit in the amount of \$966.72); and

6. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: June 10, 2022



SENIOR DISTRICT JUDGE