

1 Keith D. Cable, Esq., SBN 170055
2 **CABLE GALLAGHER**
3 101 Parkshore Drive, Suite 100
4 Folsom, CA 95630
5 916/608-7995 Tel.
6 916/608-7986 Fax

7
8 Attorneys for Defendant
9 GURENDERJEET SANDHU

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 SCOTT JOHNSON,
13 Plaintiff,

14 vs.

15 GURLAL SINGH SANDHU;
16 GURENDERJEET SANDHU; and DOES
1-10,
Defendants.

Case No.: 2:13-CV-01783-JAM-KJN

**ORDER DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Date: November 5, 2014
Time: 9:30 a.m.
Courtroom: 6 (14th Floor)
Judge: Hon. John A. Mendez

17 On November 5, 2014 at 9:30 a.m. in Courtroom 6, Plaintiff Scott Johnson's motion for
18 summary judgment came before the Court for hearing. Plaintiff appeared through counsel,
19 Russell Handy of The Center for Disability Access. Defendant Gurenderjeet Sandhu
20 appeared through counsel, Keith D. Cable of the Cable Gallagher law firm.

1 Having reviewed the moving and opposition papers, and having heard oral argument,
2 the Court rules as follows:

3 Plaintiff's motion is denied as to the First Cause of Action under the ADA. Plaintiff has
4 failed to meet his burden under FRCP 56(a) that there is no genuine dispute that the ADA
5 barriers remain. In fact, during oral argument, Plaintiff's counsel conceded that the barriers
6 alleged to have existed at the time of Plaintiff's visits have been rendered ADA-compliant.
7 Since injunctive relief is the only remedy available under the ADA, when an alleged ADA
8 violation is remedied, it renders a pending ADA claim moot. See Feezor v. Patterson, 896
9 F.Supp.2d 895, 901, n.4 (E.D. Cal. 2012). Therefore, Plaintiff's ADA claim is dismissed with
10 prejudice.

11 Conversely, and in light of Plaintiff's concession that the alleged barriers have been
12 remedied, the Court grants summary judgment *sua sponte* in favor of Defendant as to the
13 First Cause of Action under the ADA. See Celotex Corp. v. Catrett (1986) 477 U.S. 317, 326,
14 106 S.Ct. 2548, 2554.

15 Since the federal ADA claim is dismissed, the Court declines to exercise jurisdiction
16 over Plaintiff's supplemental state law claims which allege violations of the Unruh Civil Rights
17 Act, Disabled Persons Act, and for negligence. See Religious Tech. Ctr v. Wollersheim, 971
18 F.2d 364, 367-68 (9th Cir. 1992)(the general rule is when federal claims are dismissed before
19 trial pendent state claims should also be dismissed). Therefore, Plaintiff's supplemental state
20 law claims are dismissed without prejudice.

1 **IT IS SO ORDERED.**

2
3 DATED: 11/14/2014.

4 /s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE