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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ROBERT LEVINE and VERONICA
GUZMAN,

 Plaintiffs,

 v.

THE SLEEP TRAIN, INC.; LIVE
NATION ENTERTAINMENT, INC.;
COASTAL BREEZE LIMOUSINE,
LLC; BGE YUBA, LLC; and DOES
1-20, inclusive,

 Defendants.

CIV. NO. 2:15-00002 WBS AC

ORDER

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Plaintiffs Robert Levine and Veronica Guzman brought this action under the American with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101 et seq., and California's Unruh Civil Rights Act ("UCRA"), Cal. Civ. Code §§ 51-53. On September 14, 2015, plaintiffs filed a motion for default judgment against defendant Coastal Breeze Limousine, LLC. (Docket No. 43.) The matter was referred to a United States Magistrate Judge pursuant

1 to Eastern District of California local rules.

2 On October 14, 2015, the Magistrate Judge filed
3 findings and recommendations ("F&R") that were served on the
4 parties and contained notice that the parties may file objections
5 within a specified time. (Docket No. 52.) Plaintiffs objected
6 to the Magistrate Judge's finding that plaintiff Victoria Guzman
7 does not have standing to sue because of her association with
8 disabled plaintiff Robert Levine, her fiancée. (Docket No. 53.)

9 The court has reviewed the file and will accept in part
10 the Magistrate Judge's F&R. The court accepts the Magistrate
11 Judge's finding that plaintiffs failed to sufficiently allege a
12 violation of the ADA or UCRA by Coastal Breeze Limousine and, as
13 a result, the motion for a default judgment must be denied.

14 (Docket No. 52 at 4-5.) Plaintiffs allege that they were denied
15 full and equal enjoyment of the Sleep Train Amphitheatre because
16 there were an insufficient number of disabled parking spaces;
17 however, they fail to allege how Coastal Breeze Limousine is
18 liable given that it is not the owner of the place of public
19 accommodation to which plaintiffs were allegedly denied access.
20 The court accordingly does not need to reach the Magistrate
21 Judge's alternative finding that plaintiffs' motion should be
22 denied because plaintiff Victoria Guzman does not have standing
23 to sue.

24 Accordingly, it is THEREFORE ORDERED that:

- 25 1. The findings and recommendations filed October 14,
26 2015, are adopted in part;
- 27 2. Plaintiffs' motion for default judgment (Docket
28 No. 43) is denied without prejudice.

1 Dated: November 13, 2015



2 WILLIAM B. SHUBB
3 UNITED STATES DISTRICT JUDGE
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