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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAIME REYES,

Plaintiff,

v.

A&J GASLAMP LLC et al.,

Defendants.

Case No.: 18cv2695-CAB-NLS

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS**

[Doc. No. 2]

Plaintiff Jaime Reyes, a non-prisoner, proceeding with counsel, has filed a complaint for violations of the Americans with Disabilities Act (“ADA”) and various state laws. Plaintiff has not paid the civil filing fee required to commence this action, but rather, has filed a motion to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. [Doc. No. 2.]

Plaintiff’s counsel, Michael Taibi, has filed at least sixty-six cases in this court in 2018 on behalf of eight plaintiffs, including eight cases on behalf of Mr. Reyes.¹ Most or all sixty-six cases utilize the same complaint containing the same verbatim generic allegations aside from the identification of the defendants and location in question and the details of the plaintiff’s alleged visit to the establishment (which is typically contained

¹ A list of the cases is attached hereto.

1 entirely in paragraph 11 of the complaint presumably to avoid Taibi having to renumber
2 the remaining paragraphs). Most or all of the sixty-six complaints attach a form report
3 from William Carter, who purports to be president of “Daoliam International” and a
4 “Disabled Accessibility Compliance Expert” or “D.A.C.E.”, a designation or certification
5 with which the Court is unfamiliar and about which the Court has been unable to locate
6 any information.

7 In all sixty-six cases, including Mr. Reyes’ eight cases, the plaintiff applies to
8 proceed IFP, and each IFP application lists monthly income consisting of disability benefits
9 between \$826 and \$930, and, in more recent filings for some of the plaintiffs, income of
10 \$100 to \$250 from “ADA settlements.” The monthly expenses on the applications filed by
11 Mr. Taibi’s cadre of plaintiffs vary from line item to line item from filing to filing, but
12 almost always exceed the stated monthly income. Almost all of these IFP applications
13 have been granted, but when a Court has challenged the statements in an IFP application
14 from one of Mr. Taibi’s clients, or denied the application entirely, the filing fee is paid
15 within days. See, e.g., *Banks v. Rigoberto’s Taco Shop, Inc.*, Case No. 18-CV-584-LAB-
16 BLM; *Navarro v. The Tyrone Times, Inc.*, 18-CV-1966-CAB-KSC. Finally, almost all of
17 Mr. Taibi’s cases settle and/or are voluntarily dismissed with prejudice before or shortly
18 after an answer is filed. In twenty-nine of the sixty-six cases, notices of settlement and/or
19 notices of voluntary dismissal with prejudice were filed. The dockets for most of the
20 remaining cases do not reflect any service on the defendants, and just two cases have
21 proceeded through an early neutral evaluation conference (“ENE”) and had a scheduling
22 order entered.²

23 As for Mr. Reyes’ eight IFP applications, filed between March and November of this
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26 ² In one more case, the parties appear to have reached a settlement at the ENE, but the plaintiff ignored
27 the court’s first deadline for submission of case dispositive paperwork. The current deadline for dismissal
28 is December 17, 2018. See *Banks v. Salgado*, Case No. 18-CV-415-W-AGS. In another case, an ENE
was held, and the case management conference is set for December 10, 2018. *Mason v. Moe Enter., LLC*,
Case No. 18-CV-1963-L-BLM.

1 year, he lists total monthly expenses of \$1,015 (two times),³ \$810 (two times), \$860 (one
2 time), and \$980 (three times). All eight applications list \$850 in disability income. In the
3 first five cases, the IFP application does not list any ADA settlement income. In the last
4 three, the IFP application lists \$100 in monthly ADA settlement income. None of the
5 applications list any cash or other assets. Yet, in a case filed just two days before the instant
6 case, after Judge Larry Burns ordered Mr. Reyes to either lodge under seal any settlement
7 agreements to which he has been a party over the past year or pay the filing fee, Mr. Reyes
8 somehow paid the filing fee the following day. See Reyes v. Chang, Case No. 18-CV-
9 2684-LAB-LL. The status of Mr. Reyes's seven other federal⁴ cases in this district is
10 consistent with that of the sixty-six cases Mr. Taibi has filed this year:

- 11 • Case No. 18-CV-477-L-BLM: Mr. Reyes filed a notice of settlement one week
12 before the date set for the ENE, and subsequently filed a joint motion to dismiss
13 with prejudice.
- 14 • Case No. 18-CV-498-H-JLB: Several weeks after the Court granted the
15 defendants' motion asking the Court to decline supplemental jurisdiction and
16 dismiss the state law claims, Mr. Reyes filed a notice of voluntary dismissal with
17 prejudice.
- 18 • Case No. 18-CV-569-BAS-LL: An amended complaint was filed on July 24,
19 2018, but none of the defendants have appeared in the case, and the record reflects
20 that the summons have been returned unexecuted.
- 21 • Case No. 18-CV-1290-BTM-NLS: Defendants' motion asking the court to
22 decline supplemental jurisdiction over the state law claims (similar to the motion
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25 ³ These two applications, filed in case numbers 18cv477 and 18cv498, appear to be the exact same
26 application reflecting that Reyes signed the document before the caption was completed. Indeed, the
27 application filed in case number 18cv477 leaves the line for the defendant in the caption and the signature
28 date blank. The application filed in case number 18cv498 inserts this information by hand despite the
remainder of the document being typed.

⁴ An online search of San Diego Superior Court's files reveals scores of additional lawsuits filed by Mr. Reyes over the past five years.


1 granted in 18-CV-498-H-JLB) is pending.

- 2 • Case No. 18-CV-1815-WQH-BLM: Mr. Reyes filed a notice of settlement one
- 3 week before the date set for the ENE, and a settlement disposition conference is
- 4 set for December 20, 2018.
- 5 • Case No. 18-CV-2441-AJB-NLS: Mr. Reyes' IFP application remains pending.
- 6 • Case No. 18-CV-2684-LAB-LL: As mentioned above, Plaintiff paid the filing
- 7 fee instead of lodging settlement agreements from his other cases.

8 In light of the foregoing, the Court finds that the representations contained in the
9 Reyes' IFP application in this case are not credible. That Plaintiff has only \$100 in monthly
10 income from settlements despite having filed eight cases in this court and scores more in
11 state court over the past five years is simply implausible, particularly considering that all
12 of the federal cases, and presumably all of the state cases, seek statutory damages of at least
13 \$4,000 plus attorney's fees. Accordingly, the application to proceed IFP is **DENIED**. Mr.
14 Reyes is **ORDERED** to pay the filing fee by **December 10, 2018**, or this case will be
15 dismissed without further order from the Court.

16 It is **SO ORDERED**.

17 Dated: December 4, 2018

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20 Hon. Cathy Ann Bencivengo
21 United States District Judge
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Select A Case

Michael A. Taibi is an attorney in 66 cases.

3:18-cv-00098-WQH-KSC	Mason v. Tracy Van Phan, Inc et al	filed 01/16/18
3:18-cv-00283-MMA-MDD	Banks v. Ozoemir et al	filed 02/06/18 closed 06/13/18
3:18-cv-00302-LAB-WVG	Mason v. Golden West Furniture, Inc. et al.	filed 02/07/18 closed 08/23/18
3:18-cv-00310-H-NLS	Mason v. Coronado et al	filed 02/08/18
3:18-cv-00368-JLS-LL	Mason v. Calabrese et al	filed 02/16/18
3:18-cv-00375-H-NLS	Mason v. Kojack et al	filed 02/16/18
3:18-cv-00415-W-AGS	Banks v. Salgado et al	filed 02/22/18
3:18-cv-00416-GPC-AGS	Mason v. Daung et al	filed 02/23/18 closed 07/25/18
3:18-cv-00424-MMA-WVG	Banks v. Kimpton Hotel & Restaurant Group, LLC et al	filed 02/23/18 closed 05/01/18
3:18-cv-00477-L-BLM	Reyes v. Marwaha et al	filed 03/05/18 closed 08/10/18
3:18-cv-00488-LAB-RBB	Mason v. Beach Partners LLC et al	filed 03/06/18 closed 05/01/18
3:18-cv-00498-H-JLB	Reyes v. Snoozetown, LLC et al	filed 03/07/18 closed 08/08/18

3:18-cv-00524-BAS-BLM	Banks v. Davies LLC et al	filed 03/12/18	closed 05/02/18
3:18-cv-00569-BAS-LL	Reyes v. Webhurst, LLC et al	filed 03/19/18	
3:18-cv-00570-L-JLB	Banks v. Urbane Cafe Founders Inc. et al	filed 03/19/18	
3:18-cv-00583-JLS-BGS	Banks v. Pho Kitchen Noodles, Inc. et al	filed 03/21/18	closed 10/16/18
3:18-cv-00584-LAB-BLM	Banks v. Rigoberto's Taco Shop, Inc. et al	filed 03/20/18	
3:18-cv-00589-JLS-MDD	Jackson v. Sushi Freak Franchise Group, LLC et al	filed 03/20/18	
3:18-cv-00593-GPC-MDD	Jackson v. Torrey Crest Inc. et al	filed 03/21/18	closed 09/27/18
3:18-cv-00693-W-NLS	Mason v. KM Investors, LLC et al	filed 04/06/18	
3:18-cv-00694-L-JLB	Mason v. Cafe Gratitude San Diego, LLC et al	filed 04/06/18	closed 06/21/18
3:18-cv-00695-GPC-BLM	Mason v. Hara No Shita De Holdings, Inc. et al	filed 04/06/18	closed 08/23/18
3:18-cv-00724-WQH-JMA	Banks v. Mesdaq Inc et al	filed 04/12/18	closed 05/07/18
3:18-cv-00797-BAS-KSC	Jackson v. Mesdaq Inc et al	filed 04/25/18	closed 11/16/18
3:18-cv-00825-DMS-BLM	Jackson v. WD Toma, Inc. et al	filed 05/02/18	closed 08/23/18

3:18-cv-00839-BEN-WVG	Jackson v. WD Toma Inc. et al	filed 05/01/18	closed 08/23/18
3:18-cv-00844-JLS-BGS	Jackson v. Buffalo Joe's L.P. et al	filed 05/01/18	closed 10/31/18
3:18-cv-00888-L-BGS	Banks v. Wings N Things INC et al	filed 05/08/18	closed 10/18/18
3:18-cv-00946-JAH-BGS	Mason v. Ivanov et al	filed 05/14/18	
3:18-cv-00970-JM-BGS	Banks v. Kwon et al	filed 05/16/18	
3:18-cv-01274-L-MDD	Banks v. Jimmy Love's L.P. et al	filed 06/14/18	
3:18-cv-01290-BTM-NLS	Reyes v. Le Parfait Group LLC et al	filed 06/14/18	
3:18-cv-01304-AJB-KSC	Navarro v. The Vons Companies Inc et al	filed 06/15/18	closed 10/22/18
3:18-cv-01308-WQH-RBB	Navarro v. JJJ Group Inc. et al	filed 06/18/18	closed 11/01/18
3:18-cv-01321-L-KSC	Gay v. Fortune Commercial Corporation et al	filed 06/18/18	closed 09/25/18
3:18-cv-01380-CAB-WVG	Jackson v. Dang et al	filed 06/21/18	
3:18-cv-01458-W-LL	Mason v. Serranos Tacos San Diego Inc. et al	filed 06/26/18	
3:18-cv-01715-MMA-MDD	Gay v. AJ San Diego LLC et al	filed 07/26/18	

3:18-cv-01717-MMA-KSC	Gay v. Sayler et al	filed 07/26/18	closed 09/26/18
3:18-cv-01718-JLS-MDD	Navarro v. Wolff's Place Inc et al	filed 07/26/18	closed 10/09/18
3:18-cv-01725-WQH-WVG	Navarro v. Gaslamp Tavern LLC et al	filed 07/27/18	
3:18-cv-01777-BTM-JLB	Mason v. Su Me Yu et al	filed 08/01/18	closed 11/16/18
3:18-cv-01815-WQH-BLM	Reyes v. Brian's 24/7 Corp. et al	filed 08/02/18	
3:18-cv-01823-WQH-KSC	Jackson v. Car Bahn, LLC et al	filed 08/03/18	closed 10/18/18
3:18-cv-01847-JAH-KSC	Banks v. Ralphs Grocery Company et al	filed 08/07/18	
3:18-cv-01944-JAH-WVG	Jackson v. Smashburger Acquisition - San Diego LLC et al	filed 08/21/18	
3:18-cv-01947-H-WVG	Banks v. Abyan Properties LLC et al	filed 08/21/18	
3:18-cv-01961-W-WVG	Mason v. Rabinowitz et al	filed 08/23/18	
3:18-cv-01963-L-BLM	Mason v. Moe Enterprises, LLC et al	filed 08/23/18	
3:18-cv-01966-CAB-KSC	Navarro v. The Tyrone Times Inc. et al	filed 08/23/18	
3:18-cv-01989-L-NLS	Banks v. Fargo Colonial LLC et al	filed 08/27/18	

3:18-cv-01998-L-NLS	Banks v. MB Hospitality LLC et al	filed 08/27/18
3:18-cv-02011-DMS-WVG	Jackson v. Palomino's Mexican & Seafood Inc. et al	filed 08/28/18
3:18-cv-02436-BTM-NLS	Washington v. Arak LLC et al	filed 10/23/18
3:18-cv-02441-AJB-NLS	Reyes v. Miazada et al	filed 10/24/18
3:18-cv-02448-BTM-MSB	Navarro v. Tony's Fresh Mexican Food LLC et al	filed 10/24/18
3:18-cv-02449-WQH-BGS	Navarro v. Armarana Enterprises Incorporated et al	filed 10/24/18
3:18-cv-02655-WQH-KSC	Mason v. Irish Times LLC et al	filed 11/20/18
3:18-cv-02658-DMS-BLM	Jackson v. Rei Do Gado Corporation et al	filed 11/20/18
3:18-cv-02661-CAB-BLM	Gay v. Berumen et al	filed 11/21/18
3:18-cv-02679-H-LL	Jackson v. Juanita's Taco Shop, Inc. et al	filed 11/27/18
3:18-cv-02681-AJB-BLM	Dally v. Arucan et al	filed 11/27/18
3:18-cv-02684-LAB-LL	Reyes v. Chang et al	filed 11/27/18
3:18-cv-02685-H-JLB	Mason v. Callaway Temecula L.P. et al	filed 11/27/18

[3:18-cv-02687-L-BLM](#) Jackson v. San Diego Living Room, Inc. et al filed 11/28/18

[3:18-cv-02695-CAB-NLS](#) Reyes v. A & J Gaslamp LLC et al filed 11/29/18