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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES,  
  
Plaintiff,  
  
v.  
  
TERRENCE WILLIAM MANN  
TRUSTEE OF THE TERRENCE  
WILLIAM MANN TRUST AND  
TRUSTEE OF THE MANN FAMILY  
TRUST 3-13-04; THE DANK HOUSE, a  
business entity whose form is unknown;  
and DOES 1 through 10, inclusive,  
  
Defendants.

Case No.: 19-CV-633 JLS (RBB)

**ORDER GRANTING MOTION FOR  
DEFAULT JUDGMENT**

(ECF No. 11)

Presently before the Court is Plaintiff Karel Spikes’ Application for Default Judgment Against Defendant Terrence William Mann (“Mot.,” ECF No. 11). The Court took the matter under submission without oral argument pursuant to Civil Local Rule 7.1(d)(1). *See* ECF No. 12. Having carefully reviewed Plaintiff’s Motion, Complaint, and supporting evidence and having weighed the relevant factors, the Court **GRANTS** Plaintiff’s Motion (ECF No. 11).

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1 **BACKGROUND**

2 **I. Plaintiff’s Allegations**

3 Plaintiff has a mobility impairment and therefore uses a wheelchair. ECF No. 1  
4 (“Compl.”) ¶ 12. He also uses marijuana. *Id.* Although he previously used marijuana  
5 medicinally with a medical authorization card, he no longer uses his medical authorization  
6 card due to the legalization of recreational marijuana in California. *Id.* Because of his  
7 marijuana use, Plaintiff also purchases other retail products related to marijuana use. *Id.*

8 On April 1, 2019, Plaintiff visited a dispensary he lived near, Defendant The Dank  
9 House, located at 1238 Oro Street, El Cajon, California 92020, *id.* ¶¶ 4, 14, and owned by  
10 Defendant Terrence William Mann Trustee of the Terrence William Mann Trust and  
11 Trustee of the Mann Family Trust 3-13-04. *Id.* ¶ 6. Plaintiff drove to The Dank House but  
12 had difficulty parking and entering the business because there was no accessible parking  
13 space or signage for such a space and the accessible path of travel to the business contained  
14 numerous obstacles, including a mechanism for operating the front door that was very  
15 difficult to use. *Id.* ¶ 14. As a result, Plaintiff suffered discomfort and embarrassment. *Id.*  
16 ¶ 18.

17 **II. Procedural Background**

18 On April 3, 2019, Plaintiff filed a Complaint alleging eight causes of action  
19 including, as relevant here, for violation of the Americans with Disabilities Act (“ADA”),  
20 42 U.S.C. §§ 12101 *et seq.*, and violation of the Unruh Civil Rights Act (“Unruh Act”),  
21 Cal. Civ. Code § 51. *See* ECF No. 3. Following Defendant Mann’s failure to respond to  
22 the Complaint, Plaintiff filed a request for entry of clerk default, *see* ECF No. 5, which the  
23 clerk entered on June 10, 2019. *See* ECF No. 5. Plaintiff voluntarily dismissed his claims  
24 against The Dank House on June 27, 2019. *See* ECF No. 6.

25 On June 28, 2019, Plaintiff filed motion for default judgment. *See* ECF No. 7. On  
26 February 24, 2020, this Court vacated the Clerk’s June 10, 2019 Entry of Default and  
27 denied without prejudice Plaintiff’s Motion because Plaintiff had sought entry of default  
28 prematurely. *See* ECF No. 9. Because Defendant Mann’s deadline to respond to the

1 Complaint had since expired, the Court directed the Clerk to enter default as to Defendant  
2 Mann and invited Plaintiff to renew his motion for default judgment in accordance with  
3 this District’s Civil Local Rules. *Id.*

4 Plaintiff filed this instant Motion on March 3, 2020, renewing his request for entry  
5 of default judgment against Defendant Mann. *See generally* Mot. Plaintiff seeks injunctive  
6 relief compelling Defendant to comply with the ADA and the Unruh Act, actual damages  
7 in the amount of \$4,000, statutory treble damages of \$12,000, and attorney’s fees and costs.  
8 *See id.* at 9–10.

### 9 LEGAL STANDARD

10 Federal Rule of Civil Procedure 55 permits a court to enter default judgment upon a  
11 party’s application. Although default judgments are ordinarily disfavored, a court may  
12 grant or deny a motion for default judgment at its discretion. *See Alan Neuman Prods.,*  
13 *Inc. v. Albright*, 862 F.2d 1388, 1392 (9th Cir. 1988) (citing *Haw. Carpenters’ Tr. Funds*  
14 *v. Stone*, 794 F.2d 508, 511–12 (9th Cir. 1986); *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th  
15 Cir. 1986); *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980)).

16 The Ninth Circuit has set out seven factors, known as the *Eitel* factors, that a court  
17 may consider when exercising its discretion as to whether or not to grant default judgment:

- 18 (1) the possibility of prejudice to the plaintiff, (2) the merits of  
19 plaintiff’s substantive claim, (3) the sufficiency of the complaint,  
20 (4) the sum of money at stake in the action, (5) the possibility of  
21 a dispute concerning material facts, (6) whether the default was  
22 due to excusable neglect, and (7) the strong policy underlying the  
Federal Rules of Civil Procedure favoring decisions on the  
merits.

23 *Eitel*, 782 F.2d at 1471–72.

24 When weighing these factors, the well-pleaded factual allegations of the complaint  
25 are taken as true, except for those allegations relating to damages. *TeleVideo Sys., Inc. v.*  
26 *Heidenthal*, 826 F.2d 915, 917–18 (9th Cir. 1987); *see also* Fed. R. Civ. P. 8(b)(6). To  
27 prove damages, a plaintiff may submit declarations, or the Court may hold an evidentiary  
28 hearing. *See Affinity Grp., Inc. v. Balsler Wealth Mgmt., LLC*, No. 05CV1555 WQH (LSP),

1 2007 WL 1111239, at \*1 (S.D. Cal. Apr. 10, 2007); *see also Taylor Made Golf Co. v.*  
2 *Carsten Sports*, 175 F.R.D. 658, 661 (S.D. Cal. 1997) (“In assessing damages, the court  
3 must review facts of record, requesting more information if necessary, to establish the  
4 amount to which plaintiff is lawfully entitled upon judgment by default.”).

## 5 ANALYSIS

### 6 I. Jurisdiction

#### 7 A. Subject-Matter Jurisdiction

8 To enter default judgment, the Court must first determine that it has subject-matter  
9 jurisdiction. *See Twitch Interactive, Inc. v. Johnston*, No. 16-cv-03404-BLF, 2019 WL  
10 3387977, at \*3 (N.D. Cal. July 26, 2019). Here, the Court has subject-matter jurisdiction  
11 for the Plaintiff’s ADA claim pursuant to 28 U.S.C. § 1331 and has supplemental  
12 jurisdiction over Plaintiff’s Unruh Act claim pursuant to 28 U.S.C. § 1367(a).

#### 13 B. Personal Jurisdiction

14 The Court must also have personal jurisdiction over the defendant, or else entry of  
15 default judgment is void. *Veeck v. Commodity Enters., Inc.*, 487 F.2d 423, 426 (9th Cir.  
16 1973). For the reasons discussed below, the Court finds that it may exercise personal  
17 jurisdiction over Defendant Mann.

##### 18 1. Service of Process

19 “Before a federal court may exercise personal jurisdiction over a defendant, the  
20 procedural requirement of service of summons must be satisfied.” *Omni Capital Int’l.,*  
21 *Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987). The burden is on the plaintiff to show  
22 that personal jurisdiction exists. *Cubbage v. Merchant*, 744 F.2d 665, 667 (9th Cir. 1984).

23 Here, Plaintiff served Defendant Mann through substituted service by leaving a copy  
24 of the summons and complaint at 1181 Greenfield Drive, El Cajon, California 92021, on  
25 May 13, 2019, and mailing a copy of the summons and complaint by First-Class Mail to  
26 Defendant Mann at the same address on May 14, 2019. *See generally* ECF No. 3. Under  
27 California law, “[s]ervice of a summons in this manner is deemed complete on the 10th  
28 day after the mailing,” *see* Cal. Civ. Proc. Code § 415.20(a), in this case, May 24, 2019.

1 The Court concludes that service was proper pursuant to Federal Rule of Civil Procedure  
2 4(h)(1)(B) and California Code of Civil Procedure § 415.20.

3           2.     *Personal Jurisdiction*

4           “A Court’s power to exercise jurisdiction over a party is limited by both statutory  
5 and constitutional considerations.” *In re Packaged Seafood Prod. Antitrust Litig.*, 338 F.  
6 Supp. 3d 1118, 1135 (S.D. Cal. 2018). “California’s long-arm statute allows the exercise  
7 of personal jurisdiction to the full extent permissible under the U.S. Constitution.” *Daimler*  
8 *AG v. Bauman*, 571 U.S. 117, 125 (2014). Here, Defendant owns the real property at 1238  
9 Orzo Street, El Cajon, California, and is doing business as The Dank House under the laws  
10 of the State of California. The Court therefore concludes that it has personal jurisdiction  
11 over the defendant. *See, e.g., Johnson v. Oakwood Center LLC*, No. 19-cv-01582-VKD,  
12 2019 WL 7209040, at \*3 (N.D. Cal. Dec. 27, 2019) (finding personal jurisdiction over Title  
13 III ADA claim where defendant was a California Limited Liability Company that owned  
14 the subject property, which was located in California).

15 **II.     Entry of Default Judgment**

16           Having determined the Court has jurisdiction, the Court now turns to the merits of  
17 Plaintiff’s Motion, addressing each of the *Eitel* factors in turn.

18           **A.     Factor I: Prejudice to the Plaintiff**

19           The first factor weighs in favor of entering default judgment. Plaintiff asserts that  
20 he suffers discrimination as a result of Defendant’s noncompliance with the ADA and the  
21 Unruh Act. *See* Compl. ¶ 28. Defendant has failed to appear or otherwise participate in  
22 this action. Absent default judgment, Plaintiff likely will be without recourse. *See Vogel*  
23 *v. Rite Aid Corp.*, 992 F. Supp. 2d 998, 1007 (C.D. Cal. 2014) (granting default judgment  
24 because defendant’s “unwillingness to cooperate and defend” left ADA plaintiff without  
25 other opportunities for recourse). The resultant prejudice to Plaintiff favors default  
26 judgment. *See Moroccanoil, Inc. v. Allstate Beauty Prods., Inc.*, 847 F. Supp. 2d 1197,  
27 1200–01 (C.D. Cal. 2012) (“[A plaintiff] will generally be prejudiced if a court declines to

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1 grant default judgment where, as here, it lacks other recourse to recover damages for its  
2 injury or means to prevent [the defendant] from causing it further harm.”).

3 ***B. Factors II and III: Merits of the Claims and Sufficiency of the Complaint***

4 To warrant entering a default judgment, the complaint’s allegations must be  
5 sufficient to state a claim upon which relief can be granted. *Danning v. Lavine*, 572 F.2d  
6 1386, 1388 (9th Cir. 1978). A complaint satisfies this standard when the claims “cross the  
7 line from the conceivable to plausible.” *Ashcroft v. Iqbal*, 556 U.S. 662, 680 (2009) (citing  
8 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007)). A default concedes the truth of the  
9 allegations in the complaint, except those relating to damages. *TeleVideo*, 826 F.2d at  
10 917–18 (quoting *Geddes v. United Fin. Grp.*, 559 F.2d 557, 560 (9th Cir. 1997)); *Taylor*  
11 *Made*, 175 F.R.D. at 661 (noting that “[i]n assessing liability, the complaint’s allegations  
12 are taken as true” because “a defendant’s default functions as an admission of the plaintiff’s  
13 well-pleaded allegations of fact”). Here, Plaintiff sufficiently pleads causes of action for  
14 violations of the ADA and the Unruh Act.

15 ***1. ADA Claim***

16 Title III of the ADA prohibits discrimination by places of public accommodation.  
17 *Vogel*, 992 F. Supp. 2d at 1007. “To prevail on a Title III discrimination claim, the plaintiff  
18 must show that (1) [he] is disabled within the meaning of the ADA; (2) the defendant is a  
19 private entity that owns, leases, or operates a place of public accommodation; and (3) the  
20 plaintiff was denied public accommodations by the defendant because of [his] disability.”  
21 *Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 730 (9th Cir. 2007). Where, as here, the plaintiff  
22 seeks to establish discrimination based on an architectural barrier, “the plaintiff must also  
23 prove that: “(1) the existing facility at the defendant’s place of business presents an  
24 architectural barrier prohibited under the ADA, and (2) the removal of the barrier is readily  
25 achievable.” *Parr v. L & L Drive-Inn Restaurant*, 96 F. Supp. 2d 1065, 1085 (D. Haw.  
26 2000).

27 The ADA defines a disability as “a physical or mental impairment that substantially  
28 limits one or more major life activities.” 42 U.S.C. § 12102(1)(A). Walking is considered

1 a “major life activit[y].” 42 U.S.C. § 12102(2)(A). Plaintiff has a mobility impairment  
2 and uses a wheelchair, Compl. ¶ 12, and is therefore disabled within the meaning of the  
3 ADA. *See, e.g., Vogel*, 992 F. Supp. 2d at 1009 (finding the plaintiff “disabled within the  
4 meaning of the ADA” where the plaintiff alleged that he was a paraplegic and that he was  
5 unable to walk).

6 Further, Plaintiff has alleged that The Dank House is a private entity that constitutes  
7 a place of public accommodation. *See id.* ¶¶ 2–3. Plaintiff asserts that Defendant is the  
8 owner of the real property where The Dank House is located. *See id.* ¶ 6. Plaintiff also  
9 asserts that The Dank House “offers marijuana products and other retail products,  
10 including[,] but not limited to, pipes, rollers, containers, cleaners, batteries, and trays for  
11 sale to the public and is a place of public accommodation.” *Id.* ¶ 5. This element is  
12 therefore satisfied.

13 Finally, Plaintiff alleges he was denied access to The Dank House due to ADA-  
14 prohibited architectural barriers, including, but not limited to, “lack of [an] accessible  
15 parking space, lack of signage for said space, lack of accessible path of travel to the  
16 business entrance, and lack of an accessible entrance door.” *Id.* ¶ 13. Plaintiff further  
17 alleges that the removal of these architectural barriers is readily achievable. *Id.* ¶ 18.

18 Taking the allegations in the Complaint as true, as the Court must in reviewing  
19 Plaintiff’s Motion, *see TeleVideo*, 826 F.2d at 917–18, Plaintiff has established a prima  
20 facie claim under Title III of the ADA. *See, e.g., Johnson v. Hall*, No. 2:11-cv-2817-GEB-  
21 JFM, 2012 WL 1604715, at \*3 (E.D. Cal. May 7, 2012) (finding sufficient a Title III  
22 discrimination claim where the disabled plaintiff alleged that he had been denied access to  
23 the defendant’s place of public accommodation because of readily removable architectural  
24 barriers, including a lack of van-accessible parking, a lack of accessibility signage, and a  
25 lack of an accessible entrance).

## 26 2. *Unruh Claim*

27 The Unruh Act states that “[a]ll persons within the jurisdiction of this state are free  
28 and equal, and no matter what their . . . disability . . . are entitled to the full and equal



1 accommodations, advantages, facilities, privileges, or services in all business  
2 establishments of every kind whatsoever.” Cal. Civ. Code § 51(b). A violation of the ADA  
3 is also necessarily a violation of the Unruh Act. Cal. Civ. Code § 51(f); *Vogel*, 992 F.  
4 Supp. 2d at 1011. Plaintiff sufficiently has alleged an ADA claim, *see supra* Section II.B.1,  
5 so he also sufficiently has alleged an Unruh claim.

6 In light of the foregoing, *Eitel* factors two and three weigh in favor of entry of default  
7 judgment.

8 **C. Factor IV: Sum of Money at Stake**

9 Under this factor, the Court considers whether the damages sought are proportional  
10 to the alleged harm. *Landstar Ranger, Inc. v. Parth Enter., Inc.*, 725 F. Supp. 2d 916, 921  
11 (N.D. Cal. 2010). Here, Plaintiff seeks to recover a total of \$20,632.90, comprising \$4,000  
12 for actual damages, \$12,000 for statutory treble damages, and \$4,632.90 in attorneys’ fees  
13 and costs. *See* Mot. at 9–10. As discussed below, *see infra* Section III.B, the Court declines  
14 to award treble damages to Plaintiff; consequently, the sum of money at stake in this action  
15 is \$8,632.90, in addition to any costs associated with implementing the requested injunctive  
16 relief.

17 “Courts frequently grant default judgment in Unruh Act and ADA cases and impose  
18 similar financial liabilities on the defendant.” *See Vogel*, 992 F. Supp. 2d at 1012 (finding  
19 \$13,739.20 in statutory damages, attorneys’ fees, and costs “neither too large nor too  
20 unreasonable” given defendant’s failure to appear and failure to comply with the ADA and  
21 Unruh Act); *see also, e.g., Moore v. Cisneros*, No. 1:12-cv-00188-LJO-SKO, 2012 WL  
22 6523017, at \*4 (E.D. Cal. Dec. 13, 2012) (finding default judgment of \$10,119.70 “[not]  
23 unreasonable in light of the allegations in the complaint”); *Johnson v. Huynh*, No. CIV S-  
24 08-1189 JAM DAD, 2009 WL 2777021, at \*2 (E.D. Cal. Aug. 27, 2009) (finding default  
25 judgment of \$12,000 “a relatively small award of damages”). This factor therefore weighs  
26 in favor of granting default judgment.

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1           **D.     Factor V: Possibility of Factual Dispute**

2           This factor turns on the degree of possibility that a dispute concerning material facts  
3 exists or may later arise. *Eitel*, 782 F.2d at 1471–72. Here, Plaintiff’s allegations must be  
4 taken as true because of the default, *see TeleVideo*, 826 F.2d at 917–18, and therefore any  
5 purported factual dispute appears settled, as there is no indication that Defendant Mann  
6 will defend against this action. Accordingly, this factor favors default.

7           **E.     Factor VI: Reason for Default**

8           If a defendant’s default may have been the product of excusable neglect, this factor  
9 weighs against granting default judgment. *Eitel*, 782 F.2d at 1471–72. Here, there is no  
10 evidence of excusable neglect. Thus, this factor weighs in favor of default.

11           **F.     Factor VII: Policy Favoring Merits Decisions**

12           Although this factor, by its nature, generally weighs against default judgment  
13 because it encourages merits decisions, “[t]he fact that Rule 55(b) has been enacted . . .  
14 indicates that ‘this preference, standing alone, is not dispositive.’” *Landstar Ranger*, 725  
15 F. Supp. 2d at 922 (citing *PepsiCo, Inc.*, 238 F. Supp. 2d at 1177 (quoting *Kloeping v.*  
16 *Fireman’s Fund*, No. 94-2684, 1996 WL 75314, at \*3 (N.D. Cal. 1996))). In the present  
17 case, there is no indication that a merits decision is practicable as Defendant has yet to  
18 answer Plaintiff’s Complaint. *See PepsiCo, Inc.*, 238 F. Supp. 2d at 1177 (“Defendant’s  
19 failure to answer Plaintiff’s Complaint makes a decision on the merits impractical, if not  
20 impossible.”). The Court therefore concludes that the timely administration of justice  
21 outweighs the strong preference for merits decisions in this case. This factor therefore  
22 weighs in favor of default judgment.

23           Based on the above, the Court finds that all the *Eitel* factors weigh in favor of default  
24 judgment in this case. Accordingly, the Court **GRANTS** Plaintiff’s Motion.

25           **III.   Relief Sought**

26           “Under Rule 8(a)(3), plaintiff’s demand for relief must be specific, and it must prove  
27 up the amount of damages.” *Landstar Ranger*, 725 F. Supp. 2d at 923 (internal citations  
28 omitted). Additionally, “Rule 54(c) ‘allows only the amount prayed for in the complaint

1 to be awarded to the plaintiff in default.” *Id.* (quoting *Fong v. United States*, 300 F.2d  
2 400, 413 (9th Cir. 1962)). Here, Plaintiff prayed for injunctive relief, statutory damages,  
3 and attorneys’ fees and costs, Compl. at Prayer, which is the same relief that Plaintiff seeks  
4 through his Motion. *See Mot.* at 11.

5 **A. Injunctive Relief**

6 Plaintiff seeks injunctive relief compelling Defendant to comply with the ADA and  
7 the Unruh Act. Compl. at Prayer ¶ 1. “Injunctive relief is proper when architectural  
8 barriers at defendant’s establishment violate the ADA and the removal of the barriers is  
9 readily achievable.” *Vogel*, 992 F. Supp. 2d at 1015.

10 As discussed above, Plaintiff has sufficiently alleged discrimination due to  
11 architectural barriers at Defendant’s facility in violation of the ADA and the Unruh Act.  
12 In support of his claims, Plaintiff provides a declaration attesting to his disability and his  
13 experience at The Dank House on April 1, 2019. *See generally* ECF 11-2 (“Spikes Decl.”).  
14 Plaintiff also provides a declaration of his attorney confirming that there was “no  
15 designated handicapped parking space with an access aisle” at the subject property when  
16 the attorney visited the subject property on or about April 2, 2019. ECF 11-1 (“Bentley  
17 Decl.”) ¶ 12. Further, Plaintiff’s attorney stated that there was nothing that would lead him  
18 to believe that “the installation of the accessible parking space and accessible path of travel  
19 would not be readily achievable.” *Id.*

20 The Court finds that Plaintiff’s evidence supports the factual allegations of his  
21 claims. Accordingly, injunctive relief is proper, and the Court shall issue an injunction  
22 against Defendant.

23 **B. Statutory Damages**

24 Plaintiff seeks \$12,000 in statutory treble damages and \$4,000 in actual damages  
25 under the Unruh Act. *See id.* Under the Unruh Act, a plaintiff who has been denied equal  
26 access is entitled to “no less than four thousand dollars” for each offense. Cal. Civ. Code  
27 § 52(a). The Unruh Act permits the recovery of monetary damages in the form of actual  
28 and treble damages or statutory damages of \$4,000 per violation. *See Molski v. M.J. Cable*,

1 *Inc.*, 481 F.3d 724, 730 (9th Cir. 2007) (citing Cal. Civ. Code § 52(a)). To recover  
2 damages, “[Plaintiff] must only show that [he] was denied full access and not that [he was]  
3 wholly excluded from enjoying [Defendant’s] services.” *Hubbard v. Rite Aid Corp.*, 433  
4 F. Supp. 2d 1150, 1170 (S.D. Cal. 2006). A violation of the ADA is necessarily a violation  
5 of the Unruh Act. Cal. Civ. Code § 51(f). When “[a] plaintiff’s complaint properly sets  
6 out the necessary elements for his ADA claim, plaintiff has also properly set out the  
7 necessary elements for his Unruh Civil Rights Act claim.” *Johnson v. Singh*, No. 2:10-cv-  
8 2547 KJM JFM, 2011 WL 2709365, at \*4 (E.D. Cal. July 11, 2011).

9 Here, Plaintiff sufficiently has established a claim under the Title III of the ADA and  
10 is entitled to statutory damages under the Unruh Act. *See, e.g., Moore*, 2012 WL 6523017,  
11 at \*5. Because Defendant has defaulted, however, the record is undeveloped regarding  
12 Plaintiff’s claim for actual and treble damages. Further, there is no indication the Plaintiff’s  
13 injury cannot be redressed with the statutory minimum damages, injunctive relief, and  
14 attorney’s fees. Therefore, the Court declines to award statutory treble damages and will  
15 award the statutory minimum of \$4,000. *See, e.g., Spikes v. Shockley*, No. 19-CV-523  
16 DMS (JLB), 2019 WL 5578234, at \*6 (S.D. Cal. Oct. 28, 2019) (declining to award  
17 statutory treble damages and actual damages because “there [was] no indication the  
18 Plaintiff’s injury would not be adequately redressed with statutory minimum damages,  
19 attorney’s fees, and injunctive relief”).

### 20 **C. Attorneys’ Fees and Costs**

21 Lastly, Plaintiff requests \$4,632.90 in attorneys’ fees and costs. *See Mot.* at 10.  
22 Pursuant to both Title III of the ADA and the Unruh Act, a prevailing plaintiff is entitled  
23 to attorneys’ fees. 42 U.S.C. § 12205; Cal. Civ. Code § 52(a). Here, Plaintiff requests a  
24 total of \$4,132.50 in attorneys’ fees and \$500.40 in costs. *Id.* The costs include \$400 for  
25 the case initiation filing fee and \$100.40 for service. *Id.* The Court finds these costs  
26 reasonable and will award them.

27 The attorneys’ fees of \$4,132.50 are for 14.5 hours billed at Mr. Bentley’s hourly  
28 rate of \$285. *See Bentley Decl. Ex. 1, ECF 11-1, at 7–8.* After reviewing the submitted

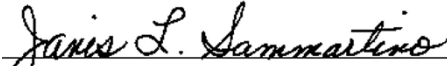
1 billing summary, the Court finds both the amount of time expended on the case and  
2 Mr. Bentley’s hourly rate reasonable given the nature of this case and counsel’s experience  
3 and expertise. Accordingly, the Court awards Plaintiff \$4,132.50 in attorney’s fees.

4 **CONCLUSION**

5 For the reasons stated above, the court **GRANTS** Plaintiff’s Motion (ECF No. 11).  
6 Accordingly, the Clerk of Court **SHALL ENTER** judgment in favor of Plaintiff and  
7 against Defendant Terrence William Mann in the amount of \$8,632.90. Further, Defendant  
8 **SHALL PROVIDE** van-accessible parking space and access aisle and an accessible path  
9 of travel from the parking and public sidewalk to and through the front entrance of the  
10 property located at 1238 Oro Street, El Cajon, California 92020, in full compliance with  
11 the 2010 Standards for Accessible Design, Appendix “A” to Code of Federal Regulations,  
12 Chapter 28, Part 36. The Clerk of Court **SHALL CLOSE** the file.

13 **IT IS SO ORDERED.**

14  
15 Dated: September 9, 2020

  
16 Hon. Janis L. Sammartino  
17 United States District Judge  
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