



Escobedo v. SJZ Shields, LLC

2015 | Cited 0 times | E.D. California | November 6, 2015

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff, v. SJZ SHIELDS, LLC,

Defendant.

Case No. 1:15-cv-00765-GEB-SAB ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
AND GRANTING JUDGMENT AND ATTORNEY FEES

(ECF No. 8, 11, 12, 14)

Plaintiff Jose Escobedo filed this action alleging denial of access under the Americans with Disabilities Act against Defendant SJZ Shields, LLC on May 19, 2015. (ECF No. 1.) On July 13, 2015, the Clerk of the Court entered default against Defendant. (ECF No. 7.) On September 8, 2015, Plaintiff filed a motion for entry of default judgment. (ECF No. 8.) At the request of the Court, Plaintiff filed supplemental briefing and a request for fees on October 1, 2015. (ECF No. 11, 12.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On October 16, 2015, the Magistrate Judge filed a findings and recommendations. The findings and r default judgment and partially granting the request for attorney fees. The findings and recommendations was served on the parties and contained notice that any objections were to be filed within fourteen days (14) days from the date of service. The period for filing objections has passed and no objections have been filed. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed October 16, 2015, is ADOPTED IN

FULL; 2. Judgment, filed September 8, 2015, is

GRANTED; 3. Judgment is entered in favor of Plaintiff Jose Escobedo and against Defendant



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SJZ Shields, LLC; 4. Defendant SJZ Shields, LLC is found and declared to be in violation of Title III of

the Americans with Disabilities Act; 5. Plaintiff is awarded statutory damages under the Unruh Act in the amount of

\$4,000 payable by Defendant SJZ Shields, LLC to the Moore Law Firm, P.C. Trust Account, and delivered to the Moore Law Firm, P.C., 332 North Second Street, San Jose, California 95112; 6. Plaintiff is awarded reasonable attorney fees and costs in the amount of \$5,075.00

payable by Defendant SJZ Shields, LLC to the Moore Law Firm, P.C. Trust Account, and delivered to the Moore Law Firm, P.C., 332 North Second Street, San Jose, California 95112; and 7. Defendant SJZ Shields, LLC is ordered to make modifications to the property

known as EZ Mart Gas, located at 4201 East Shields Avenue in Fresno, California, such that each item is brought into compliance with the accessibility requirements of the Americans with Disabilities Act and California Code of Regulations, Title 24, as follows: a) At least one properly configured and identified van-accessible parking

stall with adjacent access aisle shall be provided and shall be located on the shortest accessible route of travel to the designated accessible building entrance; b) A properly configured bottom landing shall be provided at the curb ramp

leading from the parking lot toward the building entrance; and c) Proper clear, level maneuvering clearance shall be provided at the exterior

landing of the building entrance doors; and 8. The Office of the Clerk shall close this action. Dated: November 5, 2015

