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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RON SARFATY,
Plaintiff,
v.
CITY OF LOS ANGELES,
Defendant.

Case No.: 17-cv-03594-SVW-KS

**FINAL JUDGMENT AND
ORDER FOR INJUNCTIVE
RELIEF**

1 Plaintiff Ron Sarfaty brought this action for injunctive relief and
2 damages against the City of Los Angeles (“the City”) for violations of federal
3 and state disability-rights statutes related to the alteration of its on-street
4 parking facilities along certain portions of Reseda Boulevard (hereinafter
5 “Reseda”). In the Complaint and First Amended Complaint (Docket Nos. 1
6 and 27), Plaintiff asserted that the City’s failure to ensure that the altered on-
7 street parking facilities on Reseda were accessible to and usable by individuals
8 with disabilities violated Title II of the Americans with Disabilities Act, 42
9 U.S.C. §§ 12131 et seq. (the “ADA” or “Title II”), Section 504 of the
10 Rehabilitation Act, 29 U.S.C. § 794 (“Section 504”), and California
11 Government Code § 11135 (collectively “the Disability Laws”).

12 The parties filed cross-motions for summary judgment on December
13 12, 2019 and December 16, 2019. (Docket Nos. 41 and 42) On February 7,
14 2020, the Court denied both parties’ motions, but made numerous findings
15 narrowing the issues for trial. (Docket No. 74 (“MSJ Order”)).

16 A two-day bench trial was conducted on the issues remaining to
17 be determined on July 22 and 23, 2020 in Courtroom 10A, and via video
18 teleconference, in the United States District Court Central District of
19 California, the Honorable Stephen V. Wilson presiding. The issues
20 included: (1) whether inclusion of accessibility features was feasible at the
21 time the City installed the cycletracks; (2) the existence and impact of
22 mid-block curb ramps on Reseda Boulevard and parking on side streets;
23 and (3) whether the “deliberate indifference” standard had been met. MSJ
24 Order, at pp. 10-14.

25 At trial, the Court received evidence in the form of exhibits and
26 witness testimony. After carefully reviewing all of the evidence and
27 testimony, and after considering arguments presented by the parties’
28 counsel, the Court entered its Findings of Fact and Conclusions of Law
pursuant to Federal Rule of Civil Procedure 52(a). (Docket No. 133,
hereinafter “Findings”).

1 The Court held in its Findings that the City had violated the Disability Laws
2 and that an order of injunctive relief against the City was appropriate.
3 Findings, at p. 17, ¶ 20; p. 19, ¶ 24; p. 24, ¶¶ 34-35. The Court also held
4 that Plaintiff was not entitled to monetary damages, because the City did not
5 act with the requisite deliberate indifference. Findings, at p. 24, ¶ 33.

6 The Court directed Plaintiff to file a proposed judgment in accord with
7 its ruling as set forth in the Findings. On September 3, 2020, Plaintiff filed his
8 proposed final judgment and order for permanent injunction against the City.
9 Based upon the record established in this case, the Court enters this Final
10 Judgment and Order for Injunctive Relief pursuant to Federal Rule of Civil
11 Procedure 58.

12
13 **SUMMARY OF FINDINGS AND JUDGMENT**

14 1. This Court has jurisdiction over the subject matter of this case
15 and each of the parties. Venue lies properly with this Court.

16 2. The evidence admitted at trial and admitted during summary
17 judgment established that Plaintiff Sarfaty is a disabled person for the
18 purposes of the ADA. Findings, at p. 8, ¶ 3; MSJ Order, at p. 3, ftnt. 3.

19 3. The evidence admitted at trial and admitted during summary
20 judgment established that the City is a “public entity” for the purposes of Title
21 II of the ADA. Findings, at p. 8, ¶ 3; MSJ Order, at p. 3, ftnt. 3.

22 4. The evidence admitted at trial and admitted during summary
23 judgment established that on-street public parking falls within the category of
24 a “service, program or activity” for the purposes of Title II of the ADA.
25 Findings, at p. 8, ¶ 3; MSJ Order, at p. 3, ftnt. 3.

26 5. The evidence admitted at trial and admitted during summary
27 judgment established that the settlement reached in *Willits v. City of Los*
28 *Angeles*, No. 10-05782-CBM-MRW (C.D. Cal. Aug. 25, 2016) (the “Willits

1 settlement”) does not preclude Plaintiff’s claims. Findings, at p. 7, ¶ 2; MSJ
2 Order, at pp. 6-7. Moreover, Plaintiff’s claims are not moot. Findings, at p. 7,
3 ¶ 1.

4 6. The evidence admitted at trial and admitted during summary
5 judgment established that the installation of cycletracks and movement of the
6 preexisting parking spaces away from the curb on both sides of Reseda
7 Boulevard between Plummer and Parthenia Streets constituted an alteration
8 for purposes of 28 C.F.R. § 35.151(b)(1), and thus, were required to be
9 “readily accessible” to individuals with disabilities. Findings, at p. 9, ¶ 6 and
10 pp. 10-11, ¶ 9; MSJ Order, at pp. 4-6.

11 7. No technical specifications for on-street parking exist under the
12 relevant ADA standards. However, in the absence of technical specifications,
13 the Department of Justice has stated the Title II’s program accessibility
14 standards (expressly referencing both § 35.150(a) and § 35.151(a)(1) and
15 (b)(1)), apply to a public entity’s on-street parking, and that technical
16 specifications for similar structures provide a “template” to “apply and to
17 modify as needed to achieve accessibility of [their] on-street parking.”
18 Findings, at pp. 9-10, ¶ 7.

19 8. The evidence admitted at trial established that the City’s on-
20 street parking on the altered portion of Reseda was not “to the maximum
21 extent feasible . . . readily accessible to and usable by individuals with
22 disabilities. . .” as required by § 35.151(b)(1) because it requires wheelchair
23 users to roll in the bike lane for a significant period of time, at risk of a
24 collision with bicyclists and possible harm, before reaching a sidewalk.
25 Findings, at pp. 11-16, ¶¶ 10-17.

26 9. The Title III obligations of private businesses do not factor into
27 the program accessibility requirements of Title II that are specifically
28 mandated for public entities like the City. Thus, the existence of accessible

1 parking provided by private entities in off-street parking lots near the altered
2 portion of Reseda is not appropriately considered. Findings, at p.16, ¶ 18.

3 10. The evidence admitted at trial by Plaintiff’s expert Paul Bishop
4 (“Bishop”) established that it would be feasible to modify the on-street
5 parking on the altered portion of Reseda to include four disabled parking
6 spaces. Findings, at p.17, ¶ 19 and p.18, ¶ 22.

7 11. The evidence admitted at trial established that the specific
8 locations recommended by Bishop for the installation of accessible parking
9 spaces on the altered portion of Reseda are consistent with guidance on
10 integrating recommendations of accessible parking with cycletracks
11 recommended by the Federal Highway Administration. Findings, at p.17, ¶
12 19.

13 12. The inclusion of accessible on-street parking spaces at the
14 locations identified by Bishop would adequately address the accessibility
15 violations on the altered portion of Reseda. Findings, at pp.17-18, ¶ 20.

16 13. [RESERVED]

17 14. Because the evidence admitted at trial established that the public
18 on-street parking on the altered portion of Reseda Boulevard is not “readily
19 accessible,” and modifications to the parking that would remedy this issue
20 are not infeasible, Plaintiff has established that the City has violated Title II
21 of the ADA. Findings, at p.19, ¶ 24.

22 15. By violating the ADA, the City also violated Section 504 of the
23 Rehabilitation Act, 29 U.S.C. § 794; and California Government Code §
24 11135. Findings, at p. 8, ¶ 3

