

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NO JS6

CIVIL MINUTES - GENERAL

Case No. 2:24-cv-06312-RGK-MAR Date November 13, 2025

Title *Judy Griffin et al. v. City of Los Angeles*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Defendant's Motion for Partial Findings or Partial Judgment [173]

I. INTRODUCTION

On July 26, 2024, Judy Griffin, Olivia Almalel, Communities Actively Living Independent and Free ("CALIF"), and R.S., by and through her guardian ad litem, Matthew Struski ("Plaintiffs") filed a class action Complaint for declaratory and injunctive relief against the City of Los Angeles ("Defendant"). (ECF No. 1.) Plaintiffs allege Defendant systemically failed to ensure its newly constructed and renovated public parks and park facilities are readily accessible to persons with mobility disabilities, and assert that Defendant's allegedly deficient policies, procedures, and practices violated Title II of the Americans with Disabilities Act of 1990 ("ADA"); Section 504 of the Rehabilitation Act of 1973 ("Section 504"); and the California Disabled Persons Action, California Government Code § 11135 ("Section 11135").

On February 13, 2025, the Court certified a class for this action consisting of "all persons with mobility disabilities, including those who use wheel chairs, scooters, canes or other mobility aids, who use or desire to use the City of Los Angeles' public parks and park facilities." (ECF No. 63.)

On October 14, 2025, the case proceeded to a bench trial. Following the presentation of Plaintiffs' case, Defendant made an oral motion for judgment pursuant to Federal Rule of Civil Procedure ("Rule") 52(c). The Court informed Defendant that the motion would be considered upon written submission.

Presently before the Court is Defendant's Motion for Judgement on Partial Findings or, Alternatively, for Partial Judgment as to Plaintiffs Griffin and CALIF, Pursuant to Rule 52(c). (ECF No. 173.)¹ In its Motion, Defendant moves for the Court to find that Plaintiffs have failed to meet their

¹ Since Defendant initiated this Motion pursuant to Rule 52(c) orally after the presentation of Plaintiffs' case, the Court considers only the evidence and testimony presented during Plaintiffs' case-in-chief.

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burden of proving liability in this action with respect to their causes of action and claims for relief. Alternatively, Defendant moves for judgment in its favor as to certain disputed barriers because Griffin and CALIF purportedly lack standing. Plaintiffs oppose this Motion. (ECF No. 176.)

Having carefully reviewed and considered the evidence and arguments of counsel as presented in Plaintiffs' case-in-chief at trial and in their post-trial written submissions, the Court issues the following findings of fact and conclusions of law pursuant to Rule 52(c).² As for the alternative request for partial judgment as to Plaintiffs Griffin and CALIF, for the following reasons, the Court **DENIES** the Motion.

II. JUDICIAL STANDARD

Under Rule 52(c), "[i]f a party has been fully heard on an issue during a nonjury trial and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue." Fed. R. Civ. P. 52(c). Rule 52(c) expressly authorizes the district judge to resolve disputed issues of fact. *Ritchie v. United States*, 451 F.3d 1019, 1023 (9th Cir. 2006) (citing Fed. R. Civ. P. 52(c)). "In deciding whether to enter judgment on partial findings under Rule 52(c), the district court is not required to draw any inferences in favor of the non-moving party; rather, the district court may make findings in accordance with its own view of the evidence." *Id.*; see also Fed. R. Civ. P. 52(a)(6) ("Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous.").

III. FINDINGS OF FACT

This opinion serves as the findings of fact and conclusions of law required by Rule 52. See Fed. R. Civ. P. 52. These findings are based on the evidence and testimony presented during Plaintiffs' case-in-chief, the Court's assessment of the witnesses' credibility, and the legal arguments presented by counsel. Based on this evidence and testimony, the Court makes the following findings of fact.

Plaintiffs are class representatives of the certified class for this action, which includes all persons with mobility disabilities who use or desire to use Defendant's public parks and park facilities. All named individual Plaintiffs testified to their mobility disabilities, their visits to several Defendant's parks and park facilities, and their intent to return to Defendant's parks. Carrie Madden testified to being a member of Plaintiff CALIF. Madden also testified to her mobility disability, her visit to one of Defendant's parks, Venice Beach, and her intent to return to that park.

Defendant is a local government entity that is responsible for constructing, altering, maintaining, repairing, regulating, operating, and staffing the local parks system, comprised of over 500 park

² To the extent any finding of fact constitutes a conclusion of law, it is adopted as such, and vice versa.

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facilities and sites. Defendant's Department of Recreation and Parks ("RAP") is primarily responsible for carrying out these duties concerning the local parks systems.

RAP has a duty to design and build new park facilities and park renovations in compliance with ADA requirements. RAP employs licensed architects that draft the plans for park construction and renovation projects. When drafting these plans, architects must meet California and federal law accessibility standards.

Cathie Santo Domingo, RAP's Assistant General Manager, is responsible for ensuring RAP's projects are ADA compliant. RAP has not and, as of trial, does not currently have an ADA coordinator or compliance officer role. RAP has also not employed any certified access specialists. Moreover, RAP does not have a written policy requiring compliance with the 2010 ADA Accessibility Standards ("2010 ADAS"), the 1991 ADA Accessibility Guidelines ("1991 ADAAG"), or the California Building Code ("CBC"). More specifically, Defendant's officials could not identify a policy or procedure that requires RAP to provide accessible paths of travels and facilities, like restrooms, when it renovates or otherwise alters parks facilities.

Defendant's Department of Building and Safety ("LADBS") reviews new construction or renovation plans for Defendant's park projects and conducts inspections of the completed projects to ensure they comply with the final plans. LADBS is responsible for enforcement of the Los Angeles City Building Code ("LABC") accessibility standards, but does not check for federal accessibility compliance. Notwithstanding this absence of responsibility for enforcement of federal accessibility compliance, through an informational bulletin concerning commercial accessibility, LADBS has notified owners, including Defendant, and architects of their obligation to comply with current ADA standards.

LADBS personnel testified to how the LABC incorporates CBC requirements, and the CBC, in turn, incorporates ADA requirements. LADBS personnel recognized, however, that the city, state, and federal accessibility standards are not identical, and, in some cases, the ADA standards are more stringent than the others.

After a plan is approved and the construction or renovation is complete, LADBS inspectors are trained to review whether the project matches the approved plan and to ensure CBC accessibility standards are enforced. Inspectors conduct spot checks to ensure work was completed according to the approved plan. After inspection, inspectors will issue a Certificate of Occupancy to confirm that the project plan was inspected and signed off by LADBS.

RAP also conducts a final walk-through of park projects once they are completed to ensure the work complies with the approved plan, which includes assessing compliance with disability access design standards. During the walk-through, if anything appears noncompliant, RAP officials will take measurements of park facility features, but otherwise measurements are not necessarily taken.

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Defendant is made aware of broken features or other accessibility issues at its parks through reports from Defendant's staff onsite, public complaints voiced at the Board of Recreation and Park Commissioners' (the "Board") meetings, complaints from the Department of Disability ("DOD") online grievance system, direct calls to DOD, and communications from Defendant's other employees who advise RAP. DOD conveys complaints it receives from its online system to RAP. Once grievances are received, RAP's Construction and Maintenance team assesses them. If the issue can be fixed or replaced by the Construction and Maintenance team, the team will create a work order and resolve it. If the complaint requires work beyond basic maintenance and repair, the Construction and Maintenance team will route it to the appropriate RAP personnel who can handle more complex issues.

Generally, RAP has not set specific deadlines for when its parks and park facilities will comply with ADA and CBC requirements.

Plaintiffs have visited multiple of Defendant's parks and park facilities, but have not seen any signage onsite informing visitors how to submit a request or complaint regarding park conditions. Struski, R.S.'s guardian ad litem, testified about how he has previously tried to call Defendant to ask about disability access at one of its parks, but could not reach Defendant.

During their visits to Defendant's parks and park facilities, Plaintiffs have identified accessibility barriers, including ones (1) at newly constructed or altered park facilities; and (2) in accessibility features.

A. Barriers at Newly Constructed or Altered Park Facilities

Plaintiffs established barriers existed in several of Defendant's newly constructed or altered park facilities, including:

1. *Northridge Recreation Center*

Northridge Recreation Center is located at 18300 Lemarsh Street in Northridge, California, and has various recreational facilities. The following facilities were altered within the last fifteen years: the Dodger's Dream Field was altered in 2009–2011, the play areas were altered in 2013–2014, and the gymnastics, basketball, and tennis courts were altered in 2019–2020. Restrooms located in the middle of the park serve these altered facilities.

Plaintiffs' expert Jeff Mastin identified barriers in the restrooms serving the altered areas. These barriers included narrow door entrances and toilet stalls, both of which were narrower than ADA and CBC standards. Plaintiff Almalel also testified that in her experience visiting this park, only two of the three public restrooms in the park were open year-round; and when the accessibility labeled restrooms were locked, there was no signage advising Almalel where to go or who to call for access.

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Mastin also found that there was no accessible path of travel to Dodger's Dream Field, even though such altered facilities require an accessible path of travel under the ADA and CBC. When attempting to access the baseball field to watch her nephew play, Almalel had to steer her wheelchair over the grass and got stuck. To get out, Almalel required assistance from a family member.

2. Reseda Park and Recreation Center

Reseda Park is located at 18411 Victory Boulevard in Reseda, California. Reseda Park has one play area. In early 2013, the Board allocated funding to the "renovation and improvement" of Reseda Park's play area. In June 2017, the Board accepted the alteration work performed for the "Play Area Renovation" as completed.

Plaintiffs' expert Josh Safdie visited Reseda Park and identified barriers in the paths of travel to the altered play area, including a steep ramp without extended handrails, which violates ADA and CBC requirements.

3. Griffith Park – Fern Dell

Griffith Park is located at 4730 Crystal Springs Drive in Los Angeles, California; the Fern Dell Play Area is located within the Fern Dell/Western Canyon area of the park. In 2018, the Board approved the scope of work and budget for improving the Fern Dell Play Area, which included the demolition and replacement of the existing play area as well as the adjacent restroom building. The playground alterations were completed in July 2019. In September 2023, additional funds were approved for completing the restroom renovation.

Safdie also inspected the Fern Dell Play Area. He identified barriers in the paths of travel to the altered play area, including steep running slopes of (1) a bridge, which was the only pedestrian route from the designated accessible parking to the play area, and (2) a path of travel adjacent to the bridge. These running slopes did not comply with ADA and CBC accessibility standards.

4. Chatsworth Park North

Chatsworth Park North is located at 22300 Chatsworth Street in Chatsworth, California. In 2021–2023, three baseball diamonds were altered. There is only one restroom at this park.

Mastin visited the park and identified barriers in the restrooms serving the altered facilities, including narrow door entrances and wheelchair accessible toilet stalls without grab bars, all of which did not comply with ADA and CBC requirements. Plaintiff class member Madden visited this park and found that the restroom stalls were too narrow for her to access, and even if she could enter, Madden

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could not use the toilet because of the missing grab bars. Additionally, the soap dispensers and hand dryers were higher than the maximum height set out in the ADA and CBC requirements.

5. *Venice Beach*

Venice Beach is located at 1800 Ocean Front Walk in Venice, California. On October 1, 2009, construction of a new skate park in Venice Beach was completed. RAP's Santo Domingo testified in a deposition that she was not aware of any skate park that was constructed prior to 1992.

Plaintiffs' expert Steven Schraibman visited Venice Beach and inspected the restrooms located near the skate park, discovering an accessibility barrier. Schraibman found that the restrooms lacked accessibility signage, as is required under the ADA and CBC. Madden testified that she also did not see any accessibility signage when she visited Venice Beach. She also testified that the restroom stalls lacked grab bars, so she could not use the restroom.

B. Maintenance Barriers in Park Accessibility Features

Plaintiffs also established maintenance barriers, in which accessibility features in Defendant's parks were not maintained in operable working condition. These maintenance barriers included:

1. *Sycamore Grove Park*

Sycamore Grove Park is located at 4702 North Figueroa Street in Los Angeles, California. Struski, on behalf of his daughter, Plaintiff R.S., testified about how he and his daughter have visited Sycamore Grove Park. Struski testified that the accessible drinking fountains, designed for persons with mobility disabilities, were broken, in violation of the ADA and CBC. Additionally, Struski and his daughter encountered many cracks and potholes in the path of travel to the different recreation areas around the park, including an altered playground. Struski estimated that some cracks were up to two inches wide, in violation of ADA and CBC requirements.

2. *Holmby Park*

Holmby Park is located at 601 Club View Drive in Los Angeles, California. Plaintiff Griffin testified to visiting the park multiple times. During these visits, Griffin would attempt to use the designated accessible restrooms and found that they were often locked and inaccessible. Additionally, Plaintiffs' expert witness Janis Kent visited the park and found that the path of travel in the park was cracked and had lifted asphalt, in violation of the ADA and CBC.

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3. *Mar Vista Recreation Center*

Mar Vista Recreation Center is located at 11430 Woodbine Avenue in Los Angeles, California. Plaintiffs' expert Syroun Sanossian visited the park and identified two accessible parking stalls. These accessible parking stalls shared an access aisle that did not join an accessible route as the ADA and CBC require. Instead, a user of either stall had to travel either to a curb or along a deteriorated walkway, neither of which are accessible under California or federal law.

IV. CONCLUSIONS OF LAW

In its Motion, Defendant argues that Griffin and CALIF lack standing and Plaintiffs failed to meet their burden of proving liability. Accordingly, the Court makes the following conclusions of law.

A. Article III Standing

As a preliminary matter, "those who seek to invoke the jurisdiction of the federal courts must satisfy the threshold requirement imposed by Article III of the Constitution by alleging an actual case or controversy." *City of Los Angeles v. Lyons*, 461 U.S. 95, 101 (1983). To meet this requirement, a plaintiff must establish standing under Article III. *Human Life of Wash., Inc. v. Brumsickle*, 624 F.3d 990, 1000 (9th Cir.2010).

"[T]o satisfy Article III's standing requirements, a plaintiff must show (1) it has suffered an 'injury in fact' that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Friends of the Earth, Inc. v. Laidlaw Environmental Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000). When seeking prospective injunctive relief, a plaintiff must also show a likelihood of future injury. *Lyons*, 461 U.S. at 105; *see also Kirola v. City & Cnty. of San Francisco*, 860 F.3d 1164, 1176 (9th Cir. 2017) ("In the ADA context, a plaintiff may establish injury in fact to pursue injunctive relief through evidence that the plaintiff encountered an access barrier and either intends to return or is deterred from returning to the facility.").

"Only one plaintiff with standing is sufficient for Article III." *Vasquez Perdomo v. Noem*, 148 F.4th 656, 674 n.8 (9th Cir. 2025). Thus, "once the named plaintiff demonstrates her individual standing to bring a claim, the standing inquiry is concluded," and the court can proceed to consider the requirements for class certification. *Melendres v. Arpaio*, 784 F.3d 1254, 1262 (9th Cir. 2015). For class actions involving ADA claims, after the class is certified, "the plaintiff class has standing for claims related to *all* facilities challenged at trial," not just the facilities the named plaintiff personally visited. *Kirola*, 860 F.3d at 1176.

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Here, there are four named Plaintiffs: Griffin, Almalel, CALIF, and R.S. Defendant does not challenge that Almalel or R.S. have established standing to bring claims in this action, nor whether Griffin established standing as to Holmby Park. The record is clear that they do have standing given that they have mobility disabilities; they encountered barriers in the parks they visited that denied them full and equal access; these barriers are fairly traceable to Defendant given that Defendant is responsible for construction, alteration, and maintenance of those parks; an injunction could redress the injury; and they testified to their intent to return to Defendant's parks.

The certified class in this action consists of "all persons with mobility disabilities . . . who use or desire to use the City of Los Angeles' public parks and park facilities." (ECF No. 63.) Thus, since at least some of the named Plaintiffs have undisputably established their individual standing to bring their claims and the scope of the class definition is broad, the plaintiff class has standing for claims related to the rest of the park facilities and sites challenged at trial. *See Kirola*, 860 F.3d at 1176 (holding that because the singular named plaintiff established individual standing to bring her claims, the plaintiff class had standing for claims related to other facilities).

Accordingly, whether Griffin has individual standing for claims concerning certain facilities or CALIF has organizational standing is moot and need not be addressed. The Court proceeds to consider whether Plaintiffs met their burden of proving liability.

B. Plaintiffs' Burden of Proof

At trial, Plaintiffs had the burden of proving liability and relief for Defendant allegedly violating Title II of the ADA, Section 504, and Section 11135 by denying Plaintiffs and the class full and equal access to parks and park facilities as a result of Defendant's deficient policies, procedures, and practices.

Title II of the ADA prohibits discrimination on the basis of a disability in "the services, programs, or activities of a public entity . . ." 42 U.S.C. § 12132. Under the ADA's implementing regulations, "no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." 28 C.F.R. § 35.149.

"In defining accessibility, Title II's implementing regulations distinguish between newly constructed or altered facilities . . . and existing facilities . . ." *Daubert v. Lindsay Unified Sch. Dist.*, 760 F.3d 982, 985 (9th Cir. 2014). A facility is considered newly constructed or altered if construction or alteration began after January 26, 1992. *See* 28 C.F.R. §§ 35.151(a)(1), (b)(1). After January 26, 1992, all newly constructed or altered facilities must be constructed and/or altered to be readily accessible and usable by individuals with disabilities. *Id.* For altered facilities, "the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area" must also be

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readily accessible to and usable by individuals with disabilities. 28 C.F.R. § 36.403; *see also* 2010 CBC 1124B.2.1. Additionally, under the ADA, public entities must “maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.” 28 C.F.R. § 35.133.

Section 504 prohibits discrimination on the basis of a disability in any program or activity receiving Federal financial assistance. 29 U.S.C. § 794. “There is no significant difference in the analysis of the rights and obligations created by the ADA and Rehabilitation Act.” *Zukle v. Regents of the Univ. of Cal.*, 166 F.3d 1041, 1045 n.11 (9th Cir. 1999).

Similarly, Section 11135 provides that no person in the State of California shall, on the basis of disability, “be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.” Cal. Gov’t Code § 11135.

Plaintiffs bear the burden of proving, by the preponderance of the evidence, that Defendant violated the statutes at issue. *See E.M.D. Sales, Inc. v. Carrera*, 604 U.S. 45, 479 (2025) (“The usual standard of proof in civil litigation is preponderance of the evidence.”).³ There is no dispute that Plaintiffs have proven that they are disabled, Defendant is a local public entity that has received federal and California state financial assistance, and Defendant’s parks and recreation centers are considered facilities and sites for programs or activities. Thus, the Court proceeds to consider whether Plaintiffs have met their burden of proving that there are actionable barriers that violate state and federal law. The Court will then consider whether Plaintiffs met their burden of proving elements for injunctive relief and, more specifically, the system-wide scope of relief sought.

1. Actionable Barriers

Plaintiffs and Defendant do not dispute that Plaintiffs established barriers existed at Defendants’ parks. Thus, the query here focuses on whether Plaintiffs have met their burden of proving that these barriers are actionable because they exist either (1) within the required scope of new construction or alterations performed after January 26, 1992; or (2) within accessible features that Defendant has a duty to maintain in operable condition. The Court finds Plaintiffs have met their burden.

First, as outlined above, Plaintiffs have shown by a preponderance of the evidence that several of Defendants’ parks and recreation centers were newly constructed or altered since January 26, 1992. These parks and recreation centers include, but are not limited to, Northridge Recreation Center, Reseda

³ The parties make no distinction between the conduct at issue as it pertains to the different statutes Plaintiffs claim Defendant violated. Thus, the Court’s analysis of the conduct at issue applies with equal force to violations of the ADA, Section 504, and Section 11135.

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Park, Fern Dell Play Area in Griffith Park, Chatsworth Park North, and Venice Beach. Moreover, Plaintiffs established that barriers existed in the paths of travel to and the restrooms serving the newly constructed or altered areas that deviated from ADA and CBC standards. These barriers denied individuals with mobility disabilities full and equal access to those newly constructed or altered park facilities, as Plaintiffs personally testified to.

While Defendant argues that Plaintiffs failed to connect that these barriers were related to new construction or the scope of alterations, the evidence Plaintiffs presented logically indicates that these barriers were indeed connected. For example, between 2013 and 2017, Defendant altered a play area in Reseda Park. However, the path of travel to the altered area had a steep ramp and handrails that did not comply with ADA and CBC standards. The only logical connection is that an altered area's path of travel was not readily accessible. Additionally, in the last fifteen years, several areas of Northridge Recreation Center were altered. Almalel and Plaintiffs' expert witness Mastin testified to the existence of barriers in the restrooms that served the altered areas and the path of travel to the altered baseball field, which should have been readily accessible as the ADA and CBC require. Moreover, the barriers were not temporary but rather longstanding issues, like narrow restroom stalls and nonexistent accessibility paths whatsoever.

Second, Plaintiffs have proven by a preponderance of the evidence that maintenance barriers existed in the parks' accessibility features in violation of federal and state law. These parks and recreation centers include but are not limited to Sycamore Grove Park, Holmby Park, and Mar Vista Recreation Center. Plaintiffs established that these parks had features required to be readily accessible to and usable by persons with disabilities, but that they were not maintained in operable working condition. For example, in the Mar Vista Recreation Center's parking lot, there was no accessible route to the two accessible parking stalls as the walkway options were either blocked by a curb or deteriorated.

The parties quibble over whether Plaintiffs have sufficiently alleged violations for each and every park. As discussed further below, the extent of violations dictates the scope of relief. *See Lewis v. Casey*, 518 U.S. 343, 359 (1996). However, as to whether Plaintiffs sufficiently alleged actionable barriers, "[t]he ADA requires strict adherence to its provision," and even "de minimus violations constitute a violation of the ADA." *Figueroa v. Islands Rest. L.P.*, 2012 WL 2373249, at *4 (C.D. Cal. June 22, 2012) (citing *Chapman v. Pier 1 Imports, Inc.*, 631 F.3d 939, 945 (9th Cir. 2011)) (internal emphasis omitted). Thus, the Court need not address whether Plaintiffs established accessibility requirement violations in all parks identified in the Complaint, but rather whether Plaintiffs met their burden to prove that violations of the ADA and CBC occurred. Indeed, Plaintiffs have established numerous actionable barriers existed in Defendants' parks in violation of those accessibility standards. Thus, Plaintiffs met their burden of proving by a preponderance of the evidence that Defendant violated the ADA, Section 504, and Section 11135.

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Accordingly, the Court proceeds to address whether Plaintiffs have met their burden of proof for injunctive relief.

2. Injunctive Relief

Injunctive relief is “an extraordinary remedy, never awarded as of right.” *Winter v. NRDC, Inc.*, 555 U.S. 7, 24 (2008). A plaintiff seeking injunctive relief must demonstrate “(1) that it has suffered irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.” *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006). Defendant contends Plaintiffs fail to establish these elements. The Court disagrees.

First, Plaintiffs have established that they, and others in the Class, have encountered, continue to encounter, and are at risk of encountering in the future violations of the ADA and CBC in Defendant’s parks and park facilities. *See Silver Sage Partners, Ltd. v. City of Desert Hot Springs*, 251 F.3d 814, 827 (9th Cir. 2001) (“We have held that where a defendant has violated a civil rights statute, we will presume that the plaintiff has suffered irreparable injury from the fact of the defendant’s violation.”). As outlined above, Plaintiffs presented evidence that they were personally impacted by the actionable barriers, which denied them full and equal access to the park facilities. Second, remedies at law are inadequate to compensate for these civil rights violations given that monetary damages will not provide access to Defendant’s parks and park facilities. Third, the balance of hardships weighs in Plaintiffs’ favor: Plaintiffs have demonstrated hardships in which they do not have equal access to park facilities, while Defendant confirmed in prior trial materials that “RAP’s overall mission [is] to achieve overall Park equity and access.” (Def.’s Mem. of Contentions of Fact and Law at 11, ECF No. 134.) Finally, “public interest would be greatly served by the issuance of injunctive relief requiring [Defendant] to comply with the ADA and California’s disability access law.” *Lonberg v. City of Riverside*, 2007 WL 2005177, at *8 (C.D. Cal. May 16, 2007).

Accordingly, Plaintiffs have met their burden of proving they are entitled to injunctive relief. The Court proceeds to consider whether Plaintiffs met their burden of proof for the scope of injunctive relief requested.

3. System-Wide Relief

“The scope of injunctive relief is dictated by the extent of the violation established.” *Lewis*, 518 U.S. at 359. The longstanding maxim is that “injunctive relief against a state agency or official must be no broader than necessary to remedy the constitutional violation.” *Armstrong v. Davis*, 275 F.3d 849, 870 (9th Cir. 2001). In the Ninth Circuit, “[s]ystem-wide relief is required if the injury is the result of violations of a statute or the constitution that are attributable to policies or practices pervading the whole

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system (even though injuring a relatively small number of plaintiffs), or if the unlawful policies or practices affect such a broad range of plaintiffs that an overhaul of the system is the only feasible manner in which to address the class's injury." *Id.* "[C]ase law does not instruct that there is any minimum number of violations necessary to justify systemwide relief." *Kirola v. City & Cnty. of San Francisco*, 2025 WL 2780793, at *5 (N.D. Cal. Sept. 29, 2025).⁴ "However, if injunctive relief is premised upon only a few isolated violations affecting a narrow range of plaintiffs, its scope must be limited accordingly." *Armstrong*, 275 F.3d at 870.

Plaintiffs seek system-wide injunctive relief, which would include enjoining Defendant to adopt certain policies, close-out and proactive maintenance inspection practices, and a remedial plan to ensure newly constructed or altered park facilities comply with ADA and CBC accessibility standards. Defendants argue that Plaintiffs failed to meet this system-wide burden of proof. Plaintiffs assert they proved and are entitled to this system relief because of purportedly five defects or omissions in Defendant's policies and practices that have continuously caused ADA and CBC violations. The Court addresses each of the alleged defects in turn.

First, Plaintiffs assert that Defendant's newly constructed and altered facilities contain ADA and CBC violations because Defendant has no written policy that requires those facilities to comply with the ADA and CBC. Indeed, Defendant does not have any such written policy, but the Court is not aware of any federal or state accessibility law requiring public entities to have one. Notably, when drafting plans for newly constructed or altered parks, Defendant's licensed architects are required draft according to state and federal accessibility standards. At trial, Plaintiffs failed to show how this requirement for licensed architects to draft plans in accordance with federal and state accessibility standards was insufficient as to warrant enjoining Defendant to adopt a written policy. While Plaintiffs pointed to evidence of how LADBS inspectors are responsible for compliance only with the LABC, Plaintiffs did not provide evidence of when Defendant complied with LABC requirements but not with the CBC or ADA. In their case-in-chief, Plaintiffs failed to demonstrate how the absence of a specific written policy directly caused or otherwise attributed to the accessibility violations at issue. Without evidence connecting those dots, system-wide relief based on this alleged defect is unwarranted.

Second, Plaintiffs proffer that since Defendant's written policies regarding alterations to facilities do not require there to be an accessible path of travel to altered park facilities, violations of the ADA path of travel obligation occurred. The Court is not persuaded. Again, the Court is unaware of any state

⁴ As seen in *Kirola v. City & County of San Francisco*, other district courts have granted injunctive relief seeking to require local public entities to adopt certain written policies for federal and state accessibility compliance and a remedial plan for removing ADA violations, interpreting these remedies as necessary to prevent future federal and state accessibility violations. See generally *Kirola*, 2025 WL 2780793. While district court decisions can have some persuasive value, these opinions are not binding on this Court. See *City of Fresno v. United States*, 709 F. Supp. 2d 888, 909 (E.D. Cal. 2010) ("District court opinions are relevant for their persuasive authority[,] but they do not bind other district courts within the same district.") (citing *Hart v. Massanari*, 266 F.3d 1155, 1174 (9th Cir. 2001)).

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or federal law requiring such accessibility policies to be written. Moreover, LABC, which LADBS is responsible for enforcing when approving plans and inspecting finished park alteration projects, directly includes path of travel requirements. *See* LABC 11B-202.4. Plaintiffs introduced no evidence that this is insufficient and a written policy is required. Furthermore, in Plaintiffs' case presentation, there was evidence that Defendant's park alteration projects also included accessible path of travel renovations. For example, in the Fern Dell Play Area alteration in Griffith Park, the Board approved this alteration project along with the adjacent restroom building. Again, Plaintiffs introduced no evidence that connects the absence of such a written policy to the actionable ADA and CBC violations at issue.

Third, Plaintiffs claim that Defendant's close-out procedures for new and altered facilities are deficient because they do not include a "comprehensive disability access inspection." (Opp'n at 9-10, ECF No. 14.) However, when conducting close-out inspections, LADBS inspectors are responsible for enforcing compliance with the LABC and are trained to defer to the final plans to approve the construction as completed. Licensed architects are required to draft these final plans in compliance with federal and state accessibility standards. Only after construction or alterations are fully inspected by LADBS will a Certificate of Occupancy be issued that confirms the parks project complies with LABC accessibility standards. Plaintiffs failed to present evidence that this procedure is deficient or requires further procedural safeguards to ensure accessibility compliance. Moreover, no evidence was presented that these close-out procedures caused or attributed to the violations at issue.

Fourth, Plaintiffs assert that Defendant's policies and practices do not require prompt removal of barriers from newly constructed and altered facilities, which directly contravenes with the law. Indeed, the CBC and ADA require that unauthorized deviations from accessibility standards be rectified. *See* 42 U.S.C. § 12182; Cal. Gov't Code § 4452 (requiring barriers deviating from accessibility requirements to be removed within 90 days of discovery of the violation). While California law requires resolution of violations within 90 days of discovery, the Court is unaware of a similar ADA requirement. Plaintiffs presented evidence that does indicate that some of the actionable barriers were apparent, had existed for some time, and were encountered by certain Plaintiffs and their experts on separate visits, even after the complaint was filed notifying Defendant of these barriers. Thus, Plaintiffs introduced evidence that Defendant has discovered the ADA and CBC violations, at least by way of this action, and should have fixed them at least by the state law required deadline. By showing that Defendant failed to fix these violations by the CBC deadline, Plaintiffs have proven by a preponderance of the evidence that this failure is attributable to Defendant's lack of policies or practices that would require some sort of removal deadline, and thus some sort of system-wide relief is warranted.⁵

⁵ Since this Motion is focused on Plaintiffs' case in chief, the Court does not consider in this Order whether Defendant's presentation of its defense sufficiently rebuts this initial finding. When issuing the bench verdict, Defendant's defense will be considered.

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Fifth, Plaintiffs claim that because RAP does not have any proactive policy or practice of regularly assessing accessible features to ensure they follow federal and state accessibility standards, these accessibility violations existed and injured Plaintiffs. Plaintiffs introduced evidence that Defendant has a reactive approach to maintenance, relying on reports from RAP staff onsite and complaints that can be lodged through various grievance sources, like the DOD's online complaint system. The Court finds no basis to conclude that Defendant's reactive approach is, on its face, deficient. Plaintiffs introduced no evidence that Defendant received complaints and failed to act on them.

However, if Defendant relies on a reactive approach, the class and the rest of the public must be able to contact Defendant to lodge grievances to initiate Defendant's maintenance procedure. Plaintiffs introduced evidence that they visited several of Defendant's parks, but did not see any signage informing them how to submit a maintenance complaint. Thus, the Court finds that Plaintiffs sufficiently met their burden of proving that the grievance procedure that triggers Defendant's reactive maintenance practice is deficiently publicized, resulting in ongoing accessibility violations that injure Plaintiffs and the class.

Finally, Defendant argues that the violations at issue here are isolated and singular incidents, and thus insufficient to establish system-wide relief. The Court disagrees. The Court identified accessibility violations that appear to be attributable to policies and practices pervading the Defendant's system, like Defendant's deficient grievance reporting signage. Moreover, the class includes all persons with mobility disabilities who use or desire to use Defendant's parks and park facilities. Undoubtedly, this class has a large scope, any and all of whom may encounter and be affected by the violations the Court found or others that may exist as a result of the unlawful deficiencies the Court identified above. Thus, based on Plaintiffs' presentation of the case, some systemic relief is warranted.

V. CONCLUSION

The Court issues the foregoing findings of fact and conclusions of law concerning the evidence presented in Plaintiffs' case-in-chief pursuant to Rule 52(c). More specifically, the Court finds Plaintiffs established Article III standing and met their burden of proof for liability and relief. Thus, the Court **DENIES** Defendant's Motion for Partial Judgment.

IT IS SO ORDERED.

Initials of Preparer

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JRE/gz
