UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. **CV 16-6796-MWF(KSx)** Date: July 29, 2024

Title ***Charles Anthony Guerra, et al. v. West Los Angeles College, et al.***

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez	Not Reported
Deputy Clerk	Court Reporter / Recorder
Attorneys Present for Plaintiffs: Not Present	Attorneys Present for Defendants: Not Present

Proceedings: (IN CHAMBERS) ORDER ON REMAND

The purpose of this Order is to address the issues on remand: (1) The inclusion of Plaintiff Karlton Bontrager in the requested relief and, ultimately, a trial for damages under the Seventh Amendment; (2) the form of the requested equitable relief; and (3) scheduling the legal portions of the case, as just mentioned.

The Court has great respect for the trial abilities and legal acumen of counsel on both sides. Nonetheless, the Court is compelled to repeat its prior admonition to the District: ***You have lost!*** As to any dispute over access, a line must be drawn that reflects the cost of the remedy and, ultimately, the scope of what the Act requires. Clearly, the District would rather spend its money otherwise. In the absence of a legal obligation, the District gets to choose how to spend its money and run its campus. That was the crux of this Court's prior reasoning.

The crucial part of the appellate ruling is therefore footnote 2, in which the Ninth Circuit explained that prior caselaw did not support this Court's ultimate conclusion as to what a district court is authorized to order in support of the goals of the Act. Now that the misunderstanding has been corrected, the technicalities argued by the District fall away.

Plaintiff Bontrager

Pursuant to the Ninth Circuit's memorandum opinion, this Court finds that Plaintiff Bontrager has been denied access and is entitled to relief, as outlined below. The Court will enter supplemental findings of fact and conclusions of law so holding. This finding is based on the following:

First, this Court's review of its prior Findings of Fact and Conclusions of Law and the testimony at trial.

Second, of course, this Court's review of the Ninth Circuit memorandum opinion. Had this Court accurately foreseen the appellate ruling, then Plaintiff Bontrager would have received judgment in his favor.

Third, the Court's review of the post-remand briefing. Plaintiffs' briefing is helpful and reflects the Ninth Circuit's ruling. The District's briefing does not. Plaintiff Bontrager's claim is not that he is guaranteed easy access to the point of entrance of the WLAC campus, leading in the District's view to a nonexistent legal obligation to get all students to the campus. Rather (and as the Ninth Circuit ruled and this Court finds) his access is limited by the steep slope within the campus. Plaintiff Bontrager explained why the Culver City bus system is not adequate for him to avoid the slope.

Equitable Relief

The Court orders the District to provide access to Plaintiffs Guerra and Bontrager. As to Plaintiff Guerra, consistent with the memorandum opinion, the Court orders either an on-demand system or restoration of the point-to-point shuttle system. As to Plaintiff Bontrager, the Court orders the District to provide an on-demand system or a point-to-point system to allow him not to have to walk-up or

down the slope after accessing the campus. (Presumably, the District will choose an on-demand system but that is a decision for the District.) The new system shall be in place by **August 26, 2024.**

The District has argued post-remand that it manifestly unreasonable to maintain a system for two students into perpetuity. Not so:

First, these two students are successful plaintiffs in a federal court action. It is reasonable for them to obtain the fruits of victory. The District can easily afford that relief for two students. It simply wants to do otherwise.

Second, it is not a requirement into perpetuity. Plaintiffs will at some point choose not to pursue further studies. Moreover, the injunction relief is not set in stone. This Court can modify an injunction based on changed circumstances. *See, e.g., A&M Records, Inc. v. Napster, Inc.*, 284 F.3d 1091, 1098 (9th Cir. 2002) (citing *System Federation No. 91 v. Wright*, 364 U.S. 642, 647–48 (1961) (holding that a district court has "wide discretion" to modify an injunction based on changed circumstances or new facts); *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 810 (9th Cir.1963) (same)). However, the burden to modify the injunction is on the party seeking the modification. *Sharp v. Weston*, 233 F.3d 1166, 1170 (9th Cir. 2000). Rather than offer this Court an alternative or prove that equitable relief is not necessary, the District simply objects that Plaintiffs have rested on the trial record, which was their right.

Third, the Court again states that the real issue here is contained in the *Cline* action. The District chose decades ago to build a beautiful campus on a steep hill. At some point, the District will have to spend money for all students to reconcile that decision with the Act. That "at some point" is the *Cline* action. The equitable relief ordered for these two Plaintiffs will likely be superseded by whatever the ultimate settlement or disposition of that action turns out to be.

Legal Relief

The Court requests counsel to submit dates on which they are available for the jury trial on damages and what modest additional discovery is necessary. The Court requests counsel to meet and confer and then submit a joint proposal by **August 7, 2024.** If the parties cannot agree on a discovery proposal, then each side should submit a separate proposal by that date.

IT IS SO ORDERED.