

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 15-01332 AG (DFMx)	Date	June 25, 2017
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Title	KENNETH GLOVER ET AL. v. CITY OF LAGUNA BEACH ET AL.
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Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl	Not Present	
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER GRANTING IN PART AND DENYING IN PART THE PARTIES' MOTIONS FOR SUMMARY JUDGMENT

Plaintiffs, on behalf of themselves and others similarly situated, are suing the City of Laguna Beach and the Laguna Beach Police (collectively, “Defendants”). Plaintiffs’ claims concern issues faced by the Laguna Beach homeless population. To its credit, Laguna Beach is one of the only cities within Orange County that has a homeless shelter—the Alternative Sleeping Location (“ASL”). But Plaintiffs, apparently believing—as confirmed at oral argument—that no shelter is better than an allegedly legally defective shelter, attack the legality of the ASL. Plaintiffs’ Second Amended Complaint alleges violations of Title II of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act (“RA”), the Eighth Amendment, the Fourteenth Amendment, and Sections 7 and 17 of Article I of California’s constitution.

Both parties filed motions for summary judgment. Plaintiffs move for summary judgment to establish Defendants violated (a) the prohibition against cruel and unusual punishment under the Eighth and Fourteenth Amendments and analogous provisions of the California Constitution, and (b) Title II of the ADA and Section 504 of the RA. Defendants move for summary judgment on all of Plaintiffs’ claims, to establish that they didn’t violate (a) the ADA and RA, (b) federal and state prohibitions against cruel and unusual punishment, and (c) Plaintiffs’ federal and state substantive due process rights.

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The Court has previously issued factually extensive tentative orders and finds it best not to recite the facts in this final order. Today, the Court applies the law although, ironically, it could ultimately leave homeless folks out in the cold. The Court has considered only appropriate evidence.

This matter has generated significant oral argument and written submissions. Also, as mentioned in oral argument, nearby cities have been discussing solutions to the homeless crisis, recognizing both the coldness of winter nights and perhaps the hearts of scrimping taxpayers. Written submissions include filings as late as June 20, 2017. After reviewing all before it, and with the summer sun warming the nights, if not tax payer hearts, the Court now finds it appropriate to rule in this very brief disposition as follows.

Cruel and Unusual Punishment Claims: Plaintiffs' motion for summary judgment on these claims is DENIED. Defendants' motion for summary judgment on these claims is GRANTED.

ADA and RA Claims: There are genuine issues of material facts about whether Plaintiffs were excluded from, discriminated against, or denied benefits from the ASL "by reason of" their disabilities. And there are genuine issues of material facts about whether modifications to the ASL are "necessary to avoid discrimination on the basis of disability." Summary judgment on these matters is not appropriate. The Court next turns to Plaintiffs' claim that Defendants transport individuals to and from the ASL using a van that isn't equipped with ramps or lifts. There are class members with disabilities that prevent them from using the van unless they're assisted or carried into the vans. Defendants don't dispute those facts. Plaintiffs' motion for summary judgment as to the van's lack of ramps or lifts is GRANTED. There are genuine issues of material facts about whether Plaintiffs' remaining requested relief is "necessary to avoid discrimination on the basis of disability." So both parties' summary judgment motions are DENIED as to such relief.

Substantive Due Process Claims: Defendants' motion for summary judgment on these claims is GRANTED

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DISPOSITION

As discussed in this Order, the Court GRANTS IN PART and DENIES IN PART Plaintiffs' motion for summary judgement. (Dkt. No. 143.) The Court GRANTS IN PART and DENIES IN PART Defendants' motion for summary judgment. (Dkt. No. 145.)

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