

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL LOVE,
Plaintiff,
v.
SAI SHRADDHA, LLC,
Defendant.

Case No. 21-cv-01025-SK

**ORDER GRANTING MOTION TO
DISMISS**

Regarding Docket Nos. 8, 23

This matter comes before the Court upon consideration of the motion to dismiss filed by Defendant Sai Shraddha, LLC (“Defendant”). Having carefully considered the parties’ papers, relevant legal authority, and the record in the case, and having had the benefit of oral argument and an evidentiary hearing, the Court hereby GRANTS Defendant’s motion for the reasons set forth below.

BACKGROUND

Plaintiff Samuel Love is substantially limited in his ability to walk, as he is a paraplegic and uses a wheelchair for mobility. (Dkt. No. 1 (Compl.), ¶ 1.) He filed this action against Defendant, and he alleged that Defendant’s website for reservations did not provide sufficient information to enable Plaintiff to determine whether the hotel would be accessible and compliant under the Americans with Disabilities Act. The hotel is located in Antioch, California. Plaintiff lives in Beaumont, California and testified at the evidentiary hearing that driving from his home to the San Francisco Bay area takes approximately seven hours and that he prefers to drive rather than to fly to the San Francisco Bay area. (Dkt. No. 23-3 (Transcript of Deposition of Samuel Wade Love) at 4:14-15.)

Plaintiff alleges that he “planned on making a trip in August of 2021 to the Antioch, California, area” and that “[h]e chose the [Defendant’s hotel] located at 1500 W. 10th St., Antioch,

United States District Court
Northern District of California

1 California because this hotel was at a desirable price and location.” (Dkt. No. 1, ¶¶ 12, 13.)
 2 Plaintiff further alleges that “[a]s he has in the past, [he] will continue to travel to the Antioch area
 3 on a regular and ongoing basis and will patronize this Hotel once it has been represented to him
 4 that the Defendant has changed its policies to comply with the law and to determine if the Hotel is
 5 physically accessible as well as complying with required reservation procedures.” (*Id.*, ¶ 28.) He
 6 also alleges that he “routinely revisits and uses the facilities and accommodations of places he has
 7 sued to confirm compliance and to enjoy standing to effectuate the relief promised by the ADA.”
 8 (*Id.*, ¶ 29.)

9 In addition to alleging that he intended to make a reservation at Defendant’s hotel in
 10 August 2021, Plaintiff filed forty other lawsuits in this District between February and April 2021
 11 alleging that he intended to stay at other hotels in California in August 2021.¹ He also filed forty-
 12 one lawsuits in this District alleging that he intended to make reservations at forty hotels in San
 13 Francisco in February 2021,² seventeen lawsuits in this District alleging that he intended to make

15 ¹ See *Love v. Alameda Hospitality LLC*, Case No. 21-cv-01472; *Love v. Big Lagoon*
 16 *Rancheria*, Case No. 21-cv-02783; *Love v. Patel et al.*, Case No. 21-cv-00958; *Love v. Travel Inn*
 17 *Associates, LP*, Case No. 21-cv-00957; *Love v. L & L Hospitality Holdings LLC*, Case No. 21-cv-
 18 01131; *Love v. Shiv Dar Corporation*, Case No. 21-cv-01017; *Love v. Leisure Hotel Group, LLC*,
 19 Case No. 21-cv-00954; *Love v. Concord Hotel LLC*, Case No. 21-cv-00933; *Love v. The Eagle*
 20 *House, LLC*, Case No. 21-cv-02866; *Love v. SBBM Properties LLC*, Case No. 21-cv-02897; *Love v.*
 21 *Dass et al.*, Case No. 21-cv-02730; *Love v. Carter Family Real Estate LLC et al.*, Case No. 21-
 22 cv-02656; *Love v. Med Vets*, Case No. 21-cv-02533; *Love v. Patel, et al.*, Case No. 21-cv-02729;
 23 *Love v. Patel, et al.*, Case No. 21-cv-02738; *Love v. Patel, et al.*, Case No. 21-cv-04183; *Love v.*
 24 *Lafayette Park Hotel Associates Limited Partnership, et al.*, Case No. 21-cv-01361; *Love v.*
 25 *Armaan Investments, LLC*, Case No. 21-cv-00997; *Love v. B N R Hospitality, LLC*, Case No. 21-
 26 cv-00930; *Love v. RTRN Investment, LLC*, Case No. 21-cv-01278; *Love v. IA Lodging Napa First,*
 27 *L.L.C.*, Case No. 21-cv-01358; *Love v. The Setting Inn LLC*, Case No. 21-cv-02601; *Love v. FYI*
 28 *MC, LLC*, Case No. 21-cv-02845; *Love v. Desai, et al.*, Case No. 21-cv-01450; *Love v. Silverado*
Resort Investment Group, LLC et al, Case No. 21-cv-01469; *Love v. M W G J LLC*, Case No. 21-
 cv-01471; *Love v. Wine Country Hospitality LLC*, Case No. 21-cv-01439; *Love v. Pacifica Napa*
Winery LLC, Case No. 21-cv-05471; *Love v. G6 Hospitality Property LLC*, Case No. 21-cv-
 00996; *Love v. Lotus Hotels - Pittsburg, Inc.*, Case No. 21-cv-01436; *Love v. Terra Hospitality -*
Sfmsa, LLC, Case No. 21-cv-01133; *Love v. Peninsular Realty LLC*, Case No. 21-cv-01124; *Love*
v. 1651 Tiburon Hotel, LLC, Case No. 21-cv-01359; *Love v. Tiburon Inn, LLC*, Case No. 21-cv-
 01355; *Love v. Burtchett, et al.*, Case No. 21-cv-02891; *Love v. Patel, et al.*, Case No. 21-cv-
 02833; *Love v. BSREP II Vintage Estate LLC*, Case No. 21-cv-01723; *Love v. Yountville*
Hospitality, LLC, Case No. 21-cv-01444; *Love v. RHJ Real Estate Investments, LLC*, Case No. 21-
 cv-02598; *Love v Skillman.*, Case No. 21-cv-02698.

² *Love v CHSP Fisherman Wharf, LLC et al.*, Case No. 20-cv-06908; *Love v. Edmondson*,
 Case No. 20-cv-06977; *Love v. SF Hotel A, LLC*, Case No. 20-cv-07130; *Love v. CCMH*
Fisherman's Wharf LLC, Case No. 20-cv-07131; *Love v. Justice Investors*, Case No. 20-cv-07134;
Love v. Marriott Hotel Services, Inc., Case No. 20-cv-07137; *Love v. Bayside Inn at Wharf, LLC*,

United States District Court
Northern District of California

1 reservations at hotels around San Jose, Los Gatos, Campbell, Sunnyvale and Mountain View in
2 March 2021,³ and one lawsuit in this District alleging that he intended to make a reservation at a
3 hotel in April 2021.⁴ In addition, Plaintiff filed another lawsuit in state court alleging that he
4 intended to make a reservation at a hotel in Hayward, California in 2021.⁵

5 This action was removed to this District. In total, Plaintiff has filed one hundred lawsuits
6 alleging that he intended to make reservations at hotels in California between February and August
7 2021 and that he intends to stay at each of these ninety-nine hotels once the alleged ADA
8 violations on the reservation websites have been remedied.

9 ///

10
11
12 Case No. 20-cv-07188; *Love v. Washington Square Inn, LLC*, Case No. 20-cv-07189; *Love v.*
13 *Gates Hotel, Inc.*, Case No. 20-cv-07191; *Love v. AR Capital Management, Inc.*, Case No. 20-cv-
14 07257; *Love v. BRE Quad CA Owner LLC*, Case No. 20-cv-07261; *Love v. Royal Pacific Motel,*
15 *Case No. 20-cv-07308; Love v. Gokel Corporation et al.*, Case No. 20-cv-07434; *Love v. 717*
16 *Sutter DW LLC*, Case No. 20-cv-07435; *Love v. Marriott Ownership Resorts, Inc. et al.*, Case No.
17 20-cv-07523; *Love v. Cow Hollow Motor Inn Associates, L.P.*, Case No. 20-cv-07525; *Love v.*
18 *Petite Swan, LP*, Case No. 20-cv-07635; *Love v. Patel, el al.*, Case No. 20-cv-07666; *Love v.*
19 *Datam S.F., LLC et al.*, Case No. 20-cv-07669; *Love v. HHR Powell Street, L.P et al.*, Case No.
20 20-cv-08454; *Love v. Ashford San Francisco II LP*, Case No. 20-cv-08458; *Love v. Diamondrock*
21 *SF Sutter Street Owner, LLC*, Case No. 20-cv-08494; *Love v. KSSF Enterprises LTD et al*, Case
22 No. 20-cv-08535; *Love v. 1231 Market St. Owner L.P.*, Case No. 20-cv-08835; *Love v. Mosser*
Victorian Hotel of Arts and Music, Inc., Case No. 20-cv-08915; *Love v. 1095 Market Street*
Owner, LLC, Case No. 21-cv-00307; *Love v. SF Hotel Master Tenant, LLC*, Case No. 21-cv-
00434; *Love v. Handlery Hotels, Inc.*, Case No. 21-cv-00850; *Love v. Hotel Des Arts, LLC*, Case
No. 20-cv-06978; *Love v. Today's III Inc.*, Case No. 20-cv-07003; *Love v. Riu California LLC*,
Case No. 20-cv-07133; *Love v. CFW 55 Owner, LLC*, Case No. 20-cv-07136; *Love v. CHSP TRS*
San Francisco LLC, Case No. 20-cv-07259; *Love v. Patel, et al.*, Case No. 20-cv-07667; *Love v.*
Omni Hotels Management Corporation, Case No. 20-cv-07690; *Love v. Hoyas Owner LLC et al.*,
Case No. 20-cv-08445; *Love v. TCC Union Square, L.P. et al.*, Case No. 20-cv-08459; *Love v. 386*
Geary Real Estate, LLC et al., Case No. 20-cv-08613; *Love v. H. Drake Corporation*, Case No.
20-cv-08649; *Love v. International Hotel Associates No. 2 LLC*, Case No. 20-cv-08689; *Love v.*
Wildcats Owner LLC et al., Case No. 20-cv-08913.

23 ³ See *Love v. High Desert Motel Group, LLC*, Case No. 21-cv-00770; *Love v. Mountain*
View Holdings, L.P. et al, Case No. 21-cv-00496; *Love v. Panchal et al.*, Case No. 20-cv-08110;
24 *Love v. Panchal et al.*, Case No. 20-cv-08112; *Love v. Amba L.L.C.*, Case No. 20-cv-08691; *Love*
v. G6 Hospitality Property LLC, Case No. 20-cv-08776; *Love v. Casa Linda Motel LLC*, Case No.
25 20-cv-08914; *Love v. Patel, et al.*, Case No. 20-cv-08917; *Love v. Lanai Garden Corporation,*
Case No. 20-cv-08918; Love v. Panion Group, LLC, Case No. 21-cv-00481; *Love v. Stay Cal San*
Jose, LLC, Case No. 21-cv-00495; *Love v Sunnyvale Holdings, L.P. et al.*, Case No. 21-cv-00802;
26 *Love v. W By W Almaden Expy I, LLC.*, Case No. 20-cv-07807; *Love v. Los Gatos Lodge, LLC,*
Case No. 21-cv-00843; Love v. 200 Edenvale Avenue Hotel Owner LLC et al., Case No. 20-cv-
27 07780; *Love v. Grand Prix San Jose LLC et al*, Case No. 20-cv-08111; *Love v. Manrao et al.*,
Case No. 21-cv-00785.

28 ⁴ See *Love v Pasquan, et al.*, Case No. 21-cv-01719.

⁵ See *Love v. Patel, el al.*, Case No. 21-cv-4183.

1 ANALYSIS

2 **A. Applicable Legal Standard on Standing.**

3 Standing is a constitutional requirement of all federal courts, and standing requires
 4 plaintiffs to “demonstrate a personal stake in the outcome” in order to establish jurisdiction. *City*
 5 *of Los Angeles v. Lyons*, 461 U.S. 95, 101 (1983) (citing *Baker v. Carr*, 369 U.S. 186, 204 (1962)).
 6 Where a plaintiff lacks standing, a federal court “lacks subject matter jurisdiction over the suit.”
 7 *Cetacean Cmty. v. Bush*, 386 F.3d 1169, 1174 (9th Cir. 2004). Because injunctive relief is the
 8 only available remedy under Title III, a plaintiff claiming discrimination under Title III of the
 9 ADA “must not only demonstrate the familiar requirements for standing – injury-in-fact,
 10 traceability, redressability – but also a sufficient likelihood that he [or she] will be wronged again
 11 in a similar way.” *Ervine v. Desert View Reg’l Med. Ctr. Holdings, LLC*, 753 F.3d 862, 867 (9th
 12 Cir. 2014) (internal quotation and citation omitted). In other words, a plaintiff must face a “real
 13 and immediate threat of repeated injury.” *Id.* A plaintiff bears the burden of proving standing.
 14 *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992).

15 A plaintiff can show likelihood of future injury by demonstrating an intent to return to a
 16 noncompliant accommodation or that he was deterred from visiting a noncompliant
 17 accommodation because he encountered barriers related to his disability there. *Chapman v. Pier 1*
 18 *Imports (U.S.) Inc.*, 631 F.3d 939, 948-50 (9th Cir. 2011). “[W]here, as here, the public
 19 accommodation being sued is far from the plaintiff’s home, we have found actual or imminent
 20 injury sufficient to establish standing where a plaintiff demonstrates an intent to return to the
 21 geographic area where the accommodation is located and a desire to visit the accommodation if it
 22 were made accessible.” *D’Lil v. Best W. Encina Lodge & Suites*, 538 F.3d 1031, 1037 (9th Cir.
 23 2008). Thus, “to show the actual and imminent nature of her injury, then, [a plaintiff] must
 24 demonstrate her intent to return to the . . . area and, upon her return, her desire to stay at the [hotel]
 25 if it is made accessible.” *Id.*

26 **B. Plaintiff’s Standing.**

27 After conducting an evidentiary hearing, the Court finds that Plaintiff’s allegations
 28 regarding his initial intent to patronize Defendant’s hotel and his intent to patronize Defendant’s

1 hotel in the future are not credible. As stated above, Plaintiff filed lawsuits against 41 hotels in
2 California and alleged that he intended to stay in all those hotels in August 2021. At the
3 evidentiary hearing, Plaintiff stated that the reason he wanted to make a reservation at all of these
4 hotels, assuming the hotel had a system of reservations that complied with the ADA, was to go
5 wine tasting in Napa Valley, California during a time period of August 8 through 11, 2021.
6 Although prompted by his counsel at the hearing, Plaintiff could not name any additional locations
7 in Northern California where he could go wine tasting, other than Napa Valley. The locations of
8 these hotels Plaintiff sued include ones in Eureka and Trinidad, California, which are respectively
9 approximately 245 miles and 268 miles away from Napa Valley.⁶ Defendant's hotel is
10 approximately 47 miles away from Napa Valley. Given the distance from his desired location to
11 go wine tasting, the Court finds that Plaintiff was not credible when he testified that he intended to
12 stay at all of these hotels, including Defendant's hotel, in order to go wine tasting in Napa Valley.

13 Additionally, although Plaintiff alleged that he intends make a reservation at Defendant's
14 hotel once the reservation system is ADA compliant, the Court again finds that Plaintiff was not
15 credible. Plaintiff similarly alleged an intent to patronize each of the other 99 hotels he sued in
16 California between February and August 2021, once their reservation systems were ADA
17 compliant. At his deposition held on August 16, 2021, he testified that he planned to start
18 traveling again and staying at hotels as soon as he was fully vaccinated against Covid-19. (Dkt.
19 No. 23-3 at 19:7-15; 25:3-12.) He testified that he received his first dose of the vaccine three
20 weeks before his deposition. (Dkt. No. 23-3 at 18:23-19:4.) Therefore, he would have been fully
21 vaccinated approximately three weeks later, by early September 2021. Yet, by the time of the
22 evidentiary hearing in October 2021, Plaintiff had not yet taken any trips in California and did not
23 have any concrete plans of where or when he would travel and/or stay in any hotel in the State.

24 Plaintiff also testified that he had not considered getting vaccinated against Covid-19 until
25 he contracted the disease in May 2021. He alleged that he intended to stay in February, March and
26 April 2021, at a majority of the hotels he eventually sued, before he contracted Covid-19 and
27

28 ⁶ The Court takes judicial notice of the directions provided on Google maps to provide an approximate distance and included the shortest mileage provided.

1 decided to get vaccinated. But even though he filed lawsuits against many hotels between October
 2 2020 and April 2021⁷ and alleged that he intended to make hotel reservations between February
 3 and August 2021, he only made one trip to Northern California in 2020 or 2021: July of 2021 to
 4 South San Francisco, California. (Dkt. No. 23-3 at 19-16-20:13; 21:16-22.)⁸ Therefore, the Court
 5 finds Plaintiff was not credible when he testified that waiting for the Covid vaccine was the reason
 6 he had not traveled and stayed in more hotels in the past two years or that he would start traveling
 7 again imminently.

8 Additionally, Plaintiff testified that his intent after suing Defendant's and the other hotels
 9 was to then return to stay in the hotels after the defects were remedied, but, when asked about
 10 which hotels he had visited after filing lawsuits, he could not identify any. Plaintiff also testified
 11 that he sued other businesses, such as restaurants and businesses with parking lots and that he
 12 returned to them after he had sued them and forced compliance with the ADA. But when asked to
 13 identify a specific one, he could not identify a single one and could not provide any type of
 14 identifying feature. Instead, he only vaguely stated that he had gone back to a few.

15 Plaintiff argued at the evidentiary hearing that, when evaluating Plaintiff's standing, the
 16 Court cannot consider the other 99 lawsuits he filed in this District. The Court notes that the issue
 17 here is not whether Plaintiff is a vexatious litigant. Nor does the Court find that sheer number of
 18 lawsuits renders him not credible. Instead, the Court reviews the number of suits in the context of
 19 Plaintiff's alleged desire to re-visit hotels once they comply with the ADA. It is simply not
 20 credible that Plaintiff would return to 99 hotels, especially given that he could not identify a single
 21 hotel or other business that he had re-visited after suit. The Court is not required to ignore the
 22 undisputed facts when evaluating whether Plaintiff credibly alleged that he intended to stay and to
 23 make a reservation in the future at Defendant's hotel.

24 Finally, the Court notes that the manner in which Plaintiff testified cast serious doubt on
 25

26 ⁷ Of the 99 hotels Plaintiff sued in California alleging that he intended to make reservations
 27 between February and August 2021, he filed only one lawsuit after he had contracted Covid-19.
 See *Love v. Pacifica Napa Winery LLC*, Case No. 21-cv-05471.

28 ⁸ Plaintiff testified that he made one other trip during 2021, but that was not in California.
 It was to Las Vegas. (Dkt. No. 23-3 at 21:7-15.)

United States District Court
Northern District of California

1 his credibility. Plaintiff's counsel elicited most of Plaintiff's testimony in response to leading
2 questions. Even with these leading questions, Plaintiff's testimony did not establish Plaintiff's
3 intent to make a reservation at Defendant's hotel in Antioch for wine tasting in Napa or establish
4 his intent to return to Defendant's hotel.

5 Therefore, the Court finds that Plaintiff failed to credibly establish that he actually intended
6 to stay at Defendant's hotel in August 2021 when he filed this lawsuit, or that he intended to stay
7 at Defendant's hotel in the future, as required for his claim for injunctive relief under the ADA.
8 Accordingly, the Court holds that Plaintiff lacks standing to bring his ADA claim and, thus,
9 GRANTS the motion to dismiss on this basis.

10 Additionally, the Court declines to exercise supplemental jurisdiction under 28 U.S.C. §
11 1367 over Plaintiff's state-law claim. This Order is without prejudice to Plaintiff refiling his state-
12 law claim in state court.

13 **CONCLUSION**

14 For the foregoing reasons, the Court GRANTS Defendant's motion to dismiss.

15 **IT IS SO ORDERED.**

16 Dated: November 1, 2021

17 
18 _____
19 SALLIE KIM
20 United States Magistrate Judge
21
22
23
24
25
26
27
28