


SUPERIOR COURT OF CALIFORNIA COUNTY OF YOLO 1000 MAIN STREET WOODLAND, CA. 95695 530-406-6700	<i>For Court Use</i> FILED YOLO SUPERIOR COURT SEP 19 2024 BY  DEPUTY
MARK BAKER vs. REGENCY CENTERS L.P.	Case SC2024-0162

CLERK'S CERTIFICATE OF MAILING

I, the undersigned, certify under penalty of perjury that I am a Deputy Clerk of the above-entitled Court and not a party to the within-entitled action; that 9/19/24 I served true and correct copies of the foregoing/attached ORDER AFTER COURT TRIAL AND NOTICE OF ENTRY OF JUDGMENT by depositing the same, enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Post Office at Woodland, California addressed as follows:

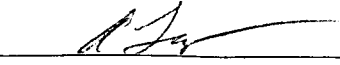
MARK BAKER
 9450 SW GEMINI DRIVE PMB 44671
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REGENCY CENTERS
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 (904) 596-7000

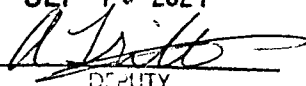
At the time of said mailing there was regular communication by United States Mail between the said place of mailing and the places addressed.

Dated: 9/19/24

SHAWN C. LANDRY,
 COURT EXECUTIVE OFFICER

By: 
 A. Truitt, Deputy Clerk

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FILED
YOLO SUPERIOR COURT
SEP 18 2024
BY 
DEPUTY

**SMALL CLAIMS COURT OF THE STATE OF CALIFORNIA
COUNTY OF YOLO**

MARK BAKER,) Case No. SC-2024-0162
Plaintiff,)
v.) **ORDER AFTER COURT TRIAL**
REGENCY CENTERS L.P.,) Hearing Date: September 9, 2024
Defendant,) Time: 9:00 a.m.
) Department: 2
) Commissioner Katherine Taylor
)

On September 9, 2024, plaintiff Mark Baker (“plaintiff”) and Gary Fields, authorized representative for defendant Regency Centers, L.P.¹ (“defendant”) appeared in Department 2 for

¹ Defendant filed a brief on September 6, 2024, stating Regency Centers, L.P., was erroneously sued as Regency Centers.

1 small claims trial. Parties presented sworn testimony, documents, and argument. This court took
2 the case under submission for written ruling.

3 The Small Claims Process and Judgment

4 The hearing and disposition of the small claims action shall be informal, the object being
5 to dispense justice promptly, fairly, and inexpensively. (Code Civ. Proc., § 116.510.) The chief
6 characteristics of its proceedings are that there are no attorneys, no pleadings and no legal rules
7 of evidence; there are no juries, and no formal findings are made on the issues presented.
8 (*Sanderson v. Niemann* (1941) 17 Cal.2d 563, 573.) Nonetheless, the small claims court does
9 have the obligation to inquire into some procedural requirements including service upon the
10 defendant and the small claims court's jurisdiction to hear the case.

11 Service and Jurisdiction in Small Claims Court

12 In small claims matters, “[s]ervice shall be made within this state, except as provided in
13 subdivisions (f) and (g).” (Code Civ. Proc., § 116.340, subd. (e).) The owner of record of real
14 property in California who resides in another state and who has no lawfully designated agent in
15 California for service of process may be served by any of the methods described in this section if
16 the claim relates to that property. (Code Civ. Proc., § 116.340, subd. (f).) Plaintiff filed a proof of
17 personal service upon representative for defendant in Jacksonville, Florida. According to the
18 California Secretary of State's online business search, Regency Centers Corporation has
19 authorized agents for service of process within California. Thus, the proof of service in
20 Jacksonville, Florida did not establish this court's jurisdiction over defendant.

21 A court acquires personal jurisdiction over a party that makes a general appearance in an
22 action even if no summons is served on that party. (*Serrano v. Stefan Merli Plastering Co.,*
23 *Inc.* (2008) 162 Cal.App.4th 1014, 1028, citing Code Civ. Proc., (§ 410.50, subd. (a).) Section
24 1014 lists several acts that constitute an appearance by a defendant (i.e., filing an answer,
25 demurrer, motion to strike, motion to transfer, etc.), but the list is nonexclusive. (*Ibid.*) A

1 defendant appears in an action when the defendant answers, demurs, files a notice of motion to
2 strike, files a notice of motion to transfer pursuant to Section 396b, moves for reclassification
3 pursuant to Section 403.040, gives the plaintiff written notice of appearance, or when an attorney
4 gives notice of appearance for the defendant. (Code Civ. Proc., § 1014.)

5 Defendant filed a written brief on the merits of this claim on September 6, 2024, and
6 appeared by authorized representative for the scheduled trial on September 9, 2024. On this
7 ground, at the small claims trial, this court found that defendant had made a general appearance,
8 waiving the defect in service. Thus, this court has jurisdiction to consider plaintiff's small claim.
9 No party requested a continuance and trial proceeded.

10 Plaintiff's claim and defendant's response

11 Plaintiff sets forth that he is a person diagnosed with autism spectrum disorder and that
12 his physician "associated" the autism diagnosis with plaintiff's reactions to LED lights. (Small
13 claim complaint, ¶ 28.)

14 Plaintiff presented testimony on his own perception of the effect of the LED lights on his
15 ability to access defendant's marketplace location.

16 Plaintiff also submitted to this court a letter from a Dr. Janine Manuel dated 30/03/2024
17 sets forth that Dr. Manuel is a medical doctor in the field of clinical analysis over the last two
18 years, a freelance medical translator for a biotech company in Germany, and a colleague of
19 plaintiff. The letter says the information and data "has shown LED illumination to have
20 neurological consequences (seizure, migrane, headache, and other neurological effects). This
21 includes adverse effects on those with autism." The letter says the effects of LEDs causing
22 seizure, migraine and other neurological conditions have resulted in individuals being excluded
23 from municipal life, loss of employment, confined in part to their home and significant
24 deterioration of their health....The letter says in the case of plaintiff, Dr. Manuel attests to the
25

1 adverse effect that LED illumination has had on his life causing hospitalization, loss of
2 employment, and psychological trauma.

3 Plaintiff sets forth that based on the lack of government regulation and protection of
4 individuals with disabilities from LED lights, he started an advocacy organization. (Small claim
5 complaint, ¶ 29.) Plaintiff filed a small claim for \$2,500.00, on the ground plaintiff was injured
6 and discriminated against. (Small claim, ¶ 3.) Plaintiff set forth that defendant refused to provide
7 accommodation for plaintiff. (*Ibid.*) Plaintiff set forth that this claim is a request for punitive
8 damages under the Unruh Civil Rights Act. (*Ibid.*) Plaintiff asks for damages of \$2,500.00, on
9 the ground that this is the limit for an unlimited number of small claims filings in a year in
10 California. (Code Civ. Proc., § 116.231, subd. (a).) Plaintiff states that he hopes a punitive
11 damage award will cause defendant to stop their injurious and discriminatory practices. (Small
12 claim, ¶ 3.)

13 Plaintiff testified that he wanted to visit businesses at The Marketplace Shopping Center,
14 but was unable to do so because of the LED lights at the location. Written communications
15 between plaintiff and defendant's litigation counsel Greta Morris include an email from May 10,
16 2024, stating that after review, Regency decided not to alter the LVT security technology
17 lighting. The email states the lighting provides an essential security measure for the safety of
18 defendant's tenants and their patrons.

19 At the small claims trial, plaintiff told the Court that defendant has subsequently removed
20 the lights without explanation² and that plaintiff has been able to visit the businesses. Plaintiff
21

22
23 ² Courts typically exclude from consideration subsequent remedial measures. When, after the
24 occurrence of an event, remedial or precautionary measures are taken, which, if taken previously,
25 would have tended to make the event less likely to occur, evidence of such subsequent measures
is inadmissible to prove negligence or culpable conduct in connection with the event. (Evid.
Code, § 1151.) There are exceptions. The rules of evidence do not apply to small claims court
proceedings. (Inquiry Concerning Kreep, 3 Cal. 5th CJP Supp. 1, 1.) Thus, there is no need to
analyze the admissibility of this testimony. The court heard the testimony and has considered it

1 argued defendant refused to engage in a required interactive process and it took filing this
2 lawsuit for defendant to take action to remove the lights. Despite obtaining the non-monetary
3 relief initially sought, plaintiff is still proceeding with this case and asking for monetary
4 damages.

5 Defendant operates The Marketplace Shopping Center. (Defendant’s trial brief, p. 1.)
6 Defendant contends blue LED lights on a video surveillance system does not constitute an
7 alteration under the ADA, and accordingly cannot and does not create a discriminatory barrier .
8 (Defendant’s trial brief, p. 2.) Defendant thus denies any obligation to accommodate plaintiff’s
9 request. (*Ibid.*) Defendant denies liability for any harm claimed by plaintiff. (*Ibid.*)

10 The Unruh Civil Rights Act provides: “All persons within the jurisdiction of this state ...
11 no matter what their ... disability ... are entitled to the full and equal accommodations,
12 advantages, facilities, privileges, or services in all business establishments of every kind
13 whatsoever.” (*Martin v. Thi E-Commerce, LLC* (2023) 95 Cal.App.5th 521, 527, citing Civ.
14 Code, § 51, subd. (b).) “A plaintiff can recover under the Unruh Civil Rights Act on two
15 alternate theories: (1) a violation of the ADA [citation]; or (2) denial of access to a business
16 establishment based on intentional discrimination.” (*Ibid.*)

17 The Unruh Civil Rights Act (Civ. Code, § 51 et seq.) stands as a bulwark protecting each
18 person’s inherent right to full and equal access to all business establishments. (*Thurston v. Omni*
19 *Hotels Management Corp.* (2021) 69 Cal.App.5th 299, 299.) In enforcing the Unruh Civil Rights
20 Act, courts must consider its broad remedial purpose and overarching goal of deterring
21 discriminatory practices by businesses. (*Ibid.*) The California Supreme Court has consistently
22 held that the Unruh Civil Rights Act must be construed liberally in order to carry out its purpose.
23 (*Ibid.*) In light of its broad preventive and remedial purposes, courts have recognized that

24
25 with regard to plaintiff’s argument that temporary barriers can constitute an ADA accessibility
violation.

1 standing under the Unruh Civil Rights Act is broad. (*Ibid.*) At the same time, the courts have
2 acknowledged that a plaintiff cannot sue for discrimination in the abstract, but must actually
3 suffer the discriminatory conduct. (*Ibid.*) In essence, an individual plaintiff has standing under
4 the Unruh Civil Rights Act if he or she has been the victim of the defendant's discriminatory act.
5 (*Ibid.*)

6 ADA Accessibility Guidelines set forth requirements for accessibility to places of public
7 accommodation and commercial facilities. The guidelines apply to alterations of buildings and
8 facilities to the extent required by the Department of Justice's Title III regulations. If a facility is
9 altered in a manner that could affect its usability, the alterations will be treated as discriminatory
10 if they do not, to the maximum extent feasible, make the altered portions of the facility readily
11 accessible to and usable by disabled individuals. (42 U.S.C. § 12183(a)(2).) Defendant disputes
12 that the LED lights are an alteration for these purposes. Plaintiff filed a response brief that argues
13 The Marketplace shopping center parking lot previously did not have LVT video surveillance
14 system with the blue LED lights and plaintiff had full and equal access to the Regency Center
15 facilities at that time. (Plaintiff's response to defendant's trial brief, ¶ 5.)

16 Defendant also disputes that the LED lights create an accessibility barrier, pointing to the
17 fact that LED lights are not governed by any construction-related accessibility standards and
18 defendant did not create a physical access barrier to those with disabilities. Defendant argues as
19 no construction-related accessibility standards were violated, plaintiff is not entitled to damages
20 under the Unruh Act. (Defendant's trial brief, p. 5.) Plaintiff argues the lack of accessibility
21 guidelines specifically addressing LED lights is irrelevant to this case. (Plaintiff's response to
22 defendant's trial brief, ¶ 8.) Plaintiff asks this court to consider whether the ADA allows
23 shopping centers to make modifications to their facilities which create accessibility barriers for
24 individuals with disabilities. (Plaintiff's response to defendant's trial brief, ¶ 8.)

25 Findings and Rulings

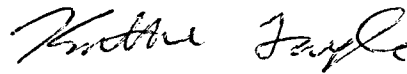
1 The ADA protects individuals who have a physical or mental impairment that
2 substantially limits one or more life activities. The Department of Justice has said that autism is a
3 condition that should easily be concluded to constitute a disability. This court concludes
4 plaintiff's reported diagnosis of autism is a qualifying disability under the ADA.

5 This small claims court finds insufficient evidence plaintiff suffered cognizable harm
6 *caused by* defendant's LED lights, or that defendant erected a barrier hampering plaintiff's right
7 to access public accommodations. This small claims court also finds insufficient evidence
8 defendant acted with any discriminatory intent based upon plaintiff's disability.

9 **Judgment**

10 Judgment shall enter for defendant. Parties are to bear their own costs.

11 DATED: 9/18/24

12 

13 Commissioner Katherine Taylor

Name and Address of Court:
YOLO SUPERIOR COURT
1000 MAIN STREET
WOODLAND, CA 95695

SC-130

SMALL CLAIMS CASE NO.: SC2024-0162

<p>NOTICE TO ALL PLAINTIFFS AND DEFENDANTS: Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.</p>	<p>AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS: Su caso ha sido resuelto por la corte para reclarnos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca de sus derechos.</p>
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PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each):
 MARK BAKER
 9450 SW GEMINI DRIVE PMB 44671
 BEAVERTON, OR 97008
 Telephone No.: (408) 455-9233

DEFENDANT/DEMANDADO *(Name, street address, and telephone number of each):
 REGENCY CENTERS
 1411 W. COVELL BLVD.
 DAVIS, CA 95616
 Telephone No.: (904) 596-7000

FILED
 YOLO SUPERIOR COURT
 SEP 19 2024
 BY [Signature]
 DEPUTY

Telephone No.: _____

Telephone No.: _____

See attached sheet for additional plaintiffs and defendants.

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered as checked below on (date): 9/18/24

- Defendant (name, if more than one): shall pay plaintiff (name, if more than one): \$ _____ principal and: \$ _____ costs on plaintiffs claim.
- Defendant does not owe plaintiff any money on plaintiff's claim.
- Plaintiff (name, if more than one): shall pay defendant (name, if more than one): \$ _____ principal and \$ _____ costs on defendant's claim.
- Plaintiff does not owe defendant any money on defendants claim.
- Possession of the following property is awarded to plaintiff (describe property):
- Payments are to be made at the rate of: \$ _____ per (specify period): _____, beginning on (date): _____ and on the (specify day): _____ day of each month thereafter until paid in full. If any payment is missed, the entire balance may become due immediately.
- Dismissed in court with prejudice. without prejudice.
- Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment) (form SC-132) is attached.
- Other (specify): Exhibits not picked up within 30 days of the judgment becoming final may be destroyed without further notice.
- Judgment debtor is a natural person, and as provided in Code Civ. Proc., §§ 683.110, 685.010: \$ _____ of this judgment is on a claim related to medical expenses \$ _____ of this judgment is on a claim related to personal debt.
- This judgment results from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's drivers license suspended.
- Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
- This notice was personally delivered to (insert name and date):
- CLERK'S CERTIFICATE OF MAILING I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: WOODLAND, California
 Date of mailing: 9/19/24

Clerk, by [Signature], Deputy

The county provides small claims advisor services free of charge. Read the information sheet on the reverse.

INFORMATION AFTER JUDGMENT	INFORMACION DESPUES DEL FALLO DE LA CORTE
<p>Your small claims case has been decided. The judgment or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the judgment creditor. The person (or business) who lost the case and who owes the money is called the judgment debtor.</p> <p>Enforcement of the judgment is postponed until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally, both parties may be represented by lawyers after judgment.</p>	

IF YOU LOST THE CASE . . .

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is **FINAL**. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:
 - a. **PAY THE JUDGMENT**
The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford. Ask the clerk for information about these procedures.
 - b. **APEAL**
If you disagree with the court's decision, you may appeal the decision *on the other party's claim*. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on *all* the claims. If you appeared at the trial, you *must* begin your appeal by filing a form called a *Notice of Appeal* (form SC-140) and pay the required fees within **30 days** after the date this *Notice of Entry of Judgment* was mailed or handed to you. Your appeal will be in the superior court. You will have a **new trial** and you must present your evidence again. You may be represented by a lawyer.
 - c. **VACATE OR CANCEL THE JUDGMENT**
If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fee *within 30 days* after the date this *Notice of Entry of Judgment* was mailed. If your request is denied, you then have **10 days** from the date the notice of denial was mailed to file an appeal. The period to file the *Motion to Vacate the Judgment* is **180 days** if you were *not properly served* with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

- b. **VOLUNTARY PAYMENT**
Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**
- c. **STATEMENT OF ASSETS**
If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called the *Judgment Debtor's Statement of Assets* (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may file an *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134) and ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170.
- d. **ORDER OF EXAMINATION**
You may also make the debtor come to court to answer questions about income and property. To do this, ask the clerk for an *Application and Order for Appearance and Examination (Enforcement of Judgment)* (form EJ-125) and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtor's financial records. Ask the clerk for the *Small Claims Subpoena and Declaration* (form SC-107) or *Civil Subpoena Duces Tecum* (form SUBP-002).
- e. **WRIT OF EXECUTION**
After you find out about the judgment debtor's property, you may ask the court for a *Writ of Execution* (form EJ-130) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: **wages, bank account, automobile, business property, or rental income.** For some kinds of property, you may need to file other forms. See the law officer for information.

IF YOU WON THE CASE . . .

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:
 - a. **COLLECTING FEES AND INTEREST**
Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, ask the clerk for a *Memorandum of Costs*.

- f. **ABSTRACT OF JUDGMENT**
The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing an *Abstract of Judgment* (form EJ-001) with the county recorder in the county where the property is located. The recorder will charge a fee for the *Abstract of Judgment*.

NOTICE TO THE PARTY WHO WON: As soon as you have been paid in full, you *must* fill out the form below and mail it to the court *immediately* or you may be fined. If an *Abstract of Judgment* has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS CASE NO.: SC2024-0162

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT (*Do not use this form if an Abstract of Judgment has been recorded.*)

To the Clerk of the Court:

I am the judgment creditor assignee of record.
I agree that the judgment in this action has been paid in full or otherwise satisfied.
Date: _____

(TYPE OR PRINT NAME)

 _____
(SIGNATURE)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form	Save this form	Clear this form
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