C.L. v. Del Amo Hosp., Inc. (2021)

United States Court of Appeals for the Ninth Circuit
Civil Action: No. 19-56074
2021 U.S. App. LEXIS 9235
March 30, 2021

Keywords: ADA, service dog, public accommodation, dog training, PTSD

Summary

The U.S. Court of Appeals for the Ninth Circuit vacated the district court's judgment, after a bench trial, in favor of the defendant in an action seeking injunctive relief under Title III of the Americans with Disabilities Act ("ADA"), which prohibits discrimination in "places of public accommodations," including hospitals. The Court vacated and remanded for the district court to reconsider whether Aspen was a qualified service dog at the time of trial, and if Aspen is a service dog, whether Del Amo has proved its affirmative defense of fundamental alteration.

Facts of the Case

C.L. has been diagnosed with Complex PTSD and DID due to a history of severe childhood trauma, major depression, and anxiety. Due to these disabilities, C.L. experiences hypervigilance, anxiety, flashbacks, intense nightmares, self-harming behaviors, dissociation, and suicidal thoughts.

The National Treatment Center Program at Del Amo specializes in trauma treatment and recovery. C.L. voluntarily checked into the program on seven times from September 2015 through August 2017.

In January 2012, C.L. wanted a service dog, but the lowest price that she could find was $15,000. She could not afford a service dog. So she obtained a companion dog, Aspen, under the care of her doctor, Dr. Foust. When Aspen was three months old, C.L. attended a basic obedience class at a company that does not conduct service dog training. Next, C.L. contacted Little Angels Service Dogs about self-training Aspen to be a service dog.

Katie Gonzales at Little Angels told C.L. that certification costs $930. It is granted to the handler/dog teams who attend three seminars over a six-month or longer period. The handler/dog team must successfully pass both a written test and a field test demonstrating their ability to work together safely in public with the dog helping to lessen the disabilities of the handler/recipient. Additionally, Ms. Gonzales must see the dog in question perform service dog tasks before she would approve the dog for certification. C.L. registered for, and attended, the first seminar twice, in May 2014 and May

2015. However, she did not attend seminars 2 or 3. Therefore, Aspen and C.L. did not receive certification from Little Angels.

In each of the seven times C.L. was admitted to the Del Amo Hospital, and requested Aspen stay with her, the request was denied by the hospital.

After the four-day bench trial, the district court entered judgment in favor of Del Amo on the grounds that C.L. had not shown Aspen was or is a service dog. The Court did not reach the question of whether Del Amo had proved its affirmative defense of "fundamental alteration." C.L. timely appealed.

Issues of the Case

1. Whether concluded incorrectly that C.L.'s uncontroverted and unimpeached testimony requires corroboration to satisfy the ADA?
2. Whether imposing a service dog "certification" requirement is something the ADA prohibits?

Arguments & Analysis

1. Whether concluded incorrectly that C.L.'s uncontroverted and unimpeached testimony requires corroboration to satisfy the ADA?

The lower court improperly considered certification to be a legally necessary standard for assessing whether Aspen was a trained service dog. The court declined to give weight to C.L.'s testimony on its own and considered her testimony uncorroborated, the court's conclusion that Aspen was not a trained service dog hinged on the supposed contradiction in Gonzalez's testimony. The court did not challenge or raise questions about C.L.'s credibility, and it made no findings of fact whatsoever on the substance of C.L.'s testimony, her demeanor at trial, or any impeaching evidence. Nor did the Court make credibility findings as to Gonzalez, other than noting – apparently based on the court's conflation of the standard for a service dog under the ADA and Little Angels' certification standards – that her testimony contradicted itself.

Del Amo points to portions of C.L.'s testimony it believes are inconsistent or not credible, but because these contentions are post-hoc rationalizations of the district court decision – rather than an accurate representation of the district court's express findings and conclusions – the Court declines to affirm on credibility grounds and review C.L.'s claim as legal error.

2. Whether imposing a service dog "certification" requirement is something the ADA prohibits?

The Court held that the ADA prohibited certification requirements for qualifying service dogs for three reasons: (1) the ADA defines a service dog functionally, without reference to specific training requirements, (2) Department of Justice ("DOJ") regulations, rulemaking commentary, and guidance have consistently rejected a formal certification requirement, and (3) allowing a person with a disability to self-train a service animal furthers that stated goals of the ADA, for other training could be prohibitively expensive. Thus, the district court erred by imposing a heightened requirement on Aspen that is inconsistent with the ADA.

Holding & Remedy

1. Where a person suffering from PTSD and other conditions self-trained a service dog to ameliorate her disabilities and decrease her isolation, and where a treatment center prohibited her from bringing the dog during treatment, in the plaintiff's ADA suit, the district court erred in determining that the dog did not qualify as a service dog under the ADA due to its lack of certification by a trade group.

2. It was a misinterpretation of the ADA to effectively require a service dog to meet formal certification requirements because the ADA defined a service dog functionally, without reference to specific training requirements, U.S. Department of Justice regulations and guidance consistently rejected a formal training requirement for service dogs and allowing self-training of a service animal furthered the ADA's stated goals.

Rulings

The District court erred by requiring Aspen to meet formal certification standards to qualify as a service dog, because such a requirement is inconsistent with the ADA. The Court remanded to the district court to reconsider C.L.'s claims consistent with the stated opinion.

Links

2019

- *C.L. v. Del Amo Hosp*. U.S. Dist. LEXIS 150838 (2019)
  Source: Casetext
  Web: casetext.com/case/cl-v-del-amo-hosp
- Court Decisions Brief – C.L. v. Del Amo Hosp. (2019)
  Source: Southeast ADA Center
  Web: burtonblatti16.sg-host.com/court-decisions/c-l-v-del-amo-hosp-inc-2019

2021

- *C.L. v. Del Amo Hosp.* U.S. App. LEXIS 9235 (2021)
  Source: Justia US Law
  Web: law.justia.com/cases/federal/appellate-courts/ca9/19-56074/19-56074-2021-03-30.html
- PDF [27 pages]: *C.L. v. Del Amo Hosp.* U.S. App. LEXIS 9235 (2021)
  Source: USCourts.gov
  Web: cdn.ca9.uscourts.gov/datastore/opinions/2021/03/30/19-56074.pdf
- Court Decisions Brief – C.L. v. Del Amo Hosp. (2021)
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