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FILED
APR 25 11:50
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **ANNA ESCOBEDO,**

11 **Plaintiff,**

12 **v.**

13 **LITTLE JOCKO'S, a California**
14 **Corporation RICHARD KNOTTS;**
15 **PATRICIA KNOTTS; and DOES ONE**
16 **TO TEN, inclusive,**

17 **Defendants.**

) **Case No.**

02-03383

) **Civil Rights**

ADC (RCX)

) **COMPLAINT FOR INJUNCTIVE**
) **RELIEF AND DAMAGES: DENIAL OF**
) **CIVIL RIGHTS OF A DISABLED**
) **PERSON IN VIOLATION OF THE**
) **AMERICANS WITH DISABILITIES**
) **ACT OF 1990; VIOLATION OF**
) **CALIFORNIA'S CIVIL RIGHTS**
) **STATUTES**

) **JURY TRIAL REQUESTED**

21 Plaintiff **ANNA ESCOBEDO** complains of defendants **LITTLE JOCKO'S,**
22 **RICHARD KNOTTS; PATRICIA KNOTTS; and DOES ONE TO TEN, inclusive,**
23 and alleges as follows:

ENTERED ON ICMS
APR 29 2002

24 **JURISDICTION AND VENUE**

25 1. The Court has jurisdiction of this action pursuant to ~~28 USC~~ § 1331 for
26 violations of the *Americans with Disabilities Act of 1990*, (42 USC § 12101, et seq.)
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1 Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the
2 same facts, are also brought under California law, including but not limited to violations of
3 *California Health & Safety Code* § 19955, *et seq.*, including *California Code of*
4 *Regulations*, Title 24, § 19959, *California Civil Code* §§ 51, 51.5, 52(a), 52.1, 54, 54.1,
5 54.3 and 55.
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8 2. Venue is proper in this court pursuant to 28 *USC* § 1391(b) and is founded on
9 the fact that the real property which is the subject of this action is located in this district, at
10 Nipomo, California, and that Plaintiff's causes of action arose in this district.
11

12 INTRODUCTION

13 3. **LITTLE JOCKO'S** is located at 149 So. Frontage Road, Nipomo,
14 California. Said restaurant is owned and operated by defendants **LITTLE JOCKO'S**, a
15 **California corporation**, **RICHARD KNOTTS**; **PATRICIA KNOTTS**; and **DOES**
16 **ONE TO TEN, inclusive**.
17

18 Defendants **LITTLE JOCKO'S**, **RICHARD KNOTTS**; **PATRICIA KNOTTS**;
19 **and DOES ONE TO TEN, inclusive**, operate an establishment for services to the public
20 and at which Defendants failed to provide barrier free access to said establishment in
21 conformity with both Federal and California legal requirements. Defendants failed to
22 provide compliance by failing to remove architectural barriers including, but not limited
23 to, the following:
24
25

26 **A. Parking**

27 There is a total of 27 parking spaces and no accessible parking is
28

1 of them, pursuant to *California Civil Code* § 3294 in an amount sufficient to make a more
2 profound example of Defendants and discourage owners, operators, franchisers and
3 franchisees of other public facilities from willful disregard of the rights of persons with
4 physical disabilities. Plaintiff does not know the financial worth of Defendants, or the
5 amount of punitive damages sufficient to accomplish the public purposes of *California*
6 *Civil Code* § 3294 and seeks leave to amend this Complaint when such facts are known.
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9 48. As a result of the actions and failure of Defendants, and each of them, and as
10 a result of the failure to provide proper accessible public facilities, Plaintiff ANNA
11 **ESCOBEDO** was denied her civil rights, including her right to full and equal access to
12 public facilities, was embarrassed and humiliated, suffered physical, psychological and
13 mental injuries and emotional distress, mental distress, mental suffering, mental anguish,
14 which includes shame, humiliation, embarrassment, anger, chagrin, disappointment and
15 worry, expectedly and naturally associated with a person with a physical disability being
16 denied access to a public accommodation.
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20 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

21 **III. THIRD CAUSE OF ACTION**
22 **VIOLATION OF CALIFORNIA'S CIVIL RIGHTS ACTS**
23 **(California Civil Code §§ 54, 54.1 and 54.3)**

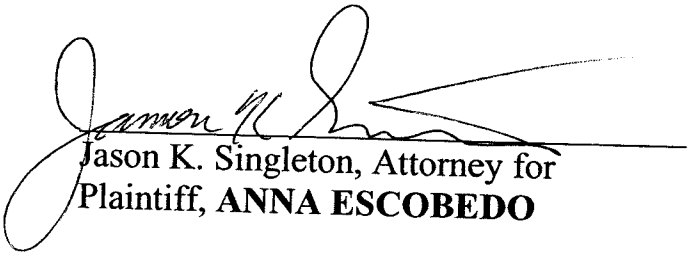
24 49. Plaintiff repleads and incorporates by reference as if fully set forth again
25 herein, the allegations contained in paragraphs 1 through 48 of this Complaint and
26 incorporates them herein as if separately repled.
27

28 50. The public facilities above-described constitute public facilities and public

1 *California Code of Civil Procedure* § 1021.5, and *Americans with Disabilities Act of*
2 *1990* §308 of Title III; and
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4 8. Grant such other and further relief as the court may deem just and proper.
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6 Dated: April 15, 2002
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Jason K. Singleton, Attorney for
Plaintiff, ANNA ESCOBEDO

10 **REQUEST FOR JURY TRIAL**

11 Plaintiffs hereby request a jury for all claims for which a jury is permitted.
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14 Dated: April 15, 2002
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Jason K. Singleton, Attorney for
Plaintiff, ANNA ESCOBEDO