

ORIGINAL

JASON K. SINGLETON, State Bar # 166170
SINGLETON LAW GROUP
611 "L" Street, Suite "A"
Eureka, CA 95501
(707) 441-1177
FAX: 441-1533

FILED
MAY 15 2 37 PM '02
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
ZLS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10	ANNA ESCOBEDO,	)	Case No. 02 - 3921	MRP (RNBX)
11)		
12	Plaintiff,	)	Civil Rights	
13	v.	)	COMPLAINT FOR INJUNCTIVE	
14		)	RELIEF AND DAMAGES: DENIAL OF	
15	Q.S. SAN LUIS OBISPO, a	)	CIVIL RIGHTS OF A DISABLED	
16	California Limited Partnership,	)	PERSON IN VIOLATION OF THE	
17	WARMINGTON HOTEL	)	AMERICANS WITH DISABILITIES ACT	
18	ASSOCIATES 7, L.P., a Limited	)	OF 1990; VIOLATION OF	
19	Partnership, dba QUALITY SUITES;	)	CALIFORNIA'S CIVIL RIGHTS	
20	and DOES ONE TO TEN, inclusive,	)	STATUTES	
21)		
22	Defendants.	)	JURY TRIAL REQUESTED	

1/5
5-20

Plaintiff **ANNA ESCOBEDO** complains of defendants **Q.S. SAN LUIS OBISPO, a California Limited Partnership, WARMINGTON HOTEL ASSOCIATES 7, L.P., a Limited Partnership, dba QUALITY SUITES, and DOES ONE TO TEN, inclusive,** and alleges as follows:

ENTERED ON TOLMS
MAY 17 2002
CV

JURISDICTION AND VENUE

1. The Court has jurisdiction of this action pursuant to 28 USC § 1331 for violations of the *Americans with Disabilities Act of 1990*, (42 USC § 12101, et

(1)

1 seq.) Pursuant to pendant jurisdiction, attendant and related causes of action,
2 arising from the same facts, are also brought under California law, including but
3 not limited to violations of **California Health & Safety Code** § 19955, *et seq.*,
4 including **California Code of Regulations**, Title 24, § 19959, **California Civil**
5 **Code** §§ 51, 51.5, 52(a), 52.1, 54, 54.1, 54.3 and 55.
6

7
8 2. Venue is proper in this court pursuant to 28 **USC** § 1391(b) and is
9 founded on the fact that the real property which is the subject of this action is
10 located in this district, at San Luis Obispo, California, and that Plaintiff's causes of
11 action arose in this district.
12

13 INTRODUCTION

14
15 3. The **QUALITY SUITES** is located at 1631 Monterey Street, San Luis
16 Obispo, California. Said motel is owned and operated by defendants **Q.S. SAN**
17 **LUIS OBISPO**, a California Limited Partnership, **WARMINGTON HOTEL**
18 **ASSOCIATES 7, L.P.**, a Limited Partnership, dba **QUALITY SUITES**, and
19 **DOES ONE TO TEN**, inclusive.
20

21 Defendants **Q.S. SAN LUIS OBISPO**, a California Limited Partnership,
22 **WARMINGTON HOTEL ASSOCIATES 7, L.P.**, a Limited Partnership, dba
23 **QUALITY SUITES**, and **DOES ONE TO TEN**, inclusive, operate an
24 establishment for services to the public and at which Defendants failed to provide
25 barrier free access to said establishment in conformity with both Federal and
26 California legal requirements. Further, Defendants failed to provide compliance as
27
28

1 and as a result of the failure to provide proper accessible public facilities, Plaintiff
2 **ANNA ESCOBEDO** was denied her civil rights, including her right to full and equal
3 access to public facilities, was embarrassed and humiliated, suffered physical,
4 psychological and mental injuries and emotional distress, mental distress, mental
5 suffering, mental anguish, which includes shame, humiliation, embarrassment,
6 anger, chagrin, disappointment and worry, expectedly and naturally associated
7 with a person with a physical disability being denied access to a public
8 accommodation.

9
10
11 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

12
13 **III. THIRD CAUSE OF ACTION**
14 **VIOLATION OF CALIFORNIA'S CIVIL RIGHTS ACTS**
15 **(California Civil Code §§ 54, 54.1 and 54.3)**

16 49. Plaintiff repleads and incorporates by reference as if fully set forth
17 again herein, the allegations contained in paragraphs 1 through 48 of this
18 Complaint and incorporates them herein as if separately replied.

19
20 50. The public facilities above-described constitute public facilities and
21 public accommodations within the meaning of **California Health & Safety Code §**
22 **19955 et seq.** and were facilities to which members of the public are invited. The
23 aforementioned acts and omissions of defendants, and each of them, constitute a
24 denial of equal access to and use and enjoyment of these facilities by persons
25 with disabilities, including Plaintiff **ANNA ESCOBEDO**. Said acts and omissions
26 are also in violation of provisions of Title 24 of the **California Code of**
27
28

1 and 54.3, and that these damages be trebled;

2 4. Prejudgment interest on all compensatory damages;

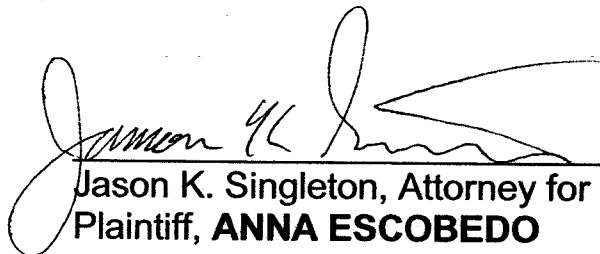
3
4 5. Punitive and exemplary damages pursuant to the standards and
5 purposes of **California Civil Code** § 3294;

6 6. Remedies and Procedures available under **Americans with**
7 **Disabilities Act of 1990** §§ 107, 203 and 308;

8
9 7. Award Plaintiff all litigation expenses, all costs of this proceeding and
10 all reasonable attorneys' fees as provided by law, including but not limited to those
11 recoverable pursuant to the provisions of **California Civil Code** §§ 52, 54.3, and
12 55, **California Code of Civil Procedure** § 1021.5, and **Americans with**
13 **Disabilities Act of 1990** §308 of Title III; and
14

15
16 8. Grant such other and further relief as the court may deem just and
17 proper.

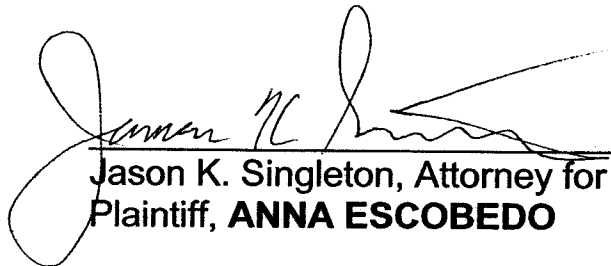
18 Dated: May 9, 2002

19
20 
Jason K. Singleton, Attorney for
Plaintiff, **ANNA ESCOBEDO**

21
22 **REQUEST FOR JURY TRIAL**

23 Plaintiff hereby requests a jury for all claims for which a jury is permitted.

24
25
26 Dated: May 9, 2002

27
28 
Jason K. Singleton, Attorney for
Plaintiff, **ANNA ESCOBEDO**