

ORIGINAL

1 **SINGLETON LAW GROUP**
2 **JASON K. SINGLETON**, State Bar # 166170
3 **JAMES E. SCHACHT**, State Bar # 199352
4 611 "L" Street, Suite "A"
5 Eureka, CA 95501
6 (707) 441-1177
7 FAX: 441-1533

5/5
FILED
CLERK, U.S. DISTRICT COURT
JAN 28 2002
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature]

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

10 **JEFF HOHLBEIN,**

11 **Plaintiff,**

12 **v.**

13 **A. RALPH KARLESKINT, dba FARMER**
14 **BOY RESTAURANT; JAMES RICHARD,**
15 **INC., a California Corporation; and DOES**
16 **ONE TO TEN, inclusive,**

17 **Defendants.**

) **Case No.** 02-619

) **Civil Rights** CBM (FMOx)

) **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**

ENTERED ON IOMS
JAN 24 2002
CV [Signature]

19 Plaintiff **JEFF HOHLBEIN** complains of defendants **A. RALPH KARLESKINT, dba**
20 **FARMER BOY RESTAURANT; JAMES RICHARD, INC.;** and **DOES ONE TO TEN, inclusive,**
21 and alleges as follows:
22

23 **JURISDICTION AND VENUE**

24 1. The Court has jurisdiction of this action pursuant to 28 **USC** § 1331 for violations
25 of the **Americans with Disabilities Act of 1990**, (42 **USC** § 12101, *et seq.*) Pursuant to
26 pendant jurisdiction, attendant and related causes of action, arising from the same facts, are
27 also brought under California law, including but not limited to violations of **California Health &**
28 **Safety Code** § 19955, *et seq.*, including **California Code of Regulations**, Title 24, § 19959,

1

1 disregard for the rights or safety of Plaintiff and of other similarly situated persons, justifying an
2 award of exemplary and punitive damages pursuant to *California Civil Code* § 3294.

3 46. Defendants' actions have also been oppressive to persons with physical
4 disabilities and of other members of the public, and have evidenced actual or implied malicious
5 intent toward those members of the public, such as Plaintiff and other persons with physical
6 disabilities who have been denied the proper access they are entitled to by law. Further,
7 Defendants' refusals on a day-to-day basis to correct these problems evidence despicable
8 conduct in conscious disregard for the rights of Plaintiff and other members of the public with
9 physical disabilities.
10

11 47. Plaintiff prays for an award of punitive damages against Defendants, and each of
12 them, pursuant to *California Civil Code* § 3294 in an amount sufficient to make a more
13 profound example of Defendants and discourage owners, operators, franchisers and
14 franchisees of other public facilities from willful disregard of the rights of persons with physical
15 disabilities. Plaintiff does not know the financial worth of Defendants, or the amount of punitive
16 damages sufficient to accomplish the public purposes of *California Civil Code* § 3294 and
17 seeks leave to amend this Complaint when such facts are known.
18

19 48. As a result of the actions and failure of Defendants, and each of them, and as a
20 result of the failure to provide proper accessible public facilities, Plaintiff **JEFF HOHLBEIN** was
21 denied his civil rights, including his right to full and equal access to public facilities, was
22 embarrassed and humiliated, suffered physical, psychological and mental injuries and emotional
23 distress, mental distress, mental suffering, mental anguish, which includes shame, humiliation,
24 embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated
25 with a person with a physical disability being denied access to a public accommodation.
26

27 WHEREFORE, Plaintiff prays for damages as hereinafter stated.
28

1 § 19955 *et seq.*, and Title III of the **Americans with Disabilities Act of 1990** and the standards
2 of **ADAAG**; and prohibiting operation of the **Farmer Boy Restaurant**, located in Santa Barbara,
3 California, as a public facility until Defendants provide full and equal enjoyment of goods and
4 services as described hereinabove to physically disabled persons, including Plaintiff;

5 2. General damages according to proof;

6
7 3. Statutory and "actual" damages, including general damages and special damages,
8 according to proof, pursuant to **California Civil Code** §§ 52, and 54.3, and that these damages
9 be trebled;

10 4. Prejudgment interest on all compensatory damages;

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

13 6. Remedies and Procedures available under **Americans with Disabilities Act of**
14 **1990** §§ 107, 203 and 308;

15 7. Award Plaintiff all litigation expenses, all costs of this proceeding and all
16 reasonable attorneys' fees as provided by law, including but not limited to those recoverable
17 pursuant to the provisions of **California Civil Code** §§ 52, 54.3, and 55, **California Code of**
18 **Civil Procedure** § 1021.5, and **Americans with Disabilities Act of 1990** §308 of Title III; and
19

20 8. Grant such other and further relief as the court may deem just and proper.

21 Dated: January 18, 2002

22 
23 Jason K. Singleton, Attorney for
24 Plaintiff, **JEFF HOHLBEIN**

25 **REQUEST FOR JURY TRIAL**

26 Plaintiffs hereby request a jury for all claims for which a jury is permitted.

27 Dated: January 18, 2002

28 
Jason K. Singleton, Attorney for
Plaintiff, **JEFF HOHLBEIN**