

ORIGINAL

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

Attorney for Plaintiff, **JOHN HOPKINS**

BY *[Signature]*
JASON K. SINGLETON
SINGLETON LAW GROUP
611 "L" STREET, SUITE "A"
EUREKA, CA 95501
(707) 441-1177
FAX: 441-1533

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

JOHN HOPKINS,

Plaintiff,

v.

**GRAND OBISPO, LLC, a California
Limited Liability Company, F.
McLINTOCKS SALOON AND
DINING HOUSE, a California
corporation, dba IZZY ORTEGA'S
MEXICAN CANTINA; and DOES
ONE TO TEN, inclusive,**

Defendants.

Case No. **03-781 ER** (RCx)

Civil Rights

**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

Plaintiff **JOHN HOPKINS** complains of defendants **GRAND OBISPO, LLC,**
a California Limited Liability Company, **F. McLINTOCKS SALOON AND**
DINING HOUSE, a California corporation, dba **IZZY ORTEGA'S MEXICAN**
CANTINA; and DOES ONE TO TEN, inclusive, and alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction of this action pursuant to 28 USC § 1331 for

FILED
FEB 6 2003
CV
[Signature]

1 violations of the **Americans with Disabilities Act of 1990**, (42 USC § 12101, et
2 seq.) Pursuant to pendant jurisdiction, attendant and related causes of action,
3 arising from the same facts, are also brought under California law, including but
4 not limited to violations of **California Health & Safety Code § 19955, et seq.**,
5 including **California Code of Regulations**, Title 24, § 19959, **California Civil**
6 **Code §§ 51, 51.5, 52(a), 52.1, 54, 54.1, 54.3 and 55.**

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

14 INTRODUCTION

15 3. **IZZY ORTEGA'S MEXICAN CANTINA** is located at 1850 Monterey
16 Street, San Luis Obispo, California. Said restaurant is owned and operated by
17 defendants **GRAND OBISPO, LLC, a California Limited Liability Company, F.**
18 **McLINTOCKS SALOON AND DINING HOUSE, a California corporation, and**
19 **DOES ONE TO TEN, inclusive.**

20 Defendants **GRAND OBISPO, LLC, a California Limited Liability**
21 **Company, F. McLINTOCKS SALOON AND DINING HOUSE, a California**
22 **corporation, and DOES ONE TO TEN, inclusive,** operate an establishment for
23 services to the public and at which Defendants failed to provide barrier free
24 access to said establishment in conformity with both Federal and California legal
25
26
27
28

1 and each of them, pursuant to *California Civil Code* § 3294 in an amount
2 sufficient to make a more profound example of Defendants and discourage
3 owners, operators, franchisers and franchisees of other public facilities from willful
4 disregard of the rights of persons with physical disabilities. Plaintiff does not know
5 the financial worth of Defendants, or the amount of punitive damages sufficient to
6 accomplish the public purposes of *California Civil Code* § 3294 and seeks leave
7 to amend this Complaint when such facts are known.
8
9

10 48. As a result of the actions and failure of Defendants, and each of them,
11 and as a result of the failure to provide proper accessible public facilities, Plaintiff
12 **JOHN HOPKINS** was denied his civil rights, including his right to full and equal
13 access to public facilities, was embarrassed and humiliated, suffered physical,
14 psychological and mental injuries and emotional distress, mental distress, mental
15 suffering, mental anguish, which includes shame, humiliation, embarrassment,
16 anger, chagrin, disappointment and worry, expectedly and naturally associated
17 with a person with a physical disability being denied access to a public
18 accommodation.
19
20
21

22 WHEREFORE, Plaintiff prays for damages as hereinafter stated.
23

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

27 49. Plaintiff repleads and incorporates by reference as if fully set forth
28 again herein, the allegations contained in paragraphs 1 through 48 of this

1 equal enjoyment of goods and services as described hereinabove to physically
2 disabled persons, including Plaintiff;

3
4 2. General damages according to proof;

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

8
9 4. Prejudgment interest on all compensatory damages;

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

12
13 6. Remedies and Procedures available under **Americans with**
14 **Disabilities Act of 1990** §§ 107, 203 and 308;

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

21
22 8. Grant such other and further relief as the court may deem just and
23 proper.

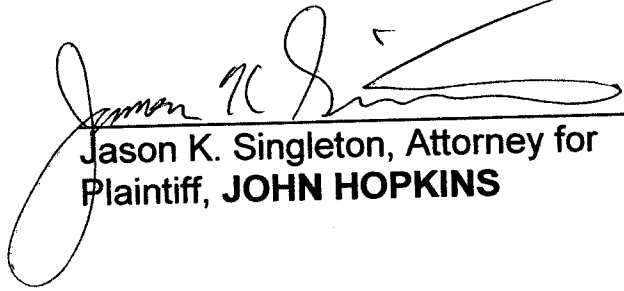
24
25
26 Dated: January 24, 2003


Jason K. Singleton, Attorney for
Plaintiff, JOHN HOPKINS

REQUEST FOR JURY TRIAL

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

Dated: January 24, 2003



Jason K. Singleton, Attorney for
Plaintiff, **JOHN HOPKINS**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28