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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

BY:

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'04 CV 1462

DMS (NLS)

MANTIC ASHANTI'S CAUSE, SUING
ON BEHALF OF THEODORE A.
PINNOCK AND ITS MEMBERS; and
THEODORE A. PINNOCK, An
Individual,

Case No.:

CIVIL COMPLAINT:
DISCRIMINATORY PRACTICES IN
PUBLIC ACCOMMODATIONS

[42 U.S.C. 12182(a) ET. SEQ;
CIVIL CODE 51, 52, 54, 54.1]

Plaintiffs,

v.

NEGLIGENCE

[CIVIL CODE 1714(a), 2338,
3333; EVIDENCE CODE 669(a)]

NATIONAL PLAZA; ANY ITEM 99
CENT STORE; GREAT HAPPINESS
III; EL PESCADTIO MEXICAN AND
SEAFOOD a.k.a. TAQUERIA LOS
MONTES; MORALES SANTOS FLORES
d.b.a. EL PESCADITO MEXICAN
AND SEAFOOD; GREGORIO MONTES
d.b.a. TAQUERIA LOS MONTES;
MOVIE 99; RICHARDO DE LA CRUZ
SERICA d.b.a. MOVIE 99;
LITTLE ANGELS FORMAL WEAR;
LISA NAVA d.b.a. LITTLE
ANGELS FORMAL WEAR; GUSTAVO
NAVA d.b.a. LITTLE ANGELS
FORMAL WEAR; THRIFTY OIL
COMPANY; And DOES 1 THROUGH
10, Inclusive

DEMAND FOR JURY TRIAL

[F.R.Civ.P. rule 38(b);
Civ.L.R. 38.1]

Defendants.

INTRODUCTION

Plaintiffs MANTIC ASHANTI'S CAUSE SUING ON BEHALF OF THEODORE
A. PINNOCK AND ITS MEMBERS and THEODORE A. PINNOCK, An Individual,
herein complain, by filing this Civil Complaint in accordance with
rule 8 of the Federal Rules of Civil Procedure in the Judicial

[Handwritten signature]

1 District of the United States District Court of the Southern
2 District of California, that Defendants have in the past, and
3 presently are, engaging in discriminatory practices against
4 individuals with disabilities, specifically including minorities
5 with disabilities. Plaintiffs allege this civil action and others
6 substantial similar thereto are necessary to compel access
7 compliance because empirical research on the effectiveness of
8 Title III of the Americans with Disabilities Act indicates this
9 Title has failed to achieve full and equal access simply by the
10 executive branch of the Federal Government funding and promoting
11 voluntary compliance efforts. Further, empirical research shows
12 when individuals with disabilities give actual notice of potential
13 access problems to places of public accommodation without a
14 federal civil rights action, the public accommodations do not
15 remove the access barriers. Therefore, Plaintiffs make the
16 following allegations in this federal civil rights action:

17
18 **JURISDICTION AND VENUE**

19 1. The federal jurisdiction of this action is based on the
20 Americans with Disabilities Act, 42 United States Code 12101-
21 12102, 12181-12183 and 12201, et seq. Venue in the Judicial
22 District of the United States District Court of the Southern
23 District of California is in accordance with 28 U.S.C. § 1391(b)
24 because a substantial part of Plaintiffs' claims arose within the
25 Judicial District of the United States District Court of the
26 Southern District of California.

27 **SUPPLEMENTAL JURISDICTION**

28 2. The Judicial District of the United States District Court of

1 the Southern District of California has supplemental jurisdiction
2 over the state claims as alleged in this Complaint pursuant to 28
3 U.S.C. § 1367(a). The reason supplemental jurisdiction is proper
4 in this action is because all the causes of action or claims
5 derived from federal law and those arising under state law, as
6 herein alleged, arose from common nucleus of operative facts. The
7 common nucleus of operative facts, include, but are not limited
8 to, the incidents where Plaintiff's Member Theodore A. Pinnock was
9 denied full and equal access to Defendants' facilities, goods,
10 and/or services in violation of both federal and state laws when
11 they attempted to enter, use, and/or exit Defendants' facilities
12 as described below within this Complaint. Further, due to this
13 denial of full and equal access, Theodore A. Pinnock and other
14 persons with disabilities were injured. Based upon the said
15 allegations, the state actions, as stated herein, are so related
16 to the federal actions that they form part of the same case or
17 controversy and the actions would ordinarily be expected to be
18 tried in one judicial proceeding.

19
20 **NAMED DEFENDANTS AND NAMED PLAINTIFFS**

21 3. Defendants are, and, at all times mentioned herein, were, a
22 business or corporation or franchise organized and existing and/or
23 doing business under the laws of the State of California.

24 Defendant NATIONAL PLAZA is a shopping center located at 2401
25 Highland Avenue, National City, California 91950. Plaintiffs are
26 informed and believe and thereon allege that Defendant THRIFTY OIL
27 COMPANY is the owner, operator, and/or lessor of the property
28 located at 2401 Highland Avenue, National City, California 91950,

1 Assessor Parcel Number 563-010-29. Defendant THRIFTY OIL COMPANY
2 is located at 13116 Imperial Highway, Santa Fe Springs, California
3 90670. Defendant ANY ITEM 99 CENT STORE is located at 2401
4 Highland Avenue, Suite 101, National City, California, 91950,
5 within the shopping center known as NATIONAL PLAZA. Defendant
6 GREAT HAPPINESS III is located at 2401 Highland Avenue, Suite 102,
7 National City, California, 91950, within the shopping center known
8 as NATIONAL PLAZA. Defendant EL PESCADTIO MEXICAN AND SEAFOOD
9 a.k.a. TAQUERIA LOS MONTES is located at 2401 Highland Avenue,
10 Suite 104, National City, California, 91950, within the shopping
11 center known as NATIONAL PLAZA. Plaintiffs are informed and
12 believe and thereon allege that Defendant MORALES SANTOS FLORES is
13 the owner, operator, and/or doing business as EL PESCADTIO MEXICAN
14 AND SEAFOOD. Plaintiffs are informed and believe and thereon
15 allege that Defendant GREGORIO MONTES is the owner, operator,
16 and/or doing business as TAQUERIA LOS MONTES. Defendant MOVIE 99
17 is located at 2401 Highland Avenue, Suite 106, National City,
18 California, 91950, within the shopping center known as NATIONAL
19 PLAZA. Plaintiffs are informed and believe and thereon allege
20 that Defendant RICHARDO DE LA CRUZ SERICA is the owner, operator,
21 and/or doing business as MOVIE 99. Defendant LITTLE ANGELS FORMAL
22 WEAR is located at 2401 Highland Avenue, Suite 107, National City,
23 California, 91950, within the shopping center known as NATIONAL
24 PLAZA. Plaintiffs are informed and believe and thereon allege
25 that Defendants LISA NAVA and GUSTAVO NAVA are the owners,
26 operators, and/or doing business as LITTLE ANGELS FORMAL WEAR.
27 Defendants LISA NAVA and GUSTAVO NAVA are located at 4773 Regatta
28

1 Lane, San Diego, California, 92154. The words "Plaintiffs" and
2 "Plaintiff's Member" as used herein specifically include the
3 organization MANTIC ASHANTI'S CAUSE, its Members, its member
4 Theodore A. Pinnock and persons associated with its Members who
5 accompanied Members to Defendants' facilities, as well as THEODORE
6 A. PINNOCK, An Individual.

7 4. Defendants Does 1 through 10, were at all times relevant
8 herein subsidiaries, employers, employees, agents, of NATIONAL
9 PLAZA; ANY ITEM 99 CENT STORE; GREAT HAPPINESS III; EL PESCADTIO
10 MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES; MORALES SANTOS
11 FLORES d.b.a. EL PESCADITO MEXICAN AND SEAFOOD; GREGORIO MONTES
12 d.b.a. TAQUERIA LOS MONTES; MOVIE 99; RICHARDO DE LA CRUZ SERICA
13 d.b.a. MOVIE 99; LITTLE ANGELS FORMAL WEAR; LISA NAVA d.b.a.
14 LITTLE ANGELS FORMAL WEAR; GUSTAVO NAVA d.b.a. LITTLE ANGELS
15 FORMAL WEAR; and THRIFTY OIL COMPANY. Plaintiffs are ignorant of
16 the true names and capacities of Defendants sued herein as Does 1
17 through 10, inclusive, and therefore sues these Defendants by such
18 fictitious names. Plaintiffs will pray leave of the court to
19 amend this complaint to allege the true names and capacities of
20 the Does when ascertained.

21 5. Plaintiffs are informed and believe, and thereon allege, that
22 Defendants and each of them herein were, at all times relevant to
23 the action, the owner, lessor, lessee, franchiser, franchisee,
24 general partner, limited partner, agent, employee, representing
25 partner, or joint venturer of the remaining Defendants and were
26 acting within the course and scope of that relationship.

27 Plaintiffs are further informed and believe, and thereon allege,
28

1 that each of the Defendants herein gave consent to, ratified,
2 and/or authorized the acts alleged herein to each of the remaining
3 Defendants.

4 CONCISE SET OF FACTS

5 6. Plaintiff MANTIC ASHANTI'S CAUSE is an organization that
6 advocates on the behalf of its members with disabilities when
7 their civil rights and liberties have been violated. Plaintiff's
8 member THEODORE A. PINNOCK is a member of Plaintiff Organization
9 and has an impairment in that he has Cerebral Palsy and due to
10 this impairment he has learned to successfully operate a
11 wheelchair.

12 7. On June 1, 2004, Plaintiff's member THEODORE A. PINNOCK went
13 to Defendants' NATIONAL PLAZA facilities to utilize their goods
14 and/or services. When Plaintiff's member patronized Defendants'
15 NATIONAL PLAZA facilities, he was unable to use and/or had
16 difficulty using the common area facilities such as the disabled
17 parking, access ramps, and exterior path of travel at the
18 Defendants' NATIONAL PLAZA establishment because they failed to
19 comply with ADA Access Guidelines For Buildings and Facilities
20 (hereafter referred to as "ADAAG") and/or California's Title 24
21 Building Code Requirements. Defendants failed to remove access
22 barriers within the disabled parking, access ramps, and exterior
23 path of travel facilities of Defendants' NATIONAL PLAZA
24 establishment.

25 8. Plaintiff's Member personally experienced difficulty with
26 said access barriers in the common areas of the shopping center
27 known as NATIONAL PLAZA. For example, the parking is inaccessible,
28

1 as the two (2) entrances to the parking facilities fail to have
2 the required disability signage informing patrons they may be
3 fined or their vehicle may be towed if they unlawfully park in a
4 disabled parking space. The parking facility is comprised of
5 thirty-nine (39) parking spaces, two (2) of which are designated
6 as disabled parking spaces. Both of the existing disabled parking
7 spaces are "regular" disabled parking spaces that are only
8 fourteen feet (14') long, eight feet (8') wide, and have
9 impermissible encroachments into their access aisles. The parking
10 facilities fail to have the required "Van Accessible" disabled
11 parking space that is eighteen feet (18') long, nine feet (9')
12 wide, with an eight foot (8') wide access aisle on right hand side
13 of the parking space that does not have any encroachments, and the
14 proper signage. There should also be at least one (1) "regular"
15 disabled parking space that is eighteen feet (18') long, nine feet
16 (9') wide, with a five foot (5') wide access aisle on the right
17 hand side of the parking space that does not have any
18 encroachments, and the proper signage. The existing disabled
19 parking spaces fail to meet the requirement that they are
20 disbursed evenly throughout the shopping center.

21
22 9. The access ramps from the parking lot to the accessible
23 walkway are inaccessible, as they have an impermissible side slope
24 of up to eighteen percent (18%), when they are required to be no
25 more than ten percent (10%). The width of the ramp from the
26 parking lot to the walkway is only forty-two inches (42"), when it
27 is required to be at least forty-eight inches (48").

28 10. The exterior path of travel is inaccessible, as the width of

1 the walkway between stores is as narrow as twenty-eight inches
2 (28"), when it is required to be at least forty-eight inches
3 (48"), due to the doors of each store opening into the walkway.

4 11. On June 1, 2004, Plaintiff's member THEODORE A. PINNOCK went
5 to Defendants' ANY ITEM 99 CENT STORE; GREAT HAPPINESS III; EL
6 PESCADTIO MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES; MOVIE
7 99; and LITTLE ANGELS FORMAL WEAR facilities, which are all
8 located in the shopping center facility known as NATIONAL PLAZA
9 located at 2401 Highland Avenue, National City, California 91950,
10 to utilize their goods and/or services.

11 12. When Plaintiff's member patronized Defendants' ANY ITEM 99
12 CENT STORE facilities, he was unable to use and/or had difficulty
13 using the entrance, interior path of travel, and counter
14 facilities at the Defendants' ANY ITEM 99 CENT STORE establishment
15 because they failed to comply with ADA Access Guidelines For
16 Buildings and Facilities (hereafter referred to as "ADAAG") and/or
17 California's Title 24 Building Code Requirements. Defendants
18 failed to remove access barriers within the entrance, interior
19 path of travel, and counter facilities of Defendants' ANY ITEM 99
20 CENT STORE establishment.

21 13. Plaintiff's member personally experienced difficulty with
22 said access barriers at Defendants' ANY ITEM 99 CENT STORE
23 facilities. For example, the entrance to the Defendants
24 establishment is inaccessible, as the front entrance door fails to
25 have the required disability signage. The interior path of travel
26 is inaccessible, as it is as narrow as twenty-five inches (25")
27 and has items displayed on both sides of the aisles. It is
28

1 required that the interior path of travel is a minimum of forty-
2 four inches (44") wide when items are displayed on both side of
3 the aisle. The cashier counter is inaccessible, as it is forty-
4 seven inches (47") high, when it is required to be no more than
5 thirty-four inches (34").

6 14. When Plaintiff's member patronized Defendants' GREAT
7 HAPPINESS III facilities, he was unable to use and/or had
8 difficulty using the entrance, and public seating facilities at
9 the Defendants' GREAT HAPPINESS III establishment because they
10 failed to comply with ADA Access Guidelines For Buildings and
11 Facilities (hereafter referred to as "ADAAG") and/or California's
12 Title 24 Building Code Requirements. Defendants failed to remove
13 access barriers within the entrance, and public seating facilities
14 of Defendants' GREAT HAPPINESS III establishment.

15 15. Plaintiff's member personally experienced difficulty with
16 said access barriers at Defendants' GREAT HAPPINESS III
17 facilities. For example, the entrance to the Defendants
18 establishment is inaccessible, as the front entrance door fails to
19 have the required disability signage. The public seating inside
20 the Defendants' restaurant is inaccessible. There are a total of
21 sixteen (16) seats located inside the restaurant, all of which
22 have a knee clearance depth of a mere six inches (6"). It is
23 required that five percent (5%) of all seats have a knee clearance
24 depth of at least nineteen inches (19").

25 16. When Plaintiff's member patronized Defendants' EL PESCADTIO
26 MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES facilities, he was
27 unable to use and/or had difficulty using the entrance, interior
28

1 path of travel, public seating, counter, and unisex restroom
2 facilities at the Defendants' EL PESCADTIO MEXICAN AND SEAFOOD
3 a.k.a. TAQUERIA LOS MONTES establishment because they failed to
4 comply with ADA Access Guidelines For Buildings and Facilities
5 (hereafter referred to as "ADAAG") and/or California's Title 24
6 Building Code Requirements. Defendants failed to remove access
7 barriers within the entrance, interior path of travel, public
8 seating, counter, and unisex restroom facilities of Defendants' EL
9 PESCADTIO MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES
10 establishment.

11 17. Plaintiff's member personally experienced difficulty with
12 said access barriers at Defendants' EL PESCADTIO MEXICAN AND
13 SEAFOOD a.k.a. TAQUERIA LOS MONTES facilities. For example, the
14 entrance to the Defendants establishment is inaccessible, as the
15 front entrance door fails to have the required disability signage.
16 The public seating inside the Defendants' restaurant is
17 inaccessible. There are a total of thirty-two (32) seats located
18 inside the restaurant, all of which have a knee clearance depth of
19 a mere eight inches (8") and a knee clearance width of only
20 thirteen inches (13"). It is required that five percent (5%) of
21 all seats have a knee clearance depth of at least nineteen inches
22 (19") and a knee clearance width of at least thirty inches (30").
23 The counter is inaccessible, as it is forty-six inches (46") high,
24 when it is required to be no more than thirty-four inches (34")
25 high. The path of travel from the entrance door to the unisex
26 restroom is inaccessible, as it is only thirty inches (30") wide,
27 when it is required to be at least thirty-six inches (36") wide.
28

1 The unisex restroom located inside the Defendants' EL PESCADTIO
2 MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES restaurant is
3 inaccessible. The unisex restroom door fails to have the required
4 disability signage. The restroom doorknob and locking mechanism
5 are inaccessible, as they require tight grasping and/or twisting
6 of the wrist to operate. The side grab bar of the commode extends
7 only eighteen inches (18") beyond the front edge of the commode,
8 when it is required to extend a minimum of twenty-four inches
9 (24"). The distance from the front edge of the commode to the
10 front wall is only thirty-seven inches (37"), when it is required
11 to be at least forty-eight inches (48"). The commode seat cover
12 dispenser is inaccessible, as it is mounted at an impermissible
13 sixty-three inches (63") high, when it is required to be mounted
14 no higher than forty inches (40"). The distance from the
15 centerline of the lavatory to the adjacent wall is only ten inches
16 (10"), when it is required to be at least eighteen inches (18").
17 The height of the bottom of the mirror is fifty-five inches (55"),
18 when it is required to be no higher than forty inches (40"). The
19 round lavatory faucet handles are inaccessible, as they require
20 tight grasping and/or twisting of the wrist to operate. The soap
21 dispenser is mounted forty-five inches (45") high, when it is
22 required to be mounted no higher than forty inches (40"). The
23 paper towel dispenser is mounted at forty-two inches (42"), when
24 it is required to be mounted no higher than forty inches (40").
25 The unisex restroom fails to have the required audible and visual
26 alarm system.

27
28 18. When Plaintiff's member patronized Defendants' MOVIE 99

1 facilities, he was unable to use and/or had difficulty using the
2 entrance, interior path of travel, and counter facilities at the
3 Defendants' MOVIE 99 establishment because they failed to comply
4 with ADA Access Guidelines For Buildings and Facilities (hereafter
5 referred to as "ADAAG") and/or California's Title 24 Building Code
6 Requirements. Defendants failed to remove access barriers within
7 the entrance, interior path of travel, and counter facilities of
8 Defendants' MOVIE 99 establishment.

9 19. Plaintiff's member personally experienced difficulty with
10 said access barriers at Defendants' MOVIE 99 facilities. For
11 example, the entrance to the Defendants establishment is
12 inaccessible, as the front entrance door fails to have the
13 required disability signage. The interior path of travel is
14 inaccessible, as it is as narrow as twenty-eight inches (28"),
15 when it is required to be at least thirty-six inches (36") wide if
16 items are displayed on one side of the aisle and forty-four inches
17 (44") wide if items are displayed on both sides of the aisle. The
18 counter is inaccessible, as it is forty-four inches (44") high,
19 when it is required to be no higher than thirty-four inches (34").

20 20. When Plaintiff's member patronized Defendants' LITTLE ANGELS
21 FORMAL WEAR facilities, he was unable to use and/or had difficulty
22 using the entrance, interior path of travel, and counter
23 facilities at the Defendants' LITTLE ANGELS FORMAL WEAR
24 establishment because they failed to comply with ADA Access
25 Guidelines For Buildings and Facilities (hereafter referred to as
26 "ADAAG") and/or California's Title 24 Building Code Requirements.
27 Defendants failed to remove access barriers within the entrance,
28

1 interior path of travel, and counter facilities of Defendants'
2 LITTLE ANGELS FORMAL WEAR establishment.

3 21. Plaintiff's member personally experienced difficulty with
4 said access barriers at Defendants' LITTLE ANGELS FORMAL WEAR
5 facilities. For example, the entrance to the Defendants
6 establishment is inaccessible, as the front entrance door fails to
7 have the required smooth and uninterrupted surface on the bottom
8 ten inches (10") of the door that allows the door to be opened
9 with a wheelchair footrest without creating a hazard. The
10 entrance door also fails to have the required disability signage.
11 The interior path of travel is inaccessible, as it is as narrow as
12 thirty inches (30"), when it is required to be at least thirty-six
13 inches (36") wide if items are displayed on one side of the aisle
14 and forty-four inches (44") wide if items are displayed on both
15 sides of the aisle. The counter is inaccessible, as it is thirty-
16 six inches (36") high, when it is required to be no higher than
17 thirty-four inches (34").

18 22. Pursuant to federal and state law, Defendants are required to
19 remove barriers to their existing facilities. Further, Defendants
20 had actual knowledge of their barrier removal duties under the
21 Americans with Disabilities Act and the Civil Code before January
22 26, 1992. Also, Defendants should have known that individuals
23 with disabilities are not required to give notice to a
24 governmental agency before filing suit alleging Defendants failed
25 to remove architectural barriers.

26
27 23. Plaintiffs believe and herein allege Defendants' facilities
28 have access violations not directly experienced by Plaintiff's

1 Member which preclude or limit access by others with disabilities,
2 including, but not limited to, Space Allowance and Reach Ranges,
3 Accessible Route, Protruding Objects, Ground and Floor Surfaces,
4 Parking and Passenger Loading Zones, Curb Ramps, Ramps, Stairs,
5 Elevators, Platform Lifts (Wheelchair Lifts), Windows, Doors,
6 Entrances, Drinking Fountains and Water Coolers, Water Closets,
7 Toilet Stalls, Urinals, Lavatories and Mirrors, Sinks, Storage,
8 Handrails, Grab Bars, and Controls and Operating Mechanisms,
9 Alarms, Detectable Warnings, Signage, and Telephones. Accordingly,
10 Plaintiffs allege Defendants are required to remove all
11 architectural barriers, known or unknown. Also, Plaintiffs allege
12 Defendants are required to utilize the ADA checklist for Readily
13 Achievable Barrier Removal approved by the United States
14 Department of Justice and created by Adaptive Environments.

15 24. Based on these facts, Plaintiffs allege Plaintiff's Member
16 and Plaintiff Theodore A. Pinnock was discriminated against each
17 time he patronized Defendants' establishments. Plaintiff's Member
18 and Plaintiff Theodore A. Pinnock was extremely upset due to
19 Defendants' conduct. Further, Plaintiff's Member and Plaintiff
20 THEODORE A. PINNOCK experienced pain in his legs, back, arms,
21 shoulders and wrists when he attempted to enter, use, and exit
22 Defendants' NATIONAL PLAZA; ANY ITEM 99 CENT STORE; GREAT
23 HAPPINESS III; EL PESCADTIO MEXICAN AND SEAFOOD a.k.a. TAQUERIA
24 LOS MONTES; MOVIE 99; and LITTLE ANGELS FORMAL WEAR
25 establishments.
26

27 WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST EACH NAMED DEFENDANT

28 25. NATIONAL PLAZA; ANY ITEM 99 CENT STORE; GREAT HAPPINESS III;

1 EL PESCADTIO MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES;
2 MORALES SANTOS FLORES d.b.a. EL PESCADITO MEXICAN AND SEAFOOD;
3 GREGORIO MONTES d.b.a. TAQUERIA LOS MONTES; MOVIE 99; RICHARDO DE
4 LA CRUZ SERICA d.b.a. MOVIE 99; LITTLE ANGELS FORMAL WEAR; LISA
5 NAVA d.b.a. LITTLE ANGELS FORMAL WEAR; GUSTAVO NAVA d.b.a. LITTLE
6 ANGELS FORMAL WEAR; THRIFTY OIL COMPANY; and Does 1 through 10
7 will be referred to collectively hereinafter as "Defendants."

8 26. Plaintiffs aver that the Defendants are liable for the
9 following claims as alleged below:

10 DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS

11 FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- Claims Under The
12 Americans With Disabilities Act Of 1990

13 CLAIM I AGAINST ALL DEFENDANTS: Denial Of Full And Equal
14 Access

15 27. Based on the facts plead at ¶¶ 6-24 above and elsewhere in
16 this complaint, Plaintiff's Member was denied full and equal
17 access to Defendants' goods, services, facilities, privileges,
18 advantages, or accommodations. Plaintiffs allege Defendants are a
19 public accommodation owned, leased and/or operated by Defendants.
20 Defendants' existing facilities and/or services failed to provide
21 full and equal access to Defendants' facility as required by 42
22 U.S.C. § 12182(a). Thus, Plaintiff's Member was subjected to
23 discrimination in violation of 42 United States Code
24 12182(b) (2) (A) (iv) and 42 U.S.C. § 12188 because Plaintiff's
25 Member was denied equal access to Defendants' existing facilities.

26 28. Plaintiff's member Theodore A. Pinnock has physical
27 impairments as alleged in ¶ 6 above because his conditions affect
28

1 one or more of the following body systems: neurological,
2 musculoskeletal, special sense organs, and/or cardiovascular.
3 Further, Plaintiff's member Theodore A. Pinnock's said physical
4 impairments substantially limits one or more of the following
5 major life activities: walking. In addition, Plaintiff's member
6 Theodore A. Pinnock cannot perform one or more of the said major
7 life activities in the manner, speed, and duration when compared
8 to the average person. Moreover, Plaintiff's member Theodore A.
9 Pinnock has a history of or has been classified as having a
10 physical impairment as required by 42 U.S.C. § 12102(2)(A).
11

12 CLAIM II AGAINST ALL DEFENDANTS: Failure To Make Alterations In
13 Such A Manner That The Altered Portions Of The Facility Are
14 Readily Accessible And Usable By Individuals With Disabilities

15 29. Based on the facts plead at ¶¶ 6-24 above and elsewhere in
16 this complaint, Plaintiff's Member Theodore A. Pinnock was denied
17 full and equal access to Defendants' goods, services, facilities,
18 privileges, advantages, or accommodations within a public
19 accommodation owned, leased, and/or operated by Defendants.
20 Defendants altered their facility in a manner that affects or
21 could affect the usability of the facility or a part of the
22 facility after January 26, 1992. In performing the alteration,
23 Defendants failed to make the alteration in such a manner that, to
24 the maximum extent feasible, the altered portions of the facility
25 are readily accessible to and usable by individuals with
26 disabilities, including individuals who use wheelchairs, in
27 violation of 42 U.S.C. §12183(a)(2).

28 30. Additionally, the Defendants undertook an alteration that
affects or could affect the usability of or access to an area of

1 the facility containing a primary function after January 26, 1992.
2 Defendants further failed to make the alterations in such a manner
3 that, to the maximum extent feasible, the path of travel to the
4 altered area and the bathrooms, telephones, and drinking fountains
5 serving the altered area, are readily accessible to and usable by
6 individuals with disabilities in violation 42 U.S.C. §12183(a)(2).

7 31. Pursuant to 42 U.S.C. §12183(a), this failure to make the
8 alterations in a manner that, to the maximum extent feasible, are
9 readily accessible to and usable by individuals with disabilities
10 constitutes discrimination for purposes of 42 U.S.C. §12183(a).
11 Therefore, Defendants discriminated against Plaintiff's Member
12 Theodore A. Pinnock in violation of 42 U.S.C. § 12182(a).

13 32. Thus, Plaintiff's Member Theodore A. Pinnock was subjected to
14 discrimination in violation of 42 U.S.C. § 12183(a), 42 U.S.C.
15 §12182(a) and 42 U.S.C. §12188 because said Member Theodore A.
16 Pinnock was denied equal access to Defendants' existing
17 facilities.
18

19 CLAIM III AGAINST ALL DEFENDANTS: Failure To Remove
20 Architectural Barriers

21 33. Based on the facts plead at ¶¶ 6-24 above and elsewhere in
22 this complaint, Plaintiff's Member was denied full and equal
23 access to Defendants' goods, services, facilities, privileges,
24 advantages, or accommodations within a public accommodation owned,
25 leased, and/or operated by Defendants. Defendants failed to
26 remove barriers as required by 42 U.S.C. § 12182(a). Plaintiffs
27 are informed, believe, and thus allege that architectural barriers
28 which are structural in nature exist within the following physical

1 elements of Defendants' facilities: Space Allowance and Reach
2 Ranges, Accessible Route, Protruding Objects, Ground and Floor
3 Surfaces, Parking and Passenger Loading Zones, Curb Ramps, Ramps,
4 Stairs, Elevators, Platform Lifts (Wheelchair Lifts), Windows,
5 Doors, Entrances, Drinking Fountains and Water Coolers, Water
6 Closets, Toilet Stalls, Urinals, Lavatories and Mirrors, Sinks,
7 Storage, Handrails, Grab Bars, and Controls and Operating
8 Mechanisms, Alarms, Detectable Warnings, Signage, and Telephones.
9 Title III requires places of public accommodation to remove
10 architectural barriers that are structural in nature to existing
11 facilities. [See, 42 United States Code 12182(b)(2)(A)(iv).]
12 Failure to remove such barriers and disparate treatment against a
13 person who has a known association with a person with a disability
14 are forms of discrimination. [See 42 United States Code
15 12182(b)(2)(A)(iv).] Thus, Plaintiff's Member was subjected to
16 discrimination in violation of 42 United States Code
17 12182(b)(2)(A)(iv) and 42 U.S.C. § 12188 because said Member was
18 denied equal access to Defendants' existing facilities.
19

20 **CLAIM IV AGAINST ALL DEFENDANTS: Failure To Modify Practices,**
21 **Policies And Procedures**

22 34. Based on the facts plead at ¶¶ 6-24 above and elsewhere in
23 this complaint, Defendants failed and refused to provide a
24 reasonable alternative by modifying its practices, policies and
25 procedures in that they failed to have a scheme, plan, or design
26 to assist Plaintiff's Member and/or others similarly situated in
27 entering and utilizing Defendants' services, as required by 42
28 U.S.C. § 12188(a). Thus, said Member was subjected to

1 discrimination in violation of 42 United States Code
2 12182(b)(2)(A)(iv) and 42 U.S.C. § 12188 because said Member was
3 denied equal access to Defendants' existing facilities.

4 35. Based on the facts plead at ¶¶ 6-24 above, Claims I, II, and
5 III of Plaintiffs' First Cause Of Action above, and the facts
6 elsewhere herein this complaint, Plaintiffs will suffer
7 irreparable harm unless Defendants are ordered to remove
8 architectural, non-architectural, and communication barriers at
9 Defendants' public accommodation. Plaintiffs allege that
10 Defendants' discriminatory conduct is capable of repetition, and
11 this discriminatory repetition adversely impacts Plaintiffs and a
12 substantial segment of the disability community. Plaintiffs
13 allege there is a national public interest in requiring
14 accessibility in places of public accommodation. Plaintiffs have
15 no adequate remedy at law to redress the discriminatory conduct of
16 Defendants. Plaintiff's Member desires to return to Defendants'
17 places of business in the immediate future. Accordingly, the
18 Plaintiffs allege that a structural or mandatory injunction is
19 necessary to enjoin compliance with federal civil rights laws
20 enacted for the benefit of individuals with disabilities.

21
22 36. WHEREFORE, Plaintiffs pray for judgment and relief as
23 hereinafter set forth.

24 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER**
25 **CALIFORNIA ACCESSIBILITY LAWS**

26 **CLAIM I: Denial Of Full And Equal Access**

27 37. Based on the facts plead at ¶¶ 6-24 above and elsewhere in
28 this complaint, Plaintiff's Member was denied full and equal

1 access to Defendants' goods, services, facilities, privileges,
2 advantages, or accommodations within a public accommodation owned,
3 leased, and/or operated by Defendants as required by Civil Code
4 Sections 54 and 54.1. Defendants' facility violated California's
5 Title 24 Accessible Building Code by failing to provide access to
6 Defendants' facilities due to violations pertaining to the Space
7 Allowance and Reach Ranges, Accessible Route, Protruding Objects,
8 Ground and Floor Surfaces, Parking and Passenger Loading Zones,
9 Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts (Wheelchair
10 Lifts), Windows, Doors, Entrances, Drinking Fountains and Water
11 Coolers, Water Closets, Toilet Stalls, Urinals, Lavatories and
12 Mirrors, Sinks, Storage, Handrails, Grab Bars, and Controls and
13 Operating Mechanisms, Alarms, Detectable Warnings, Signage, and
14 Telephones.

15 38. These violations denied Plaintiff's Member full and equal
16 access to Defendants' facility. Thus, said Member was subjected
17 to discrimination pursuant to Civil Code §§ 51, 52, and 54.1
18 because Plaintiff's Member was denied full, equal and safe access
19 to Defendants' facility, causing severe emotional distress.

20 **CLAIM II: Failure To Modify Practices, Policies And Procedures**

21 39. Based on the facts plead at ¶¶ 6-24 above and elsewhere
22 herein this complaint, Defendants failed and refused to provide a
23 reasonable alternative by modifying its practices, policies, and
24 procedures in that they failed to have a scheme, plan, or design
25 to assist Plaintiff's Member and/or others similarly situated in
26 entering and utilizing Defendants' services as required by Civil
27 Code § 54.1. Thus, said Member was subjected to discrimination in
28

1 violation of Civil Code § 54.1.

2 CLAIM III: Violation Of The Unruh Act

3 40. Based on the facts plead at ¶¶ 6-24 above and elsewhere
4 herein this complaint and because Defendants violated the Civil
5 Code § 51 by failing to comply with 42 United States Code §
6 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and
7 continue to discriminate against Plaintiff's Member and persons
8 similarly situated in violation of Civil Code §§ 51, 52, and 54.1.

9 41. Based on the facts plead at ¶¶ 6-24 above, Claims I, II, and
10 III of Plaintiffs' Second Cause Of Action above, and the facts
11 elsewhere herein this complaint, Plaintiffs will suffer
12 irreparable harm unless Defendants are ordered to remove
13 architectural, non-architectural, and communication barriers at
14 Defendants' public accommodation. Plaintiffs allege that
15 Defendants' discriminatory conduct is capable of repetition, and
16 this discriminatory repetition adversely impacts Plaintiffs and a
17 substantial segment of the disability community. Plaintiffs
18 allege there is a state and national public interest in requiring
19 accessibility in places of public accommodation. Plaintiffs have
20 no adequate remedy at law to redress the discriminatory conduct of
21 Defendants. Plaintiff's Member desires to return to Defendants'
22 places of business in the immediate future. Accordingly, the
23 Plaintiffs allege that a structural or mandatory injunction is
24 necessary to enjoin compliance with state civil rights laws
25 enacted for the benefit of individuals with disabilities.

26
27 42. Wherefore, Plaintiffs pray for damages and relief as
28 hereinafter stated.

1 Treble Damages Pursuant To Claims I, II, III Under The California
2 Accessibility Laws

3 43. Defendants, each of them respectively, at times prior to and
4 including, the month of June, 2004, and continuing to the present
5 time, knew that persons with physical disabilities were denied
6 their rights of equal access to all portions of this public
7 facility. Despite such knowledge, Defendants, and each of them,
8 failed and refused to take steps to comply with the applicable
9 access statutes; and despite knowledge of the resulting problems
10 and denial of civil rights thereby suffered by Plaintiff's Member
11 THEODORE A. PINNOCK and other similarly situated persons with
12 disabilities. Defendants, and each of them, have failed and
13 refused to take action to grant full and equal access to persons
14 with physical disabilities in the respects complained of
15 hereinabove. Defendants, and each of them, have carried out a
16 course of conduct of refusing to respond to, or correct complaints
17 about, denial of disabled access and have refused to comply with
18 their legal obligations to make Defendants' NATIONAL PLAZA; ANY
19 ITEM 99 CENT STORE; GREAT HAPPINESS III; EL PESCADTIO MEXICAN AND
20 SEAFOOD a.k.a. TAQUERIA LOS MONTES; MOVIE 99; and LITTLE ANGELS
21 FORMAL WEAR facilities accessible pursuant to the Americans With
22 Disability Act Access Guidelines (ADAAG) and Title 24 of the
23 California Code of Regulations (also known as the California
24 Building Code). Such actions and continuing course of conduct by
25 Defendants, and each of them, evidence despicable conduct in
26 conscious disregard of the rights and/or safety of Plaintiff's
27 Member and of other similarly situated persons, justifying an
28 award of treble damages pursuant to sections 52(a) and 54.3(a) of

1 the California Civil Code.

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

13 45. Plaintiffs pray for an award of treble damages against
14 Defendants, and each of them, pursuant to California Civil Code
15 sections 52(a) and 54.3(a), in an amount sufficient to make a more
16 profound example of Defendants and encourage owners, lessors, and
17 operators of other public facilities from willful disregard of the
18 rights of persons with disabilities. Plaintiffs do not know the
19 financial worth of Defendants, or the amount of damages sufficient
20 to accomplish the public purposes of section 52(a) of the
21 California Civil Code and section 54.3 of the California Civil
22 Code.

23
24 46. Wherefore, Plaintiffs pray for damages and relief as
25 hereinafter stated.

26 PLAINTIFF THEODORE A. PINNOCK'S THIRD CAUSE OF ACTION AGAINST ALL
27 DEFENDANTS- Negligence as to Plaintiff THEODORE A. PINNOCK only

28 47. Based on the facts plead at ¶¶ 6-24 above and elsewhere in

1 this complaint, Defendants owed Plaintiff Theodore A. Pinnock a
2 statutory duty to make their facility accessible and owed
3 Plaintiff Theodore A. Pinnock a duty to keep Plaintiff Theodore A.
4 Pinnock reasonably safe from known dangers and risks of harm.
5 This said duty arises by virtue of legal duties proscribed by
6 various federal and state statutes including, but not limited to,
7 ADA, ADAAG, Civil Code 51, 52, 54, 54.1 and Title 24 of the
8 California Administrative Code and applicable 1982 Uniform
9 Building Code standards as amended.

10 48. Title III of the ADA mandates removal of architectural
11 barriers and prohibits disability discrimination. As well,
12 Defendants' facility, and other goods, services, and/or facilities
13 provided to the public by Defendants are not accessible to and
14 usable by persons with disabilities as required by Health and
15 Safety Code § 19955 which requires private entities to make their
16 facility accessible before and after remodeling, and to remove
17 architectural barriers.

18 49. Therefore, Defendants engaged in discriminatory conduct in
19 that they failed to comply with known duties under the ADA, ADAAG,
20 Civil Code 51, 52, 54, 54.1, 54.3, ADAAG, and Title 24, and knew
21 or should have known that their acts of nonfeasance would cause
22 Plaintiff THEODORE A. PINNOCK emotional, bodily and personal
23 injury. Plaintiff THEODORE A. PINNOCK alleges that there was
24 bodily injury in this matter because when Plaintiff THEODORE A.
25 PINNOCK attempted to enter, use, and exit Defendants'
26 establishment, Plaintiff THEODORE A. PINNOCK experienced pain in
27 his legs, back, arms, shoulders, and wrists. Plaintiffs further
28

1 allege that such conduct was done in reckless disregard of the
2 probability of said conduct causing Plaintiff THEODORE A. PINNOCK
3 to suffer bodily or personal injury, anger, embarrassment,
4 depression, anxiety, mortification, humiliation, distress, and
5 fear of physical injury. Plaintiff THEODORE A. PINNOCK, An
6 Individual, alleges that such conduct caused THEODORE A. PINNOCK,
7 An Individual, to suffer the injuries of mental and emotional
8 distress, including, but not limited to, anger, embarrassment,
9 depression, anxiety, mortification, humiliation, distress, and
10 fear of physical injury. Plaintiff THEODORE A. PINNOCK, An
11 Individual, additionally alleges that such conduct caused THEODORE
12 A. PINNOCK, An Individual, to suffer damages as a result of these
13 injuries.

14 50. Wherefore, Plaintiffs pray for damages and relief as
15 hereinafter stated.

16 DEMAND FOR JUDGMENT FOR RELIEF:

17 A. For general damages pursuant to Cal. Civil Code §§ 52, 54.3,
18 3281, and 3333;

19 B. For \$4,000 in damages pursuant to Cal. Civil Code § 52 for
20 each and every offense of Civil Code § 51, Title 24 of the
21 California Building Code, ADA, and ADA Accessibility Guidelines;

22 C. In the alternative to the damages pursuant to Cal. Civil
23 Code § 52 in Paragraph B above, for \$1,000 in damages pursuant to
24 Cal. Civil Code § 54.3 for each and every offense of Civil Code §
25 54.1, Title 24 of the California Building Code, ADA, and ADA
26 Accessibility Guidelines;

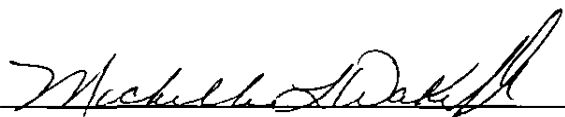
27 D. For injunctive relief pursuant to 42 U.S.C. § 12188(a) and
28 Cal. Civil Code § 55. Plaintiffs request this Court enjoin

- 1 Defendants to remove all architectural barriers in, at, or on
- 2 their facilities related to the following: Space Allowance and
- 3 Reach Ranges, Accessible Route, Protruding Objects, Ground and
- 4 Floor Surfaces, Parking and Passenger Loading Zones, Curb Ramps,
- 5 Ramps, Stairs, Elevators, Platform Lifts (Wheelchair Lifts),
- 6 Windows, Doors, Entrances, Drinking Fountains and Water Coolers,
- 7 Water Closets, Toilet Stalls, Urinals, Lavatories and Mirrors,
- 8 Sinks, Storage, Handrails, Grab Bars, and Controls and Operating
- 9 Mechanisms, Alarms, Detectable Warnings, Signage, and Telephones.
- 10 E. For attorneys' fees pursuant to 42 U.S.C. § 1988, 42 U.S.C.
- 11 § 12205, and Cal. Civil Code § 55;
- 12 F. For treble damages pursuant to Cal. Civil Code §§ 52(a),
- 13 and 54.3(a);
- 14 G. A Jury Trial and;
- 15 H. For such other further relief as the court deems proper.

16 Respectfully submitted:

17 PINNOCK & WAKEFIELD, A.P.C.

18
19 Dated: July 21, 2004

20 By: 
 21 MICHELLE L. WAKEFIELD, ESQ.
 22 DAVID C. WAKEFIELD, ESQ.
 23 Attorneys for Plaintiffs

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

MANTIC ASHANTI'S CAUSE, SUING ON BEHALF OF THEODORE A. PINNOCK AND ITS MEMBERS; And THEODORE A. PINNOCK, An Individual

DEFENDANTS

Please see attachment to

07-21 PM 4:07
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Michelle L. Wakefield, Esq. SBN: 200424
David C. Wakefield, Esq. SBN: 185736
Pinnock & Wakefield, A.P.C.; 3033 Fifth Avenue, Suite 4104
San Diego, CA 92103
Telephone: (619) 858-3671; Facsimile: (619) 858-3646

ATTORNEYS (IF KNOWN)

04 CV 1462

DMS (NLS)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | |
|---|---|---|
| | PT DEF | PT DEF |
| Citizen of This State | <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. Sections 12101-12102, 12181-12183, and 12201, Et. Seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure Of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 660 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DRCW/DRCWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Easement <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removal from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER fr.c.p. 23

DEMAND \$

To Be Determined At Trial

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE July 21, 2004

SIGNATURE OF ATTORNEY OF RECORD

Michelle Wakefield

105630 150⁰⁰ 7/21/04

Attachment to Civil Cover Sheet

Defendants: NATIONAL PLAZA; ANY ITEM 99 CENT STORE; GREAT HAPPINESS III; EL PESCADTIO MEXICAN AND SEAFOOD a.k.a. TAQUERIA LOS MONTES; MORALES SANTOS FLORES d.b.a. EL PESCADITO MEXICAN AND SEAFOOD; GREGORIO MONTES d.b.a. TAQUERIA LOS MONTES; MOVIE 99; RICHARDO DE LA CRUZ SERICA d.b.a. MOVIE 99; LITTLE ANGELS FORMAL WEAR; LISA NAVA d.b.a. LITTLE ANGELS FORMAL WEAR; GUSTAVO NAVA d.b.a. LITTLE ANGELS FORMAL WEAR; THRIFTY OIL COMPANY; And DOES 1 THROUGH 10, Inclusive