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SAN DIEGO COUNTY SUPERIOR COURT

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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

NONI GOTTI,

Plaintiff,

v.

**THIRD AVENUE HOLDING CO INC;
ABELL AND ASSOCIATES;
INTERNATIONAL TRAVELS
SERVICES & TOUR; NEILL
MARANGI ; AND DOES 1 THROUGH
10, Inclusive,**

Defendants.

Case No.: 37-2008-00072980-CU-CR-SC

COMPLAINT

**DISCRIMINATORY PRACTICES IN
PUBLIC ACCOMMODATIONS**
[CIVIL CODE 51, 52, 54, 54.1, 54.3]

DEMAND FOR JURY TRIAL

**UNLIMITED CIVIL CASE – AMOUNT
DEMANDED EXCEEDS \$25,000.00;
PERMANENT INJUNCTIVE RELIEF**

INTRODUCTION

1. Plaintiff herein complains, by filing this Civil Complaint in accordance with rules of Civil Procedure in the Superior Court For The State Of California that Defendants have in the past, and presently are, engaging in discriminatory practices against individuals with disabilities. This Complaint refers to ADA but Plaintiff is not pleading substantially limited necessary for federal jurisdiction. Any Defendant removing this case to federal court will be in violation of Rule 11.

1 Plaintiff is a Serial Plaintiff and a champion of disability civil rights. A Serial Plaintiff enforces
2 federal and accessibility laws. Plaintiff alleges this civil action and others substantial similar
3 thereto are necessary to compel access compliance because empirical research on the effectiveness
4 of the access statutes indicates these laws have failed to achieve full and equal access simply by the
5 executive branches of the Government funding and promoting voluntary compliance efforts.
6 Further, empirical research shows when individuals with disabilities give actual notice of potential
7 access problems to places of public accommodation without a civil rights action, the public
8 accommodations do not remove the access barriers. Therefore, Plaintiff makes the following
9 allegations in this civil rights action:

10 2. The property 255 3RD AVE, CHULA VISTA, CA 91910-2721; Assessor's Parcel Number:
11 568-161-26 and 259 3RD AVE, CHULA VISTA, CA 91910-2721; Assessor's Parcel Number: 568-
12 161-03 that is the subject of this action is located in the County.

13 3. Venue is proper in the County because a substantial part of Plaintiffs' claims arose within
14 SAN-DIEGO County and the property that is the subject of this action is situated in the County.

15
16 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

17 4. Defendants are, and, at all times mentioned herein, were, a business or corporation or
18 franchise organized and existing and/or doing business under the laws of the State of California.
19 Plaintiff is informed and believes and thereon alleges that Defendant THIRD AVENUE HOLDING
20 CO INC c/o Registered Agent: R SCOTT SIMS, located at 253 3RD AVE, CHULA
21 VISTA, CA 91910-2721. Defendant ABELL AND ASSOCIATES is located at 255 3 Ave, Chula
22 Vista, CA 91910, (619) 934-0000. Defendant INTERNATIONAL TRAVELS SERVICES &
23 TOUR is located at 257 3 Ave, Chula Vista, CA 91910; (619) 425-2701. Defendant NEILL
24 MARANGI is located at 259 3rd Avenue, Chula Vista, CA 91910.

25 5. The words Plaintiffs and Plaintiff as used herein specifically include all birth and other
26 names of named Plaintiff.

27 6. Defendants Does 1 through 10, were at all times relevant herein subsidiaries, employers,
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1 employees, agents, of THIRD AVENUE HOLDING CO INC; ABELL AND ASSOCIATES;
2 INTERNATIONAL TRAVELS SERVICES & TOUR; NEILL MARANGI . Plaintiff is ignorant
3 of the true names and capacities of Defendants sued herein as Does 1 through 10, inclusive, and
4 therefore sues these Defendants by such fictitious names. Plaintiff will pray leave of the court to
5 amend this complaint to allege the true names and capacities of the Does when ascertained.

6 7. Plaintiff is informed and believes, and thereon alleges, that Defendants and each of them
7 herein were, at all times relevant to the action, the owner, lessor, lessee, franchiser, franchisee,
8 general partner, limited partner, agent, employee, representing partner, or joint venturer of the
9 remaining Defendants and were acting within the course and scope of that relationship. Plaintiff is
10 further informed and believes, and thereon alleges, that each of the Defendants herein gave consent
11 to, ratified, and/or authorized the acts alleged herein to each of the remaining Defendants.

12
13 **CONCISE SET OF FACTS**

14 8. Plaintiff's birth name is Lorraine Marquez. As a child she was called Noni Gotti. At 18
15 Plaintiff used her birth name in all documents of identity until 2000 when she legally changed her
16 name to Noni Gotti. Plaintiff has physical impairments of cervical back disease, which causes
17 severe pain without medication. Plaintiff said physical impairments limit one or more of the
18 following major life activities including but not limited to: long walking, jumping, leaning, opening
19 doors, lifting, balancing, cooking, cleaning and sexual activity. Without medication Plaintiff
20 cannot perform these activities. Plaintiff learned about her access rights in March 2008. Plaintiff
21 realized she could do something about all the access problems she was having. Now, Plaintiff is a
22 Serial Plaintiff as defined by **HOLLYNN D'LIL, Plaintiff-Appellant, v. BEST WESTERN**
23 **ENCINA LODGE & SUITES; ENCINA-PEPPER TREE LTD.; DAVID Z. WEBBER;**
24 **JEANETTE WEBBER; CECELIA E. VILLINES, Defendants-Appellees. No. 06-55516,**
25 **UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 2008 U.S. App.**
26 **LEXIS 17168, November 5, 2007, Argued and Submitted, Pasadena, California, August 12,**
27 **2008, Filed**

1 9. In year 2008, Plaintiff knew that Defendants' public accommodation facilities were not
2 accessible. If Plaintiff patronized Defendants' facilities, Plaintiff would have been unable to use
3 and/or would have had difficulty using the public accommodations' facilities including but not
4 limited to the facilities, as said facilities were not accessible because they failed to comply with
5 ADA Access Guidelines For Buildings and Facilities (hereafter referred to as "ADAAG" and
6 codified in 28 C.F.R. Part 36, App. A) and/or California's Title 24 Building Code Requirements.

7 10. Defendants failed to remove barriers to equal access within their public accommodation
8 facilities. The barriers are related to Plaintiff's impairments. The following examples of known
9 barriers to access are not an exhaustive list of the barriers to access that exist at Defendants'
10 facilities.

11 11. For example, the Abell and Associates' entrance doorknob is not a lever and has no
12 International symbol of accessibility at the entrance. Also, there's only stairs to enter into the
13 building at the back. The restroom's towels are too high, there's no soap dispenser and pipe not
14 covered. To add, the men's restroom is upstairs and there's no handicapped stall for men. The
15 Neill Marangi has no International symbol of accessibility at the entrance and there's only one way
16 to get into this business--through stairs. The International Travels Services & Tour's entrance
17 doorknob is not a lever and the interior accessible route is less than 36 inches. Also, there are loose
18 mats and has no International symbol of accessibility at the entrance.

19
20 12. Title III of the Americans with Disabilities Act (ADA), *42 U.S.C.S. § 12181 et seq.*,
21 provides that no individual shall be discriminated against on the basis of disability in the full and
22 equal enjoyment of any place of public accommodation. *42 U.S.C.S. § 12182(a)*. "Discrimination"
23 is defined as a failure to remove barriers where such removal is readily achievable or, where an
24 entity can demonstrate that the removal of a barrier is not readily achievable, a failure to make
25 accommodations available through alternative methods if such methods are readily achievable. *42*
26 *U.S.C.S. § 12182(b)(2)(iv)-(v)*. Title III provides for injunctive relief as the exclusive remedy for
27 private individuals seeking to enforce the law. *42 U.S.C.S. § 12188(a)(2)*. A disabled individual
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1 who is currently deterred from patronizing a public accommodation due to a defendant's failure to
2 comply with the Americans with Disabilities Act (ADA), 42 U.S.C.S. β 12181 et seq., has suffered
3 "actual injury." Similarly, a plaintiff who is threatened with harm in the future because of existing
4 or imminently threatened non-compliance with the ADA suffers "imminent injury." With regard to
5 actions brought under Title III of the Americans with Disabilities Act (ADA), 42 U.S.C.S. β 12181
6 et seq., the actual injury rule in cases where the public accommodation being sued is far from the
7 plaintiff's home, courts have found actual or imminent injury sufficient to establish standing where
8 a plaintiff demonstrates an intent to return to the geographic area where the accommodation is
9 located and a desire to visit the accommodation if it were made accessible. The United States Court
10 of Appeals for the Ninth Circuit has explicitly not required ADA plaintiffs to engage in the "futile
11 gesture" of visiting or returning to an inaccessible place of public accommodation in order to
12 satisfy the standing requirement. With regard to actions brought under Title III of the Americans
13 with Disabilities Act (ADA), 42 U.S.C.S. β 12181 et seq., the attempted use of past litigation to
14 prevent a litigant from pursuing a valid claim in federal court warrants a court's most careful
15 scrutiny. This is particularly true in the ADA context where the law's provision for injunctive relief
16 only removes the incentive for most disabled persons who are injured by inaccessible places of
17 public accommodation to bring suit. As a result, most ADA suits are brought by a small number of
18 private plaintiffs who view themselves as champions of the disabled. For the ADA to yield its
19 promise of equal access for the disabled, it may indeed be necessary and desirable for committed
20 individuals to bring serial litigation advancing the time when public accommodations will be
21 compliant with the ADA. Accordingly, courts must be particularly cautious about affirming
22 credibility determinations that rely on a plaintiff's past ADA litigation. HOLLYNN D'LIL,
23 Plaintiff-Appellant, v. BEST WESTERN ENCINA LODGE & SUITES; ENCINA-PEPPER TREE
24 LTD.; DAVID Z. WEBBER; JEANETTE WEBBER; CECELIA E. VILLINES, Defendants-
25 Appellees. No. 06-55516, UNITED STATES COURT OF APPEALS FOR THE NINTH
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1 CIRCUIT, 2008 U.S. App. LEXIS 17168, November 5, 2007, Argued and Submitted, Pasadena,
2 California, August 12, 2008, Filed

3 13. Plaintiff can prove these barriers as Plaintiff conducted a preliminary survey of Defendants'
4 facility. Plaintiff specifically alleges that Defendants knew, to a substantial certainty, that the
5 architectural barriers precluded wheelchair access. First, Plaintiff will prove that Defendants had
6 actual knowledge that the architectural barriers precluded wheelchair access and that the
7 noncompliance with ADAAG as to accessible entrances was intentional. Second, due to the
8 abundance of ADA information and constant news covers of ADA lawsuits, Defendants had actual
9 knowledge of the ADA and decided deliberately not to remove architectural barriers. Third,
10 Defendants have no plans to remodel. Fourth, Defendants had actual knowledge of ADA given all
11 the ADA public awareness campaigns, the abundance of free ADA information and the media's
12 constant ADA coverage. Fifth, a human being acting for the defendants made a conscious decision
13 as to how to proceed given the presence of the architectural barriers. Plaintiff alleges any
14 alternative methods preclude integration of wheelchair patrons, as it requires them to use a second-
15 class entrance. Also, expert testimony will show the facility contained inaccessible features.
16 Plaintiff alleges businesses often state that they have few customers with disabilities. Plaintiff
17 alleges such customers avoid patronizing inaccessible businesses and are deterred from patronizing
18 such businesses.

19 14. Plaintiff intends to return to Defendants' public accommodation facilities in the immediate
20 future. Plaintiff is presently deterred from returning due to their knowledge of the barriers to access
21 that exist at Defendants' facilities. Pursuant to federal and state law, Defendants are required to
22 remove barriers to their existing facilities. Further, Defendants had actual knowledge of their
23 barrier removal duties under the Americans with Disabilities Act and the Civil Code before January
24 26, 1992. Also, Defendants should have known that individuals with disabilities are not required to
25 give notice to a governmental agency before filing suit alleging Defendants failed to remove
26 architectural barriers.

27 15. Plaintiff believes and herein alleges Defendants' facilities have access violations not directly
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1 experienced by Plaintiff which would preclude or limit access by Plaintiff and other persons with
2 disabilities, potentially including but not limited to violations of the ADA, ADA Accessibility
3 Guidelines (Codified in 28 C.F.R. Part 36, App. A) and Title 24 of the California Building Code.
4 Plaintiff alleges Defendants are required to utilize the ADA checklist for Readily Achievable
5 Barrier Removal approved by the United States Department of Justice and created by Adaptive
6 Environments.

7 16. Based on these facts, Plaintiff alleges he was discriminated against each time he patronized
8 Defendants' facilities. Plaintiff was extremely upset due to Defendants' conduct.

9 NOTICE

10 17. Plaintiff is not required to provide notice to the defendants prior to filing a complaint.
11 Skaff v Meridien N. Am. Beverly Hills, LLC, 506 F.3d 832 (9th Cir. 2007), see also, Botosan v.
12 Paul McNally Realty, 216 F.3d 827, 832 (9th Cir 2000).

13 14 WHAT CLAIMS PLAINTIFF IS ALLEGING AGAINST EACH NAMED DEFENDANT

15 18. THIRD AVENUE HOLDING CO INC; ABELL AND ASSOCIATES; INTERNATIONAL
16 TRAVELS SERVICES & TOUR; NEILL MARANGI ; and Does 1 through 10 will be referred to
17 collectively hereinafter as "Defendants."

18 19. Plaintiff aver that the Defendants are liable for the following claims as alleged below:

19 DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS

20 FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- Claims Under California's
21 Incorporation Of The More Stringent Provisions Of The Americans With Disabilities Act Of

22 1990

23 20. Based on the facts stated above, Defendants discriminated against Plaintiff on the basis of
24 disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or
25 accommodations of any place of public accommodation as Defendants own, lease (or lease to), or
26 operate a place of public accommodation in violation of 42 U.S.C. §12182 as long as this
27 provision is more stringent than Civil Code 51, 52 and 54.3 and this claim does not include the
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1 substantially limiting part of the definition of disability under the Americans with Disabilities Act.

2 Based on the facts stated above, Defendants discriminated against Plaintiff directly, or through
3 contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or
4 class to participate in or benefit from the goods, services, facilities, privileges, advantages, or
5 accommodations of an entity in violation of 42 U.S.C. §12182 as long as this provision is more
6 stringent than Civil Code 51, 52 and 54.3 and this claim does not include the substantially limiting
7 part of the definition of disability under the Americans with Disabilities Act. Based on the facts
8 stated above, Defendants discriminated against Plaintiff as it is discriminatory to afford an
9 individual or class of individuals, on the basis of a disability or disabilities of such individual or
10 class, directly, or through contractual, licensing, or other arrangements with the opportunity to
11 participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that
12 is not equal to that afforded to other individuals in violation of 42 U.S.C. §12182 as long as this
13 provision is more stringent than Civil Code 51, 52 and 54.3 and this claim does not include the

14 substantially limiting part of the definition of disability under the Americans with Disabilities Act.

15 Based on the facts stated above, Defendants discriminated against Plaintiff as it is discriminatory
16 to provide an individual or class of individuals, on the basis of a disability or disabilities of such
17 individual or class, directly, or through contractual, licensing, or other arrangements with a good,
18 service, facility, privilege, advantage, or accommodation that is different or separate from that
19 provided to other individuals as long as this provision is more stringent than Civil Code 51, 52 and
20 54.3 and this claim does not include the substantially limiting part of the definition of disability
21 under the Americans with Disabilities Act. Based on the facts stated above, Defendants
22 discriminated against Plaintiff as Defendants failed to afforded to an individual with a disability in
23 the most integrated setting appropriate to the needs of the individual in violation of 42 U.S.C.
24 §12182 as long as this provision is more stringent than Civil Code 51, 52 and 54.3 and this claim
25 does not include the substantially limiting part of the definition of disability under the Americans
26 with Disabilities Act. Based on the facts stated above, Defendants discriminated against Plaintiff

1 as Defendants utilized standards or criteria or methods of administration that have the effect of
2 discriminating on the basis of disability; or that perpetuate the discrimination of others who are
3 subject to common administrative control in violation of 42 U.S.C. §12182 as long as this
4 provision is more stringent than Civil Code 51, 52 and 54.3 and this claim does not include the
5 substantially limiting part of the definition of disability under the Americans with Disabilities Act.

6 Based on the facts stated above, Defendants discriminated against Plaintiff as it is discriminatory
7 to exclude or otherwise deny equal goods, services, facilities, privileges, advantages,
8 accommodations, or other opportunities to an individual or entity because of the known disability
9 of an individual with whom the individual or entity is known to have a relationship or association
10 in violation of 42 U.S.C. §12182 as long as this provision is more stringent than Civil Code 51, 52
11 and 54.3 and this claim does not include the substantially limiting part of the definition of
12 disability under the Americans with Disabilities Act. See *Niece v. Fitzner* 922 F. Supp. 1208

13 (1996). Based on the facts stated above, Defendants discriminated against Plaintiff as Defendants
14 engaged in the specific prohibitions as stated in 42 U.S.C. §12182 as long as this provision is more
15 stringent than Civil Code 51, 52 and 54.3 and this claim does not include the substantially limiting
16 part of the definition of disability under the Americans with Disabilities Act. Based on the facts
17 stated above, Defendants discriminated against Plaintiff as Defendant failed to demonstrate that the
18 removal of a barrier is not readily achievable, and made such goods, services, facilities, privileges,
19 advantages, or accommodations available through alternative methods in a segregated manner in
20 violation of 42 U.S.C. §12182 as long as this provision is more stringent than Civil Code 51, 52
21 and 54.3 and this claim does not include the substantially limiting part of the definition of disability
22 under the Americans with Disabilities Act. Plaintiff is entitled to injunctive relief to remove all
23 barriers to access that are related to his disability even those barriers that are only known to exist
24 but are not directly experienced by plaintiff. *Doran v 7-Eleven Inc*, 2007 U.S.App.Lexis 26143 (9th
25 Cir 2007). Based on the facts stated above, Defendants discriminated against Plaintiff as
26 Defendants altered the use of their establishment in a manner that affected or could have affected
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1 the usability of the facility or part thereof and failed to make alterations in such a manner that, to
2 the maximum extent feasible, the altered portions of the facility are readily accessible to and usable
3 by individuals with disabilities in violation of 42 U.S.C. §12183 as long as this provision is more
4 stringent than Civil Code 51, 52 and 54.3 and this claim does not include the substantially limiting
5 part of the definition of disability under the Americans with Disabilities Act.
6

7 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER**
8 **CALIFORNIA ACCESSIBILITY LAWS**

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

10 21. Based on the facts plead above and elsewhere in this complaint, Plaintiff was denied full
11 and equal access to Defendants' goods, services, facilities, privileges, advantages, or
12 accommodations within a public accommodation owned, leased, and/or operated by Defendants as
13 required by Civil Code Sections 54 and 54.1. Defendants' facility violated California's Title 24
14 Accessible Building Code by failing to provide equal access to Defendants' facilities.

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

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

19 23. Based on the facts plead above and elsewhere herein this complaint, Defendants failed and
20 refused to provide a reasonable alternative by modifying its practices, policies, and procedures in
21 that they failed to have a scheme, plan, or design to assist Plaintiff and/or others similarly situated
22 in entering and utilizing Defendants' services as required by Civil Code § 54.1. Thus, Plaintiff
23 NONI GOTTI was subjected to discrimination in violation of Civil Code § 54.1.

24 **CLAIM III: Violation Of The Unruh Act**

25 24. Based on the facts plead at ¶¶ 8 - 15 above and elsewhere herein this complaint and because
26 Defendants violated the Civil Code § 51 by failing to comply with 42 United States Code §
27 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and continue to discriminate
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1 against Plaintiff and persons similarly situated in violation of Civil Code §§ 51, 52, and 54.1.

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

13 26. Wherefore, Plaintiff prays for damages and relief as hereinafter stated.

14
15 **Treble Damages Pursuant To Claims I, II, III Under The California Accessibility Laws**

16 27. Defendants, each of them respectively, at times prior to and including the day Plaintiff
17 patronized Defendants' facilities, and continuing to the present time, knew that persons with
18 physical disabilities were denied their rights of equal access to all portions of this public facility.
19 Despite such knowledge, Defendants, and each of them, failed and refused to take steps to comply
20 with the applicable access statutes; and despite knowledge of the resulting problems and denial of
21 civil rights thereby suffered by Plaintiff and other similarly situated persons with disabilities.
22 Defendants, and each of them, have failed and refused to take action to grant full and equal access
23 to persons with physical disabilities in the respects complained of hereinabove. Defendants, and
24 each of them, have carried out a course of conduct of refusing to respond to, or correct complaints
25 about, denial of disabled access and have refused to comply with their legal obligations to make
26 Defendants' public accommodation facilities accessible pursuant to the Americans With Disability
27 Act Access Guidelines (ADAAG) and Title 24 of the California Code of Regulations (also known
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1 as the California Building Code). Such actions and continuing course of conduct by Defendants,
2 and each of them, evidence despicable conduct in conscious disregard of the rights and/or safety of
3 Plaintiff and of other similarly situated persons, justifying an award of treble damages pursuant to
4 sections 52(a) and 54.3(a) of the California Civil Code.

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

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

19 30. Wherefore, Plaintiff prays for damages and relief as hereinafter stated.

20 **DEMAND FOR JUDGMENT FOR RELIEF:**

- 21 A. For general damages pursuant to Cal. Civil Code §§ 52 or 54.3;
22 B. For \$4,000 in damages pursuant to Cal. Civil Code § 52 for each and every offense of Civil
23 Code § 51, Title 24 of the California Building Code, ADA, and ADA Accessibility Guidelines
24 (Codified in 28 C.F.R. Part 36, App. A);
25 C. In the alternative to the damages pursuant to Cal. Civil Code § 52 in Paragraph B above, for
26 \$1,000 in damages pursuant to Cal. Civil Code § 54.3 for each and every offense of Civil Code §
27 54.1, Title 24 of the California Building Code, ADA, and ADA Accessibility Guidelines;
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1 D. For injunctive relief pursuant to 42 U.S.C. § 12188(a), Civil Code sections 52 and 54.3.
2 Plaintiff requests this Court enjoin Defendants to remove all architectural and communication
3 barriers in, at, or on their facilities including without limitation violations of the ADA, ADA
4 Accessibility Guidelines and Title 24 of the California Building Code;

5 E. For attorneys' fees pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, and Cal. Civil Code §§
6 52, 54.3;

7 F. For treble damages pursuant to Cal. Civil Code §§ 52(a) or 54.3(a);

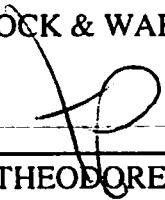
8 G. A Jury Trial and;

9 H. For such other further relief as the court deems proper.

10
11 Respectfully submitted:

PINNOCK & WAKEFIELD, APC

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13 Dated: September 10, 2008

14 By: 
15 THEODORE A. PINNOCK, ESQ.
16 DAVID C. WAKEFIELD, ESQ.
17 Attorneys for Plaintiff
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