

USDC SCAN INDEX SHEET



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3:04-CV-01129 HUBBARD V. SOBRECK LLC

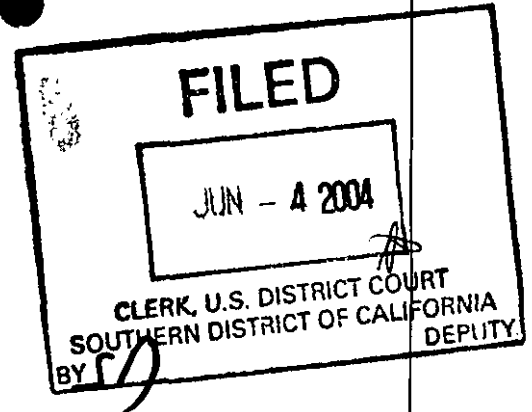
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CMP.

ORIGINAL

1 LYNN HUBBARD, III, SBN 69773
2 SCOTTLYNN J HUBBARD, IV, SBN 212970
3 LAW OFFICES OF LYNN HUBBARD
4 12 WILLIAMSBURG LANE
5 CHICO, CA 95926
6 (530) 895-3252

7 Attorney for Plaintiffs



8 THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 '04 CV 1129 WQH (LSP)

11 LYNN J HUBBARD and
12 BARBARA J. HUBBARD,

13 Plaintiffs,

14 vs.

15 SOBRECK, LLC dba JOHNNY
16 CARINO'S; EASTLAKE VILLAGE
17 MARKETPLACE, LLC; and DOES
18 1 through 10,

19 Defendants.

No.

20 **COMPLAINT FOR
21 DECLARATORY, INJUNCTIVE,
22 AND MONETARY RELIEF:**

- Americans With Disabilities Act
- Disabled Persons Act
- Unruh Civil Rights Act
- Health and Safety Code Part 5.5
- Unfair Business Practices Act
- Negligence

CR

1 I. INTRODUCTION

2 1. This is a civil rights action by Plaintiffs, LYNN J
3 HUBBARD and BARBARA J. HUBBARD (collectively, "the
4 Hubbards") for discrimination at the building, structure, facility,
5 complex, property, land, development, and/or surrounding business
6 complex known as:

7 JOHNNY CARINO'S (APN: 595-072-12)
8 2245 Otay Lakes Road
9 Chula Vista, CA 91910

10 (the "Restaurant")

11 2. The Hubbards seek compensatory and punitive damages,
12 injunctive and declaratory relief, attorney fees and costs, against
13 SOBRECK, LLC dba JOHNNY CARINO'S; EASTLAKE VILLAGE
14 MARKETPLACE, LLC; and DOES 1 through 10, ("collectively,
15 Johnny Carinos") pursuant to:

- 16 • The Americans With Disabilities Act of 1990;¹
- 17 • Health and Safety Code Part 5.5;²
- 18 • The Unruh Act;³
- 19 • The Disabled Persons Act;⁴
- 20 • The Unfair Business Practices Act;⁵ and
- 21 • Negligence.⁶

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26 ¹ 42 USC §12101 *et seq.*
27 ² California Health and Safety Code §§19955 *et seq.*
³ California Civil Code §§51 *et seq.*
28 ⁴ California Civil Code §§54 *et seq.*
⁵ California Business and Professions Code §§17200 *et seq.*
⁶ California Civil Code §1714.

1 II. JURISDICTION

2 3. This Court has original jurisdiction under 28 U.S.C.
3 §§1331 and 1343 for ADA claims.

4 4. Supplemental jurisdiction for claims brought under
5 parallel California Law—arising from the same nucleus of operative
6 facts—is predicated on 28 U.S.C. §1367.

7 5. The Hubbards' claims are authorized by 28 U.S.C.
8 §§2201 and 2202.

9 III. VENUE

10 6. All actions complained of herein take place within the
11 jurisdiction of the United States District Court, Southern District of
12 California. Accordingly, venue is invoked pursuant to 28 U.S.C.
13 §1391(b), (c).

14 IV. PARTIES

15 7. The Hubbards have multiple conditions that affect one or
16 more major life functions. The Hubbards require the use of
17 motorized wheelchairs and a mobility-equipped vehicle, when
18 traveling about in public.

19 8. Consequently, the Hubbards are "physically disabled," as
20 defined by all applicable California and United States laws, and a
21 member of the public whose rights are protected by these laws.

22 9. Johnny Carinos consists of owners, operators, lessors
23 and/or lessees of the Restaurant.

24 10. Johnny Carinos also consists of a person or persons, firm
25 or corporation.

26 11. On information and belief, the Hubbards allege a joint
27 venture and common enterprise by all defendants.
28

1 28. Johnny Carinos discriminated against the Hubbards by
2 denying full and equal enjoyment to goods, services, facilities, or
3 accommodations, during every visit to the Restaurant.

4 29. To date, Johnny Carinos has not made the Restaurant
5 readily accessible under Title III of the ADA.⁷

6 **Readily Achievable Barrier Removal/**

7 **Alternative Methods**

8 42 U.S.C. §§12182(b)(2)(A)(iv),(v)

9 30. The ADA specifically prohibits failing to remove
10 architectural barriers, which are structural in nature, in existing
11 facilities where such removal is readily achievable.⁸

12 31. When an entity can demonstrate that removal of a barrier
13 is not readily achievable, a failure to make goods, services, facilities,
14 or accommodations available through alternative methods is also
15 specifically prohibited if these methods are readily achievable.

16 32. Readily achievable is defined as, "easily accomplishable
17 and able to be carried out without much difficulty or expense."⁹

18 33. The Hubbards allege that it is readily achievable for
19 Johnny Carinos to remove the architectural barriers at the Restaurant
20 under the standards set forth in the ADA.

21 34. Johnny Carinos violated the ADA by failing to remove the
22 architectural barriers that were present at the Restaurant, when it
23 was readily achievable to do so.

24 35. In the alternative, if it was not "readily achievable" for
25 Johnny Carinos to remove the architectural barriers at the
26

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⁷ 42 U.S.C. §12181 *et seq.*

28 ⁸ 42 U.S.C. §12182(b)(2)(A)(iv).

⁹ 28 C.R.F. §36.304(a).

1 Restaurant, then Johnny Carinos violated the ADA by failing to make
2 the required services available through alternative methods, which
3 were readily achievable.

4 **Design and Construction**

5 42 U.S.C. §12183(a)(1)

6 36. The ADA also prohibits: A failure to design and construct
7 facilities for first occupancy after January 26, 1992, that are readily
8 accessible to, and usable by, individuals with disabilities when it is
9 structurally practicable to do so.¹⁰

10 37. On information and belief, the Restaurant was designed
11 or constructed (or both) after January 26, 1992—independently
12 triggering access requirements under Title III of the ADA.

13 38. Johnny Carinos violated the ADA by designing or
14 constructing (or both) the Restaurant in a manner that was not
15 readily accessible to the physically disabled public (including the
16 Hubbards) when it was structurally practical to do so.

17 **Alterations**

18 42 U.S.C. §12183(a)(2)

19 39. The ADA also requires that: When a facility (or part
20 thereof) is altered in a manner that affects (or could affect) its
21 usability it must be altered in a manner that is readily accessible to
22 individuals with disabilities to the maximum extent feasible.¹¹

23 40. If the alteration affects (or could affect) access to a
24 primary function at the facility, then the responsible entity shall
25 ensure that the path of travel, bathrooms, telephones, and drinking
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27
28 ¹⁰ 42 U.S.C. §12183(a)(1).

¹¹ 42 U.S.C. §12183(a)(2).

1 fountains serving the altered area are readily accessible the
2 maximum extent feasible.¹²

3 41. On information and belief, the Restaurant was modified
4 after January 26, 1992, independently triggering access
5 requirements under the ADA.

6 42. Johnny Carinos violated the ADA by altering the
7 Restaurant in a manner that was not readily accessible to the
8 physically disabled public (including the Hubbards) to the maximum
9 extent feasible.

10 **Policy and Practices**

11 42 U.S.C. §12182(b)(2)(A)(ii)

12 43. The ADA also specifically prohibits: A failure to make
13 reasonable modifications in policies, practices, or procedures, when
14 necessary to afford such goods, services, facilities, or
15 accommodations to individuals with disabilities, unless the entity can
16 demonstrate that making such modifications would fundamentally
17 alter their nature.¹³

18 44. Johnny Carinos violated the ADA by failing to make
19 reasonable modifications in policies, practices, or procedures (e.g.
20 placement of movable displays) when these modifications were
21 necessary to afford, and would not fundamentally alter the nature of,
22 these goods, services, facilities, or accommodations.

23 45. The Hubbards seek all relief available under the ADA (i.e.
24 permanent or temporary injunction, restraining order, or other order)
25 to address these violations.¹⁴

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28 ¹² 42 U.S.C. §12183(a)(2).

¹³ 42 U.S.C. §12182(b)(2)(A)(ii).

¹⁴ 42 U.S.C. §12205 (incorporating the remedies under 42 U.S.C. §2000a-3(a)).

1 accommodations, advantages, facilities, privileges, or services in all
2 business establishments of every kind whatsoever.¹⁸

3 62. The Unruh Act also states, in part, that: No business
4 establishment of any kind whatsoever shall discriminate against any
5 person in this state because of the disability of the person.¹⁹

6 63. The Unruh Act also specifically incorporates (by
7 reference) an individual's rights under the ADA.²⁰

8 64. Johnny Carinos' aforementioned acts and omissions
9 denied the physically disabled public (including the Hubbards) full
10 and equal accommodations, advantages, facilities, privileges and
11 services in a business establishment (because of their physical
12 disability) in violation of the Unruh Act.

13 65. These aforementioned acts and omissions (including the
14 ones that violate the ADA) denied, aided or incited a denial, or
15 discriminated against the Hubbards by violating the Unruh Act.

16 66. The Hubbards were damaged by Johnny Carinos'
17 wrongful conduct, and seeks all available relief under Civil Code §52.

18 67. This relief includes actual damages and any amount as
19 may be determined by a jury, or the court sitting without a jury, up to
20 a maximum of three times the amount of actual damages but in no
21 case less than four thousand dollars (\$4,000) for each offense.²¹

22 68. The Hubbards also seek to enjoin Johnny Carinos from
23 violating the Unruh Act (and ADA), and recover reasonable attorneys'
24 fees and costs incurred under California Civil Code §52(a).

25
26 ¹⁸ California Civil Code §51.

27 ¹⁹ California Civil Code §51.5.

28 ²⁰ California Civil Code §51.

²¹ California Civil Code §52(a); this relief includes statutory minimum damages for each actual visit and incident of deterrence.

1 83. "Unfair competition" includes any unlawful business act or
2 practice.²³

3 84. Johnny Carinos' business practices were "unlawful" in
4 that they violated applicable California and United States laws
5 (identified above).

6 85. Johnny Carinos' unlawful business practices denied the
7 physically disabled public (including the Hubbards) full and equal
8 access to the Restaurant.

9 86. Therefore, as long as the Hubbards have standing under
10 Article III, they seek injunctive relief to end Johnny Carinos' unlawful
11 acts (i.e., remove all barriers identified in Exhibit A) on behalf of their
12 own interests and those interests of the disabled public.

13 **XI. SIXTH CLAIM**

14 **Negligence Per Se**

15 **California Civil Code §1714**

16 87. The Hubbards incorporate the allegations contained in
17 paragraphs 1 through 86 for this claim.

18 88. Johnny Carinos had a duty to comply with the
19 aforementioned California and United States laws or regulations (or
20 both).

21 89. These aforementioned laws and regulations, violated by
22 Johnny Carinos, were adopted to protect the class of physically
23 disabled persons (including the Hubbards) from injury.

24 90. This violation was the proximate cause of the Hubbards'
25 aforementioned injuries.

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²³ California Business and Professions Code §17200.



PRELIMINARY SITE ACCESSIBILITY REPORT

***Johnny Carino's
2245 Otay Lakes Road
Chula Vista, California***

COUNTRY ITALIAN

Carinos

Johnny's

Carinos
CURBSIDE
DELIVERY
15 MINUTE
MAXIMUM



JOHNNY CARINO'S
2245 Otay Lakes Road
Chula Vista, CA

1129 B
Fig 21

1. Tow away sign has no phone number.

DOT #R100B

2. Tow away sign wrong color.

SEE PHOTO Nos. 1 and 2

DSA pg 2&3

3. Tow away sign posted at wrong height.

SEE PHOTO No. 2

1129B.5

4.6.4

4. Incorrect parking signage. No separate van accessible sign.

SEE PHOTO No. 3

1129 B.5.1&2

4.6.4

5. Accessible parking space and access aisle not outlined white.

CVC 21 458(a)(3)(A)

6. Access aisle not striped in white.

1129B.4.1

Fig 11 B-18 A

7. Missing no parking painted in accessible aisle.

SEE PHOTO Nos. 4 and 5

1127 B.

36.304

8. No exterior route of travel from the property border.

1127 B.

4.3.2

9. No exterior route of travel from parking.

1127 B. 3

10. No exterior route of travel signs.

1117 B. 5.7

4.30.6

11. Entrance door ISA not mounted 60 inches center line from the floor.

1117 B. 5.7 4.30.6 12. Entrance door ISA not mounted on the wall, latch side.

SEE PHOTO No. 6

1122 B. 4 13. Cashier's counter does not have a section 36 by 24 inches, 34 inches high to accommodate a wheelchair occupant.

1122 B. 3 4.32.3 14. Dining room booths do not have 30 inches between cushions.

1122 B. 3 4.32.2 15. Dining room seating does not offer 19 inches before an obstruction to accommodate a wheelchair occupant.

1117 B. 5.8.1 4.30.7
Fig 11 B. - 6 Fig 43 16. Dining room seating has no ISA.

1122 B. 3 4.32.3 17. Bar booths do not have 30 inches between cushions.

1122 B. 3 4.32.2 18. Bar seating does not offer 19 inches before an obstruction to accommodate a wheelchair occupant.

1117 B. 5.8.1 4.30.7
Fig 11 B. - 6 Fig 43 19. Bar seating has no ISA.

1117 B. 5.4
1117 B. 5.1.3 4.1.2 (7) (d) 20. No directional signage to the restroom.

1115 B.
Fig 82 21. Restrooms signs incorrect shape, triangle for men, circle for women.

1117 B. 5.6.3 4.1.3 (16) (a) 22. Restroom signs are not on the wall, latch side.

1117 B. 5.5.3 4.30.4 23. Restroom door sign has no ISA, wall mounted, latch side.

1117 B. 5.6.3 4.30.4 24. Restroom door signs do not have a verbal description below the ISA, latch side.

1115 B. 5 4.30.4 25. Restroom door not identified in Braille, latch side.

1117 B. 5.1.1
1117 B. 5.6.3

4.1.2 (7) (d)

26. Restroom signs are not centered 60 inches from the floor, latch side.

SEE PHOTO No. 7

1115B. 7.1.4

27. Stall door not self closing.

SEE PHOTO No. 8

1115B.7.1.4

4.17.5

28. Outside stall door does not have accessible handle.

SEE PHOTO No. 10

1115 B. 7.1.4

29. Inside stall door does not have accessible handle.

SEE PHOTO No. 9

1133 B. 2.4.2
Fig 11 B. - 26 A

4.13.6
Fig 25

30. Clearance for side strike area on interior doors is not 18 inches on the pull side and 12 inches on the push side.

SEE PHOTO No. 8

1115B. 9 2
Fig 11B-1A

31. Seat cover dispenser operable part 51 inches from floor, and mounted over the grab bar.

SEE PHOTO No. 11

4.17.3
Fig 30

32. Toilet tissue dispenser leading edge is 53 inches from back wall, not 36 inches maximum.

SEE PHOTO No. 12

1133 B.8.6.1

4.4.1

33. Toilet tissue dispenser protrudes more than 4 inches from wall.

SEE PHOTO No. 13

1115 B. 2.1.2.1
Fig 11 B. -D

34. Center of lavatory 9 inches from the wall not 18 inch minimum.

SEE PHOTO No. 14

1115 B.2.1.2.1
Fig 11 B. -D

4.19.2
Fig 31

35. Drainpipes under lavatory inches from the wall not 6 inch maximum.

1115 B. 2.1.2.2

4.19.4

36. Hot water and drainpipes are not insulated.

SEE PHOTO No. 15

1115B.9.1.2

4.19.6
Fig 31

37. Mirror 49 inches from the floor not required 40 inches.

SEE PHOTO Nos. 16 and 17

1102 B

4.3

38. Trash cans are an obstruction to lavatory.

SEE PHOTO Nos. 15 and 18

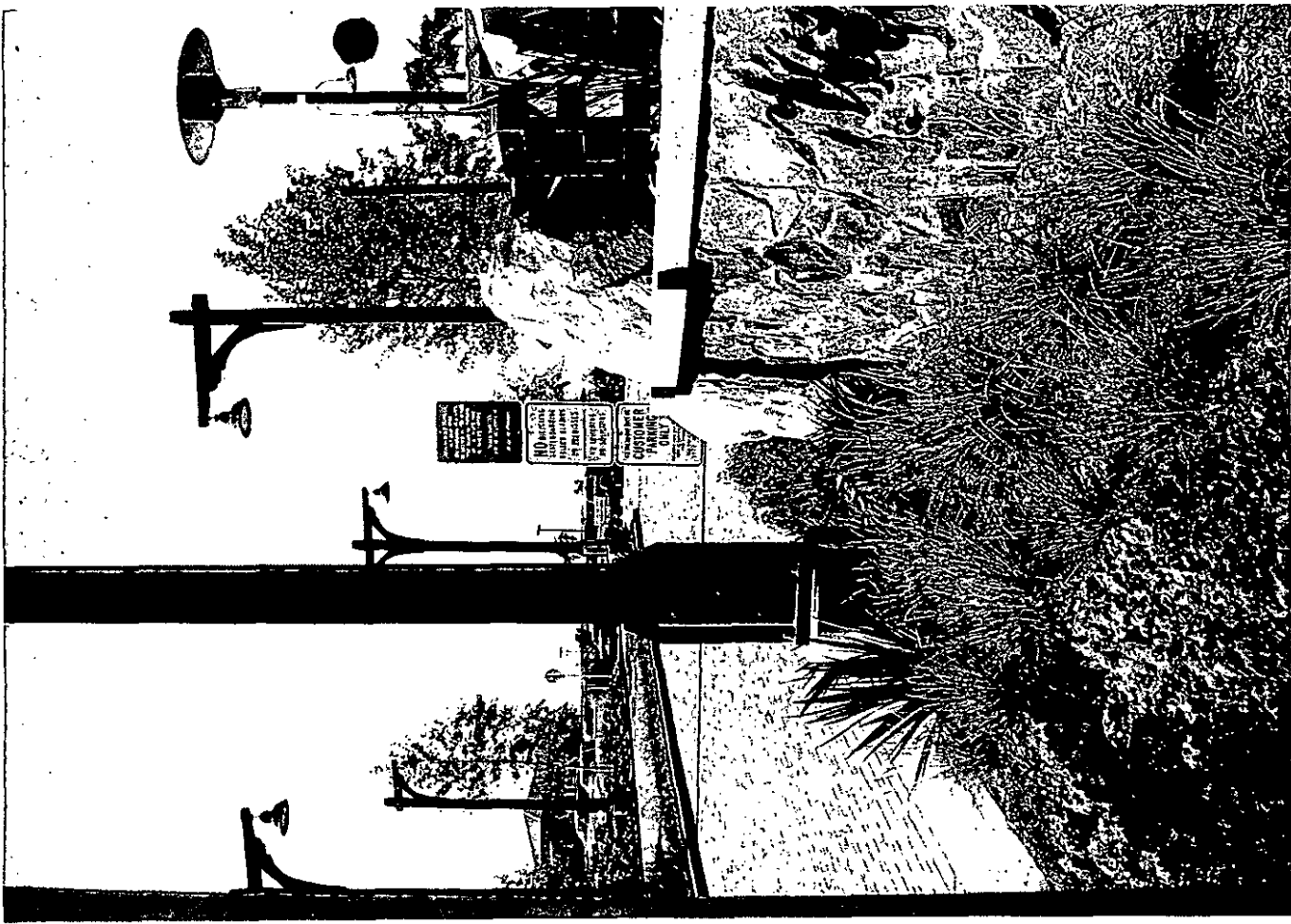
*****While not a violation, the accessible soap dispenser is at one end of the lavatory row, and the accessible towel dispenser is at the extreme other end, and outside the lavatory wall.***

SEE PHOTO No. 17

UNAUTHORIZED VEHICLES
NOT DISPLAYING
DISTINGUISHING PLACARDS
OR LICENSE PLATES ISSUED
FOR DISABLED PERSONS
WILL BE TOWED AWAY
AT OWNER'S EXPENSE.

TOWED VEHICLES
MAY BE RECLAIMED AT
OR BY TELEPHONING

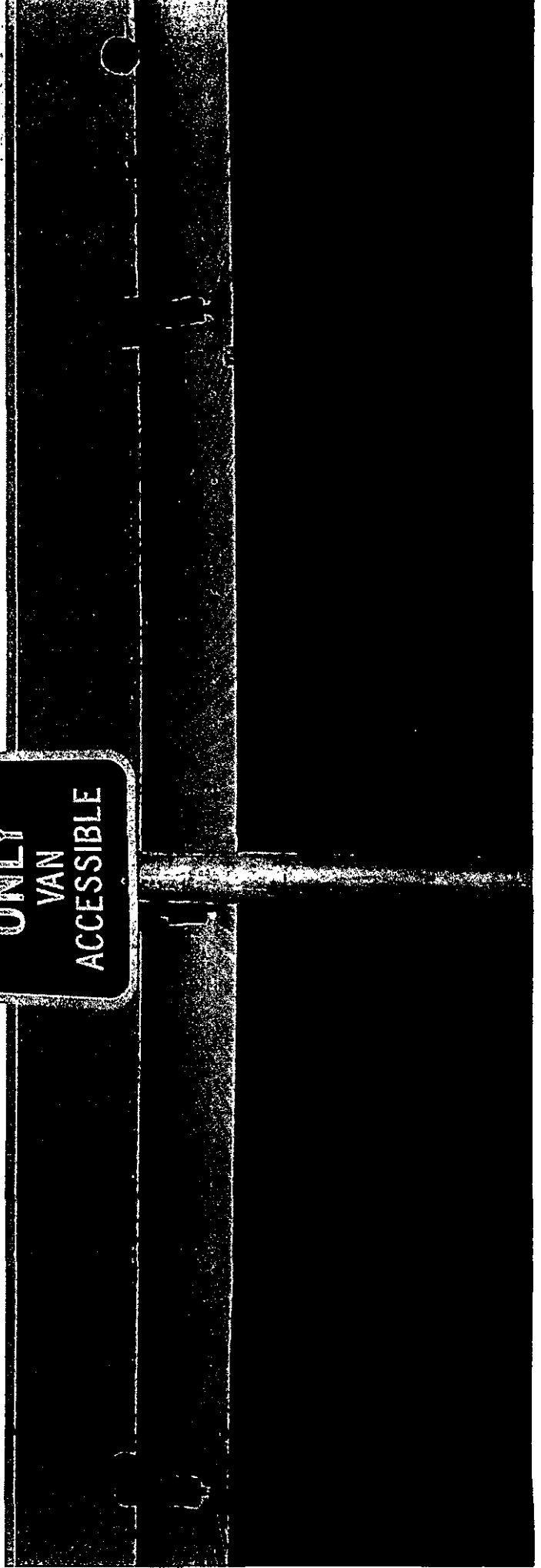
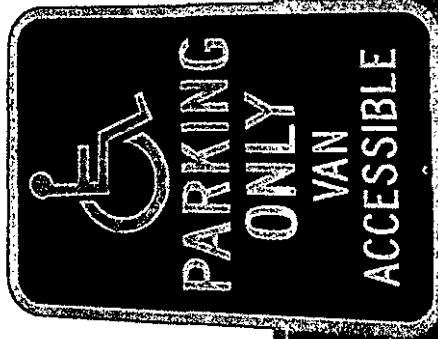
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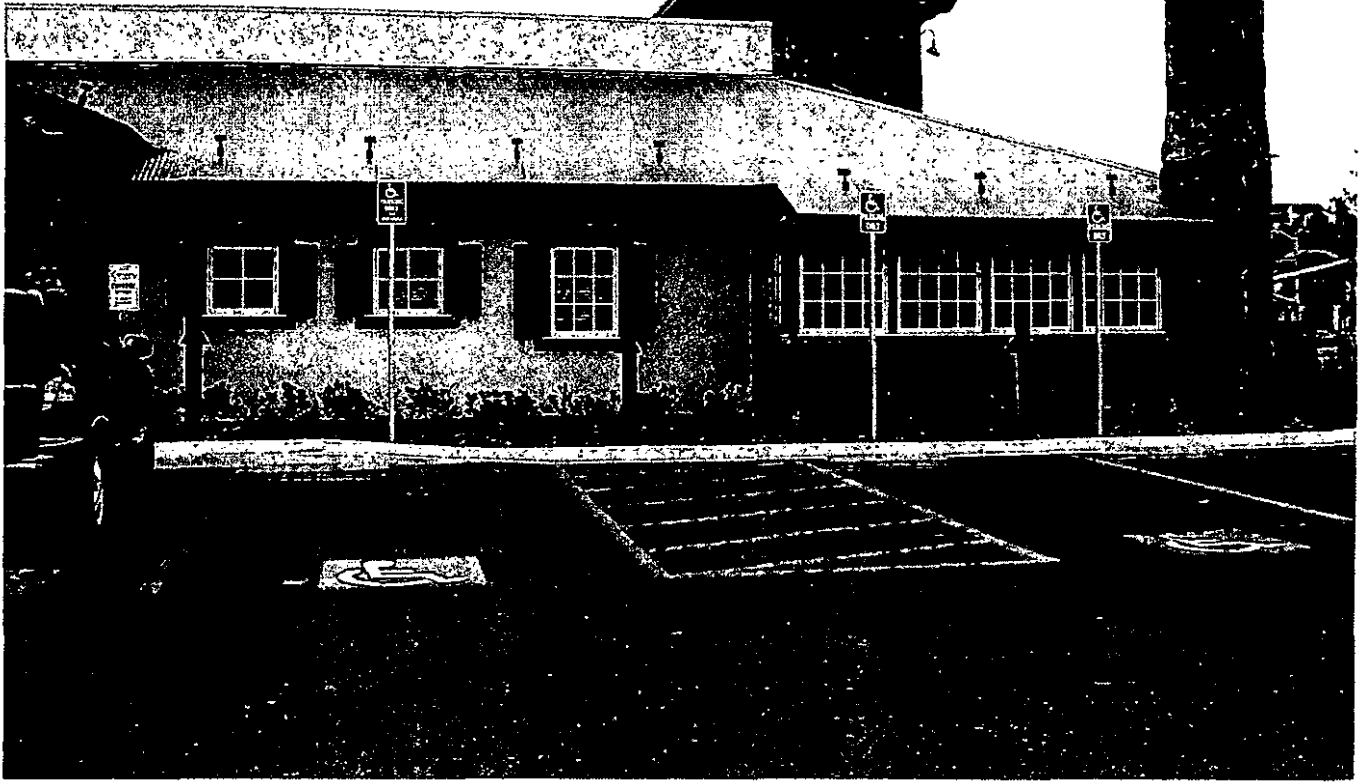
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#2

#3



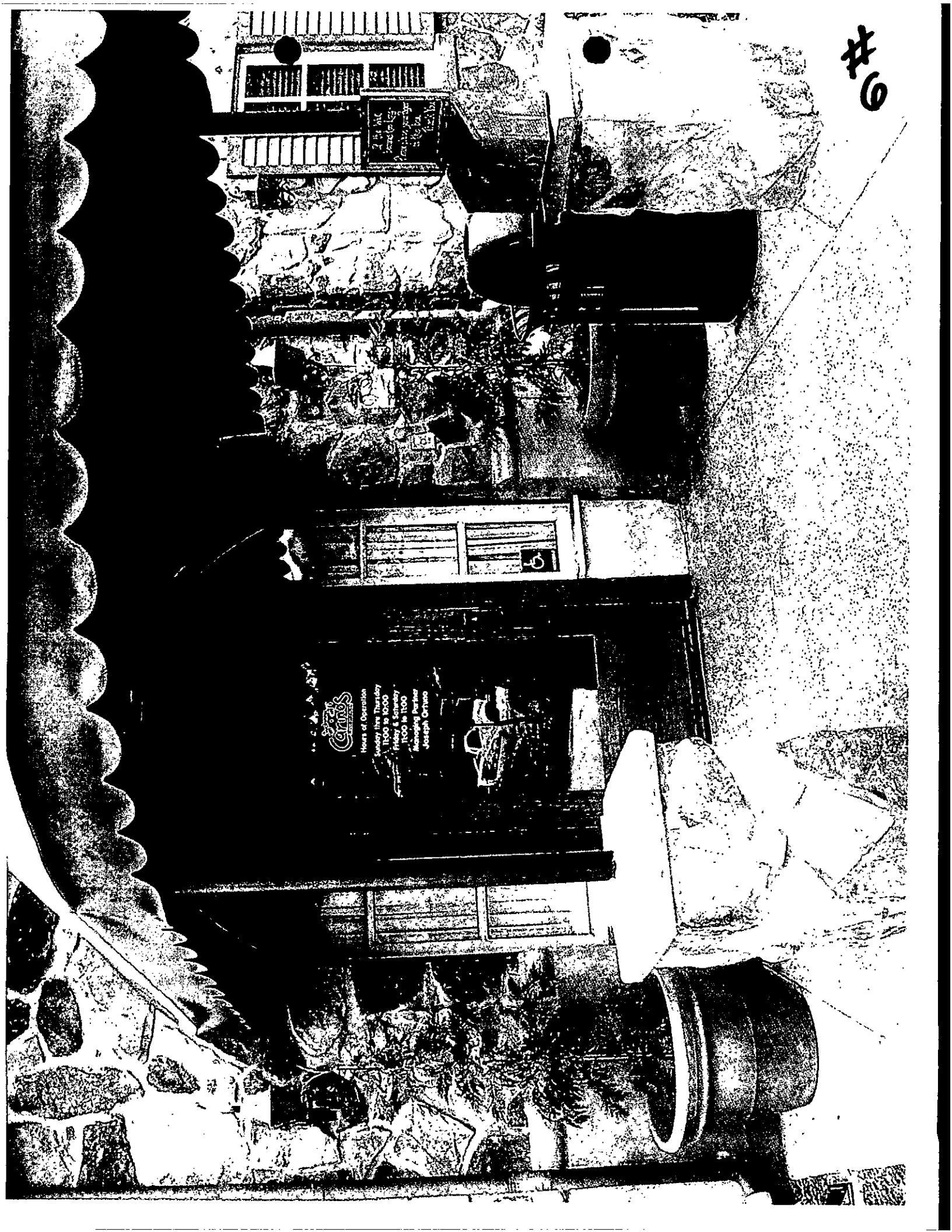
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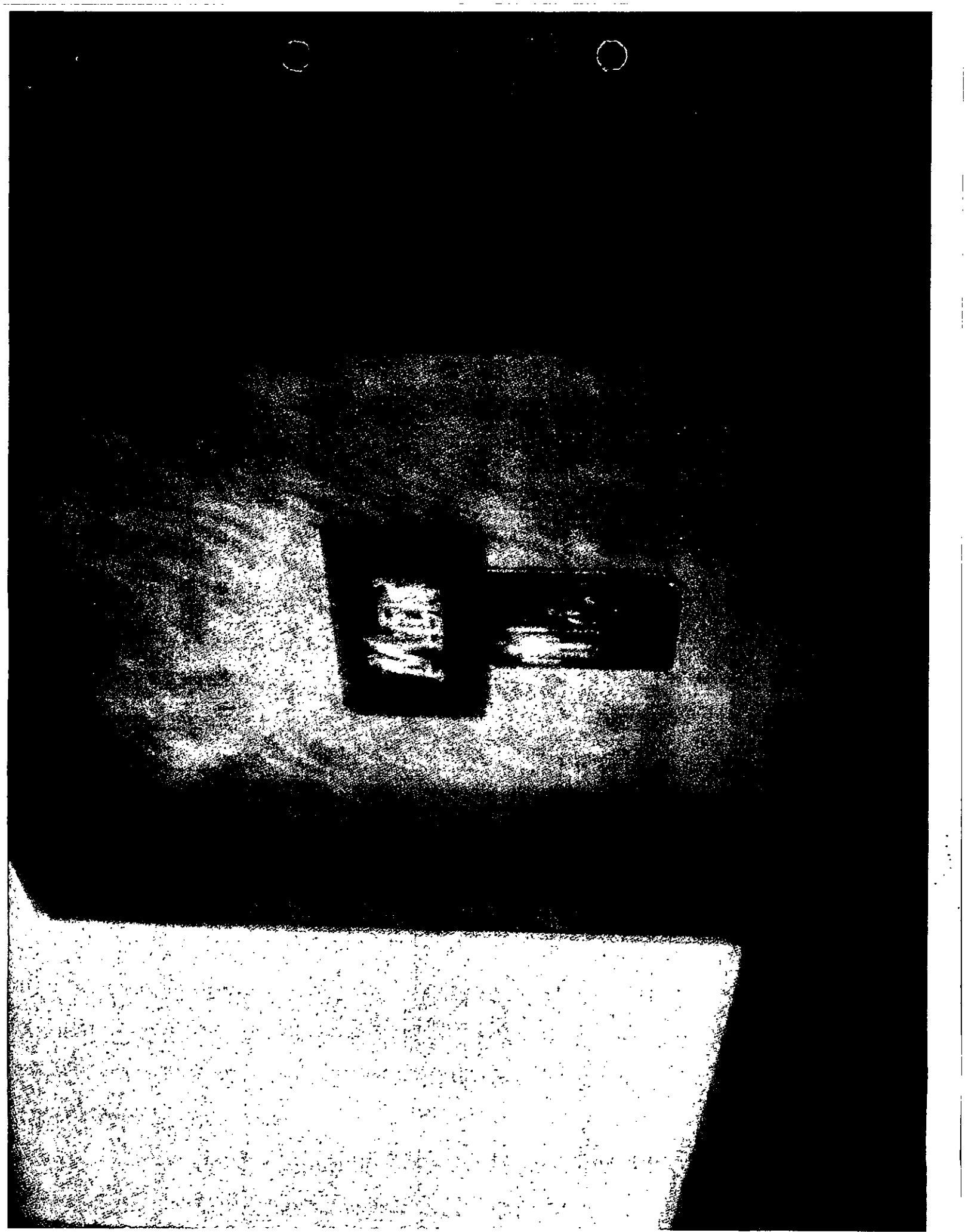
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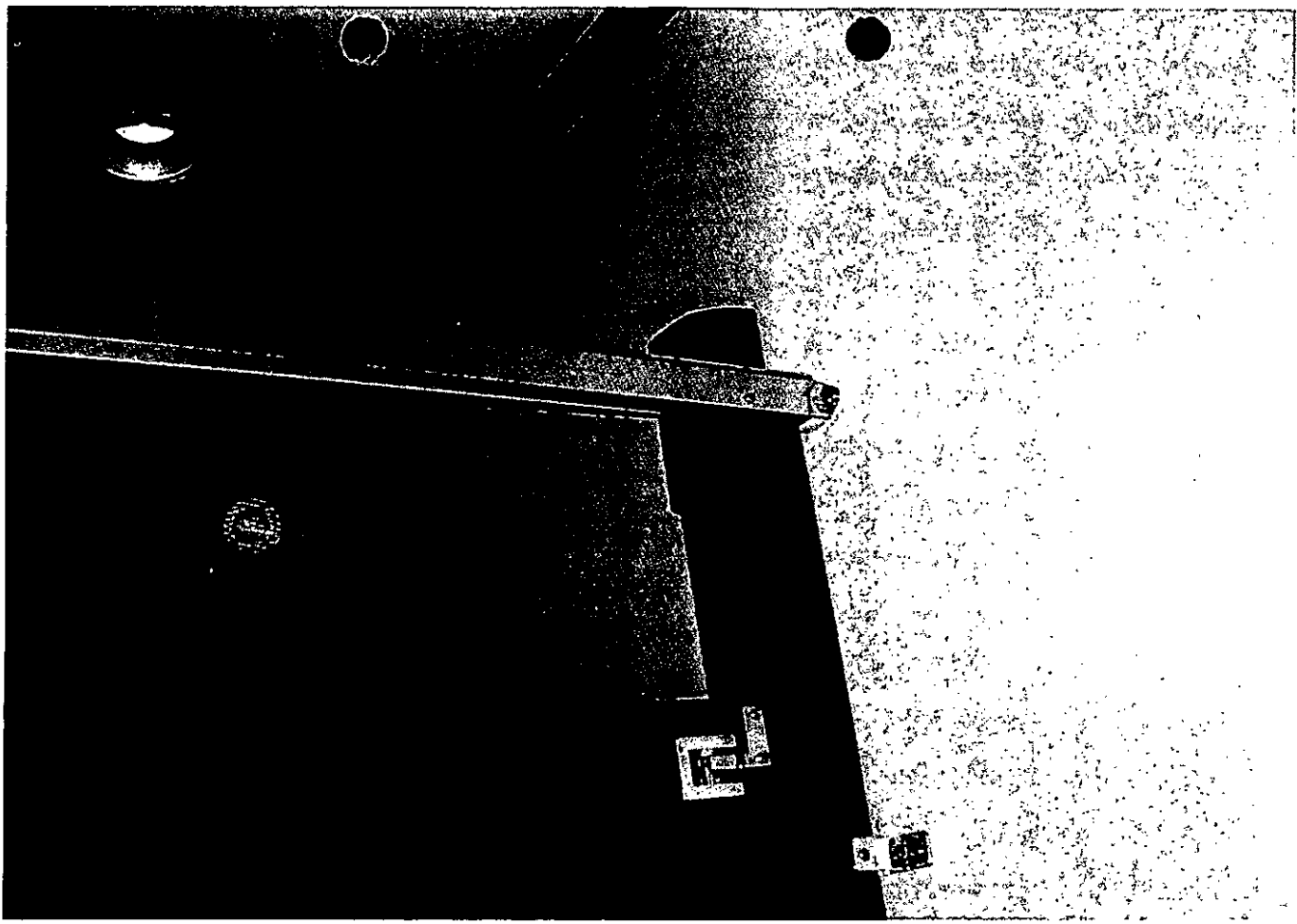
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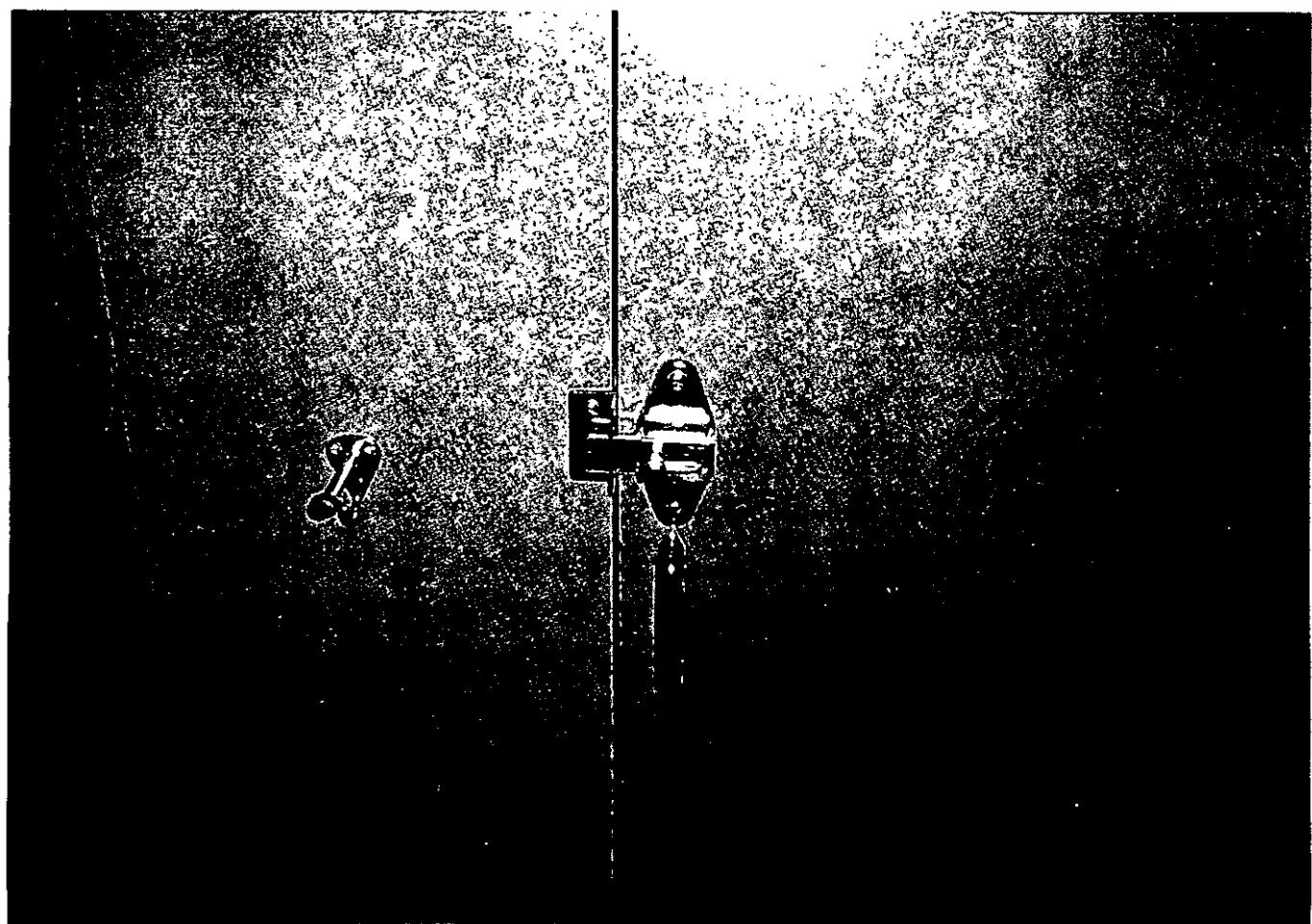
Back to Basics
Hours of Operation
Monday thru Thursday 11:00 to 10:00
Friday & Saturday 11:00 to 10:00
Responsible Partner Joseph Corrado

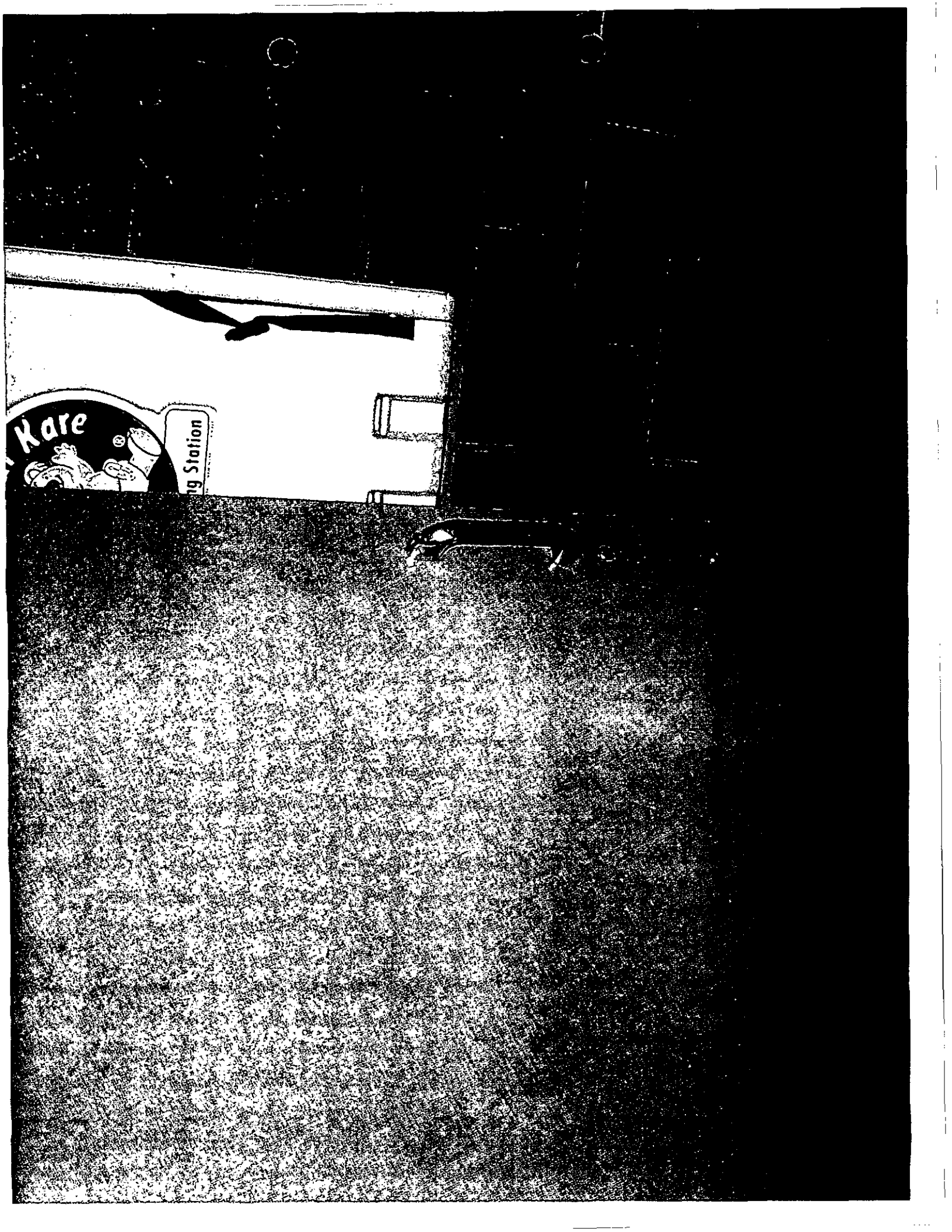


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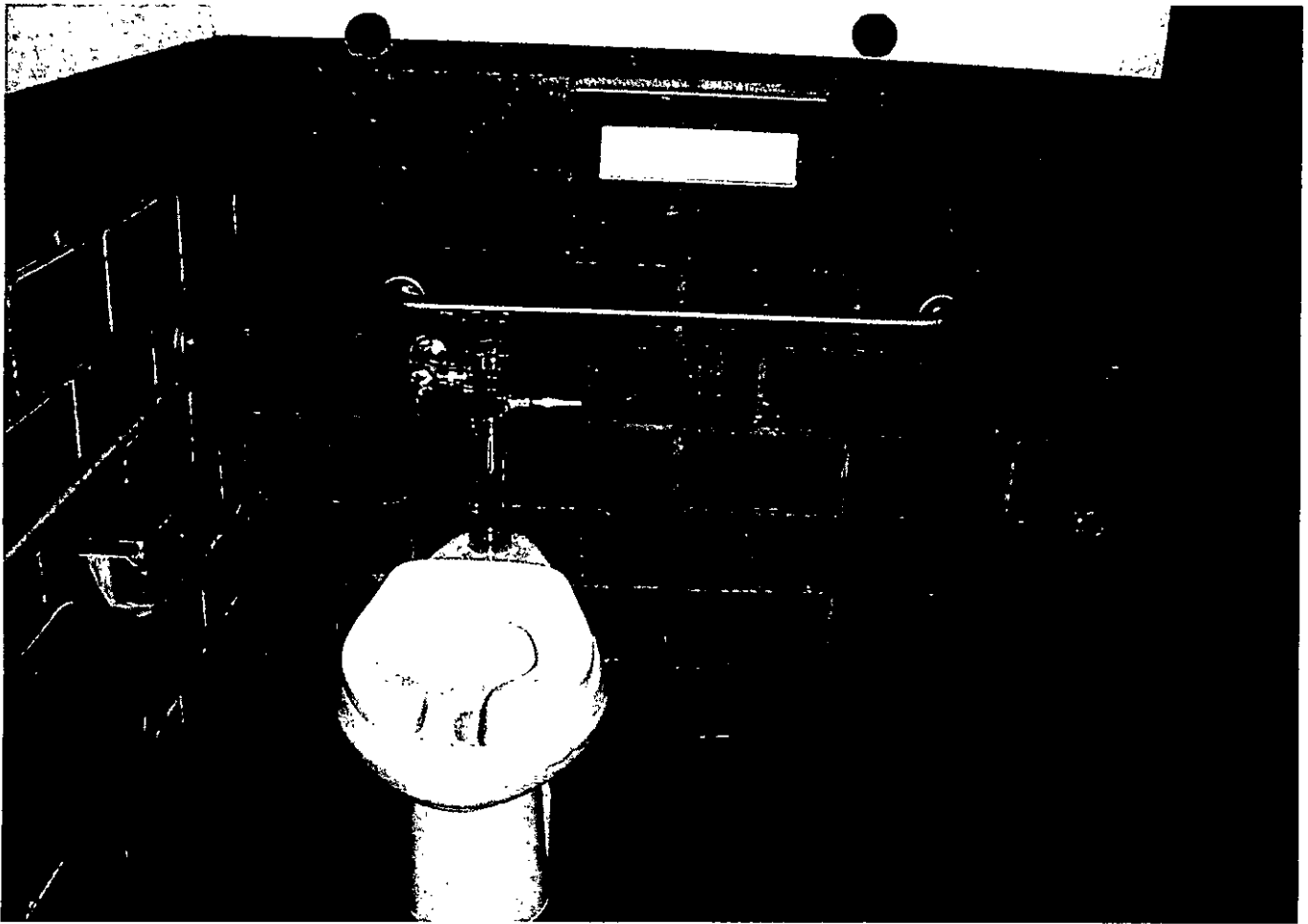


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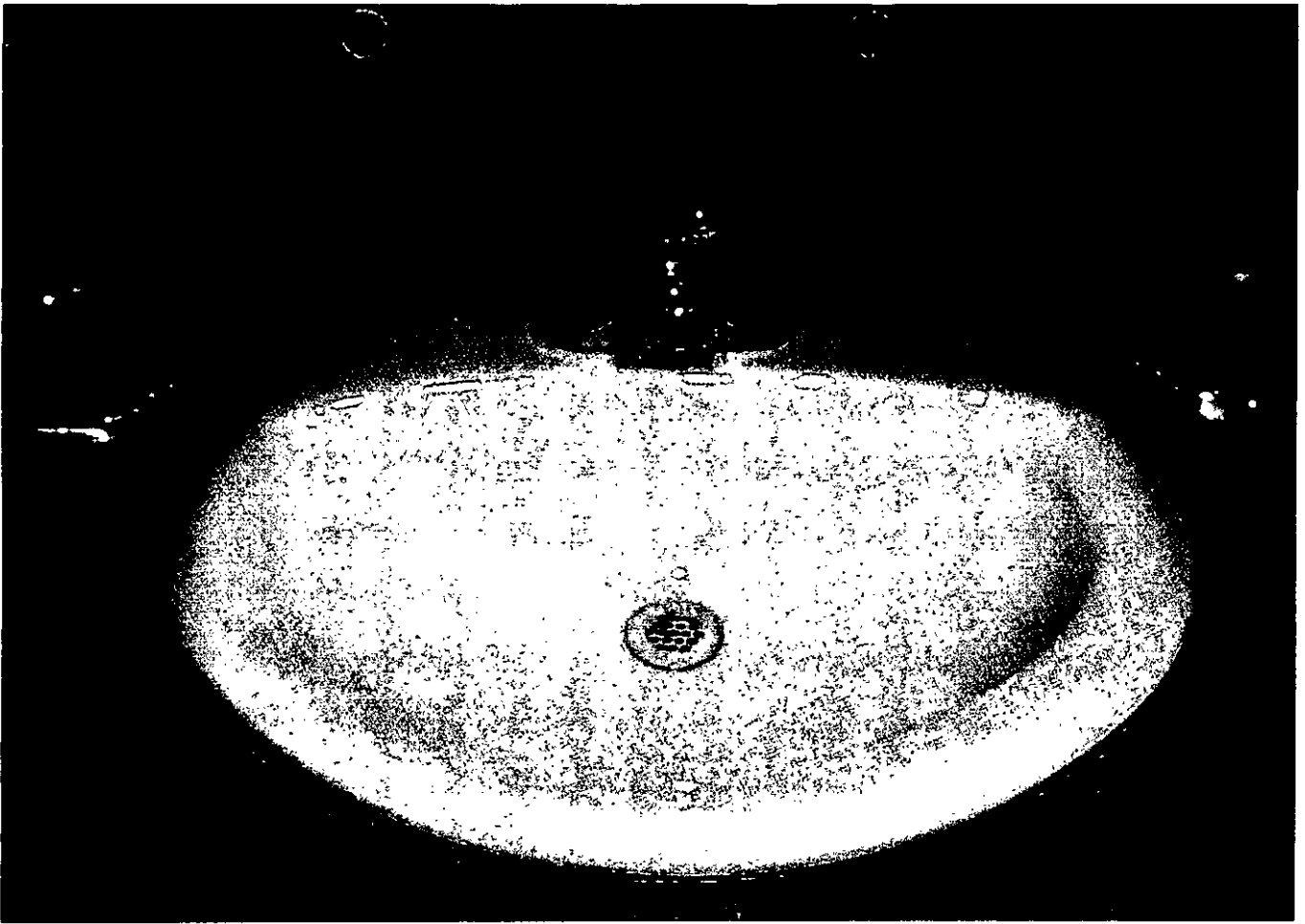


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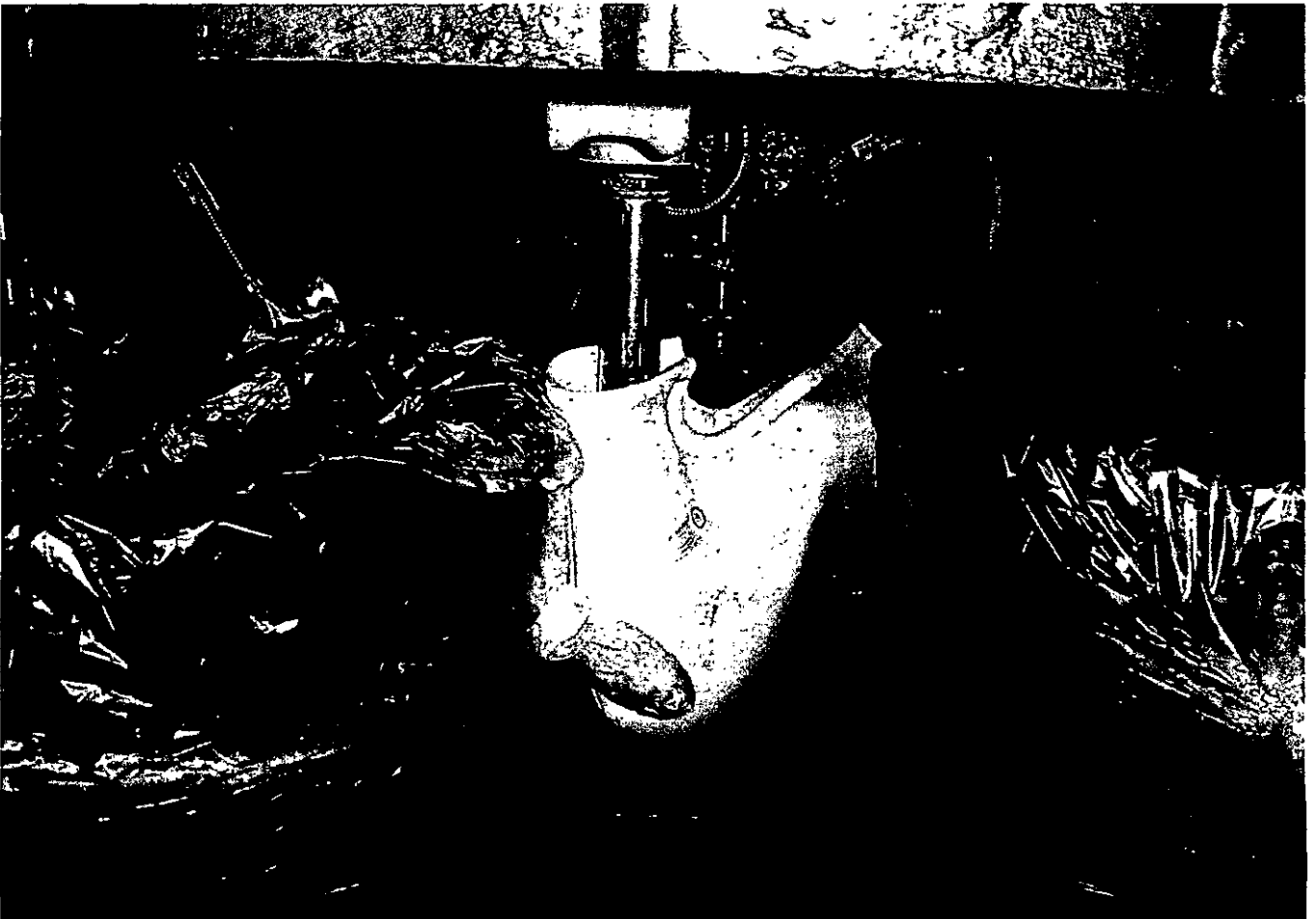




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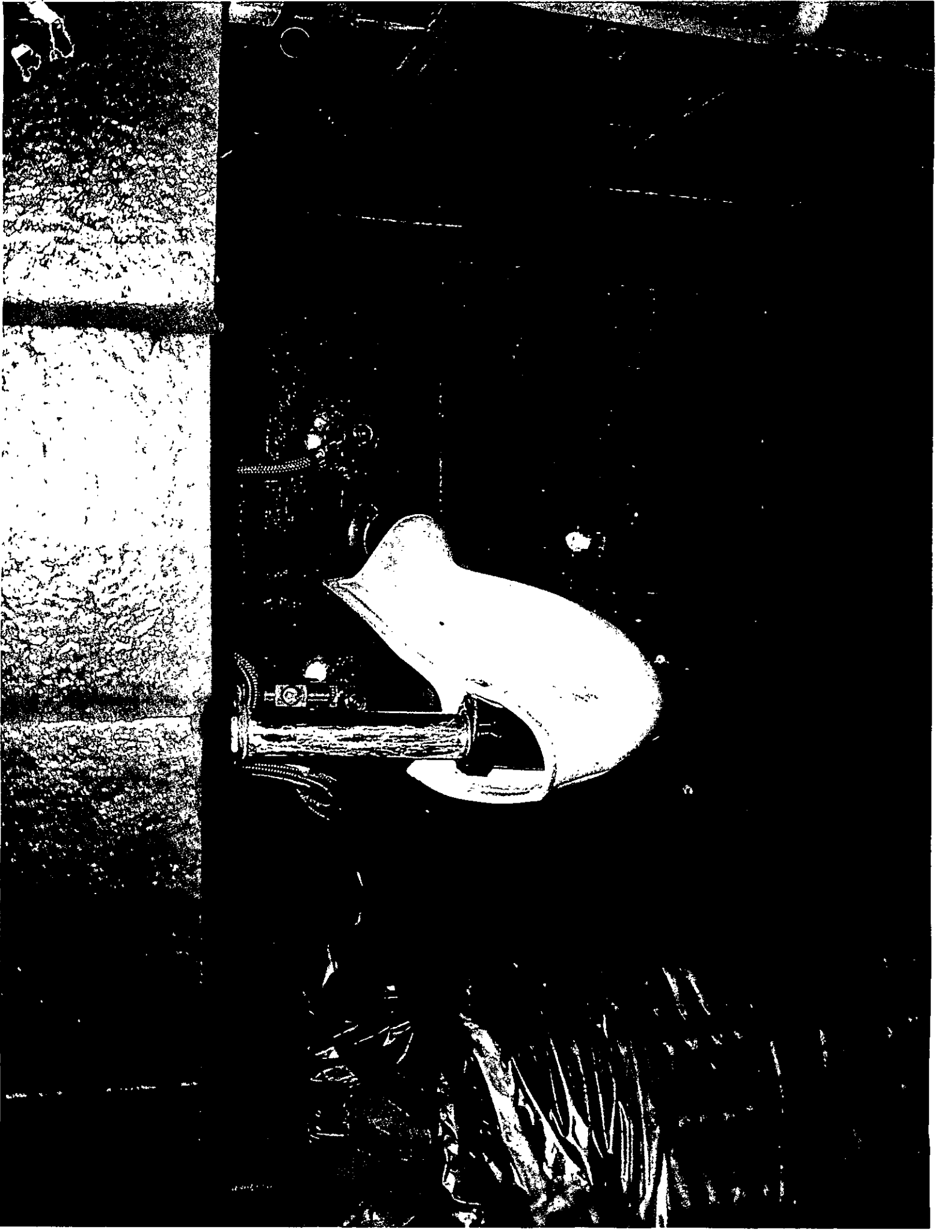


#16



#17





CIVIL COVER SHEET

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 REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LYNN J HUBBARD and BARBARA J. HUBBARD

ORIGINAL

DEFENDANTS

SOBRECK, LLC dba JOHNNY CARINO EASTLAKE VILLAGE MARKETPLACE, LLC and DOES 1 through 10

FILED
JUN 4 2004

CLERK, U.S. DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA
(IN U.S. PLAINTIFF CASES ONLY)

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

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

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

Lynn Hubbard, III, Esq.
Law Offices of Lynn Hubbard, 12 Williamsburg Lane,
Chico, CA 95926

ATTORNEYS (IF KNOWN)

'04 CV 1129 WQH (LSP)

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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | 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 |

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed 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

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"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 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 Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 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 - Med. 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 Product Liability | <input type="checkbox"/> 810 Agriculture <input type="checkbox"/> 820 Other Food & Drug <input type="checkbox"/> 825 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 830 Liquor Laws <input type="checkbox"/> 840 R.R. & Truck <input type="checkbox"/> 850 Airline Regs. <input type="checkbox"/> 860 Occupational Safety/Health <input type="checkbox"/> 890 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"/> 881 HIA (1395ff) <input type="checkbox"/> 882 Black Lung (923) <input type="checkbox"/> 883 DIWC/DIWW (405(g)) <input type="checkbox"/> 884 SSID Title XVI <input type="checkbox"/> 885 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <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 3410 <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 Statutes <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 & Ejectment <input type="checkbox"/> 240 Torts 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 Prison Condition | | | |

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

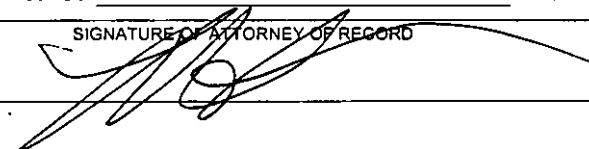
42 U.S.C. Section 12101, et seq.
Ongoing violations of the ADA Construction Standards

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** Excess \$75,000.00 **CHECK YES only if demanded in complaint:**
JURY DEMAND: YES NO

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

JUDGE _____ DOCKET NUMBER _____

DATE: June 2, 2004
SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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