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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
KJG

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

C. HUGH MARSH,  
Plaintiff,

v.

GA ENTERPRISES, INC., dba  
McDONALD'S; FRANCHISE REALTY  
INTERSTATE CORPORATION; and DOES  
ONE TO TEN, inclusive,  
Defendants.

) Case No. SACVOT-1188 DOC (ANX)  
) **LA 02-5202**  
) Civil Rights  
) **COMPLAINT FOR INJUNCTIVE RELIEF  
AND DAMAGES: DENIAL OF CIVIL  
RIGHTS OF A DISABLED PERSON IN  
VIOLATION OF THE AMERICANS WITH  
DISABILITIES ACT OF 1990; VIOLATION  
OF CALIFORNIA'S CIVIL RIGHTS  
STATUTES**  
) JURY TRIAL REQUESTED

1/5  
S-20

Plaintiff C. HUGH MARSH complains of defendants GA ENTERPRISES, INC., dba  
McDONALD'S; FRANCHISE REALTY INTERSTATE CORPORATION; and DOES ONE TO  
TEN, inclusive, and alleges as follows:

JURISDICTION AND VENUE

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

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1 **California Civil Code §§ 51, 51.5, 52(a), 52.1, 54, 54.1, 54.3 and 55.**

2 2. Venue is proper in this court pursuant to 28 **USC § 1391(b)** and is founded on the  
3 fact that the real property which is the subject of this action is located in this district, in Goleta,  
4 California, and that Plaintiff's causes of action arose in this district.

5 **INTRODUCTION**

6 3. **McDONALD'S** is located at 146 South Fairview, Goleta, California. Said  
7 restaurant is owned and operated by defendants **GA ENTERPRISES, INC., dba**  
8 **McDONALD'S; FRANCHISE REALTY INTERSTATE CORPORATION; and DOES ONE TO**  
9 **TEN, inclusive.**

10 Defendants **GA ENTERPRISES, INC., dba McDONALD'S; FRANCHISE REALTY**  
11 **INTERSTATE CORPORATION; and DOES ONE TO TEN, inclusive,** operate an establishment  
12 for services to the public and at which Defendants failed to provide barrier free access to said  
13 establishment in conformity with both Federal and California legal requirements. Further,  
14 Defendants failed to provide compliance as follows:

15 **A. Parking**

- 16
- 17 1. A tow-away sign is not provided at each entrance to the parking lot or adjacent to  
18 the accessible spaces in violation of California Title 24 § 1129B.4.5
  - 19 2. There is a total of 63 parking spaces with two accessible spaces. No accessible  
20 van parking is provided in violation of California Title 24 § 1129B.1, Table 11B-7  
21 and ADAAG 4.1.2(5)(a)
  - 22 3. The accessible parking spaces are less than nine feet wide in violation of  
23 California Title 24 § 1129B.4.2
  - 24 4. The access loading aisle for the accessible parking spaces is less than five feet  
25 wide in violation of California Title 24 § 1129B.4.1 and ADAAG 4.6.3
- 26  
27  
28

1 franchisees of other public facilities from willful disregard of the rights of persons with physical  
2 disabilities. Plaintiff does not know the financial worth of Defendants, or the amount of punitive  
3 damages sufficient to accomplish the public purposes of *California Civil Code* § 3294 and  
4 seeks leave to amend this Complaint when such facts are known.

5  
6 48. As a result of the actions and failure of Defendants, and each of them, and as a  
7 result of the failure to provide proper accessible public facilities, Plaintiff **C. HUGH MARSH** was  
8 denied his civil rights, including his right to full and equal access to public facilities, was  
9 embarrassed and humiliated, suffered physical, psychological and mental injuries and emotional  
10 distress, mental distress, mental suffering, mental anguish, which includes shame, humiliation,  
11 embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated  
12 with a person with a physical disability being denied access to a public accommodation.

13 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

14  
15 **III. — THIRD CAUSE OF ACTION**

16 **VIOLATION OF CALIFORNIA'S CIVIL RIGHTS ACTS**

17 (On Behalf of Plaintiff **C. HUGH MARSH** and Against Defendants **GA**  
18 **ENTERPRISES, INC., dba McDONALD'S; FRANCHISE REALTY INTERSTATE**  
19 **CORPORATION; and DOES ONE TO TEN, inclusive) (*California Civil Code* §§**

20 54, 54.1 and 54.3)

21 49. Plaintiff repleads and incorporates by reference as if fully set forth again herein,  
22 the allegations contained in paragraphs 1 through 48 of this Complaint and incorporates them  
23 herein as if separately repled.

24 50. The public facilities above-described constitute public facilities and public  
25 accommodations within the meaning of *California Health & Safety Code* § 19955 *et seq.* and  
26 were facilities to which members of the public are invited. The aforementioned acts and  
27 omissions of defendants, and each of them, constitute a denial of equal access to and use and  
28 enjoyment of these facilities by persons with disabilities, including Plaintiff **C. HUGH MARSH**.  
Said acts and omissions are also in violation of provisions of Title 24 of the *California Code of*

1 6. Remedies and Procedures available under **Americans with Disabilities Act of**  
2 **1990** §§ 107, 203 and 308;

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

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

9  
10 Dated: December 4, 2001

  
Jason K. Singleton, Attorney for  
Plaintiff, **C. HUGH MARSH**

11  
12  
13 **REQUEST FOR JURY TRIAL**

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

15  
16 Dated: December 4, 2001

  
Jason K. Singleton, Attorney for  
Plaintiff, **C. HUGH MARSH**