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5pm
FILED
CLERK, U.S. DISTRICT COURT
AUG 12 2002
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

Attorneys for Plaintiff, ANNA ESCOBEDO

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ANNA ESCOBEDO,
11 Plaintiff,

12 v.

13 KING VENTURES, JOHN E. KING,
14 CAROLE D. KING, DAVE WATSON,
15 APPLE FARM COLLECTIONS-SLO,
16 INC., a California corporation, dba
17 APPLE FARM, and DOES ONE TO
18 TEN, inclusive,

18 Defendants.

) Case No. 02-6295 ABC(JWJ)
)
) 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

19
20 Plaintiff ANNA ESCOBEDO complains of defendants KING VENTURES,
21 JOHN E. KING, CAROLE D. KING, DAVE WATSON, APPLE FARM
22 COLLECTIONS-SLO, INC., a California corporation, dba APPLE FARM, and
23 DOES ONE TO TEN, inclusive, and alleges as follows:
24

ENTERED ON ICMS
AUG 15 2002
CV

25 JURISDICTION AND VENUE

26
27 1. The Court has jurisdiction of this action pursuant to 28 USC § 1331 for
28 violations of the *Americans with Disabilities Act of 1990*, (42 USC § 12101, et

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

7
8 2. Venue is proper in this court pursuant to 28 **USC** § 1391(b) and is
9 founded on the fact that the real property which is the subject of this action is
10 located in this district, at San Luis Obispo, California, and that Plaintiff's causes of
11 action arose in this district.
12

13 INTRODUCTION

14 3. The **APPLE FARM** is located at 2015 Monterey Street, San Luis
15 Obispo, California. Said inn/restaurant is owned and operated by defendants
16 **KING VENTURES, JOHN E. KING, CAROLE D. KING, DAVE WATSON, APPLE**
17 **FARM COLLECTIONS-SLO, INC.**, a California corporation, dba **APPLE FARM**,
18 and **DOES ONE TO TEN, inclusive**.
19
20

21 Defendants **KING VENTURES, JOHN E. KING, CAROLE D. KING, DAVE**
22 **WATSON, APPLE FARM COLLECTIONS-SLO, INC.**, a California corporation,
23 dba **APPLE FARM**, and **DOES ONE TO TEN, inclusive**, operate an
24 establishment for services to the public and at which Defendants failed to provide
25 barrier free access to said establishment in conformity with both Federal and
26 California legal requirements. Further, Defendants failed to provide compliance as
27
28

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

7
8 48. As a result of the actions and failure of Defendants, and each of them,
9 and as a result of the failure to provide proper accessible public facilities, Plaintiff
10 **ANNA ESCOBEDO** was denied her civil rights, including her right to full and equal
11 access to public facilities, was embarrassed and humiliated, suffered physical,
12 psychological and mental injuries and emotional distress, mental distress, mental
13 suffering, mental anguish, which includes shame, humiliation, embarrassment,
14 anger, chagrin, disappointment and worry, expectedly and naturally associated
15 with a person with a physical disability being denied access to a public
16 accommodation.
17
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19
20 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

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

24 49. Plaintiff repleads and incorporates by reference as if fully set forth
25 again herein, the allegations contained in paragraphs 1 through 48 of this
26 Complaint and incorporates them herein as if separately repled.
27

28 50. The public facilities above-described constitute public facilities and

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

3
4 2. General damages according to proof;

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

8
9 4. Prejudgment interest on all compensatory damages;

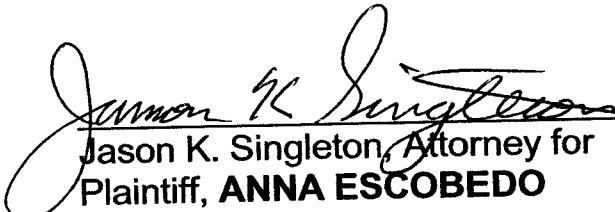
10 5. Punitive and exemplary damages pursuant to the standards and
11 purposes of **California Civil Code** § 3294;

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

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

21
22 8. Grant such other and further relief as the court may deem just and
23 proper.
24

25
26 Dated: August 7, 2002

27
28

Jason K. Singleton, Attorney for
Plaintiff, ANNA ESCOBEDO

REQUEST FOR JURY TRIAL

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

Dated: August 7, 2002


Jason K. Singleton, Attorney for
Plaintiff, **ANNA ESCOBEDO**

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