

ORIGINAL

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CLERK, U.S. DISTRICT COURT
FILED
NOV 25 2002
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY
BY [Signature]

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ANNA ESCOBEDO,
11 Plaintiff,

12 v.

13 RAJENDRA J. PANCHAL and
14 NIMISHA R. PANCHAL dba
15 HOLIDAY MOTEL, and DOES ONE
16 TO TEN, inclusive,
17 Defendants.

) Case No. 02-9053 GAF (RCx)
) 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 RAJENDRA J.
21 PANCHAL and NIMISHA R. PANCHAL dba HOLIDAY MOTEL, and DOES ONE
22 TO TEN, inclusive,, and alleges as follows:

24 JURISDICTION AND VENUE

25 1. The Court has jurisdiction of this action pursuant to 28 USC § 1331 for
26 violations of the *Americans with Disabilities Act of 1990*, (42 USC § 12101, *et seq.*)
27 Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the
28

ENTERED ON ICMS
NOV 27 2002
CV [Signature]

USE 101

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

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

10 INTRODUCTION

11 3. **HOLIDAY MOTEL** is located at 605 South Broadway, Santa Maria,
12 California. Said hotel is owned and operated by defendants **RAJENDRA J. PANCHAL**
13 **and NIMISHA R. PANCHAL, and DOES ONE TO TEN, inclusive.**
14

15 Defendants **RAJENDRA J. PANCHAL and NIMISHA R. PANCHAL and**
16 **DOES ONE TO TEN, inclusive,** operate an establishment for services to the public and
17 at which Defendants failed to provide barrier free access to said establishment in
18 conformity with both Federal and California legal requirements. Defendants refused to
19 rent a room to Plaintiff. Further, Defendants failed to provide compliance as follows:
20

21 **A. Parking:** There are 30 total parking spaces and no accessible parking
22 is provided. Two fully accessible parking spaces should be provided,
23 including one van accessible parking space pursuant to California
24 Title 24 § 1129B and ADAAG 4.6.3.
25

26 **B. Office:** The office is not accessible. There is a step into the office.
27
28

1 of exemplary and punitive damages pursuant to *California Civil Code* § 3294.

2 46. Defendants' actions have also been oppressive to persons with physical
3 disabilities and of other members of the public, and have evidenced actual or implied
4 malicious intent toward those members of the public, such as Plaintiff and other persons
5 with physical disabilities who have been denied the proper access they are entitled to by
6 law. Further, Defendants' refusals on a day-to-day basis to correct these problems
7 evidence despicable conduct in conscious disregard for the rights of Plaintiff and other
8 members of the public with physical disabilities.
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11 47. Plaintiff prays for an award of punitive damages against Defendants, and each
12 of them, pursuant to *California Civil Code* § 3294 in an amount sufficient to make a more
13 profound example of Defendants and discourage owners, operators, franchisers and
14 franchisees of other public facilities from willful disregard of the rights of persons with
15 physical disabilities. Plaintiff does not know the financial worth of Defendants, or the
16 amount of punitive damages sufficient to accomplish the public purposes of *California*
17 *Civil Code* § 3294 and seeks leave to amend this Complaint when such facts are known.
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21 48. As a result of the actions and failure of Defendants, and each of them, and as
22 a result of the failure to provide proper accessible public facilities, Plaintiff ANNA
23 ESCOBEDO was denied her civil rights, including her right to full and equal access to
24 public facilities, was embarrassed and humiliated, suffered physical, psychological and
25 mental injuries and emotional distress, mental distress, mental suffering, mental anguish,
26 which includes shame, humiliation, embarrassment, anger, chagrin, disappointment and
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1 these damages be trebled;

2 4. Prejudgment interest on all compensatory damages;

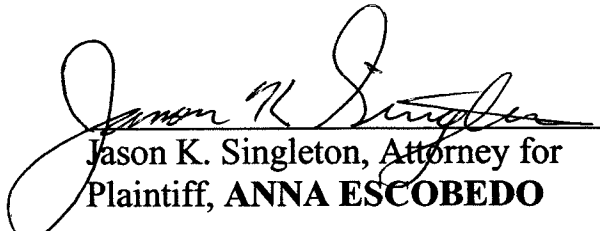
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4 5. Punitive and exemplary damages pursuant to the standards and purposes of
5 **California Civil Code** § 3294;

6 6. Remedies and Procedures available under **Americans with Disabilities Act of**
7
8 **1990** §§ 107, 203 and 308;

9 7. Award Plaintiff all litigation expenses, all costs of this proceeding and all
10 reasonable attorneys' fees as provided by law, including but not limited to those
11 recoverable pursuant to the provisions of **California Civil Code** §§ 52, 54.3, and 55,
12 **California Code of Civil Procedure** § 1021.5, and **Americans with Disabilities Act of**
13 **1990** §308 of Title III; and

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15
16 8. Grant such other and further relief as the court may deem just and proper.

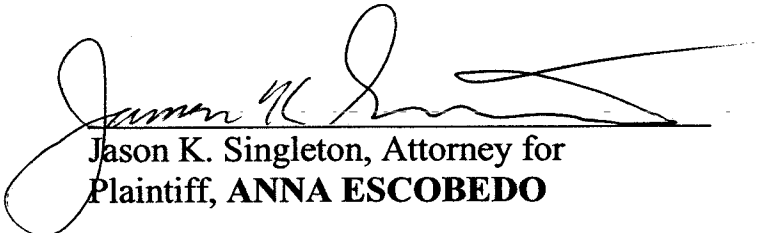
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18 Dated: November 21, 2002


Jason K. Singleton, Attorney for
Plaintiff, ANNA ESCOBEDO

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22 **REQUEST FOR JURY TRIAL**

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

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26 Dated: November 21, 2002


Jason K. Singleton, Attorney for
Plaintiff, ANNA ESCOBEDO