

USDC SCAN INDEX SHEET



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3:02-CV-00671 JONES V. FORMOSA CLUB

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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LAW OFFICES OF ROY L. LANDERS  
ROY L. LANDERS (BAR #64920)  
7840 MISSION CENTER COURT, SUITE 101  
SAN DIEGO, CALIFORNIA 92108  
TELEPHONE (619) 296-7898  
FACSIMILE (619) 296-5611

Attorney for Plaintiff, Dan Jones

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DAN JONES

Plaintiff,

vs.

FORMOSA CLUB COCKTAILS, JOHN  
SCHURICHT AND DOES 1-10,  
Inclusive,

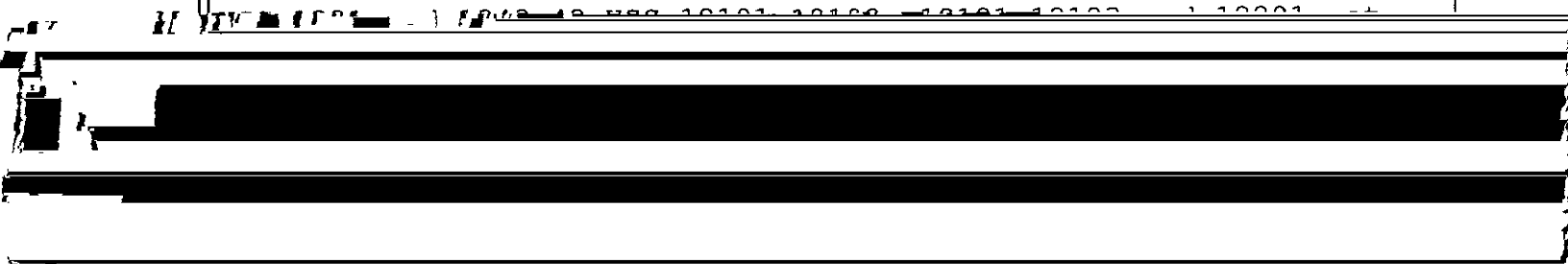
Defendants.

) Case No. '02 CV 671 H (LAB)  
)  
) COMPLAINT FOR DAMAGES RE:  
) VIOLATION OF CIVIL RIGHTS ON  
) BASIS OF DISCRIMINATION IN  
) PUBLIC ACCOMMODATIONS; UNFAIR,  
) UNLAWFUL AND FRAUDULENT BUSINESS  
) PRACTICES; NEGLIGENT INFLECTION  
) OF EMOTIONAL DISTRESS;  
) INTENTIONAL INFLECTION OF  
) EMOTIONAL DISTRESS; DEMAND FOR  
) JURY TRIAL

I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this action is invoked on the basis of 28



1 action where persons with disabilities have been denied their  
2 civil rights. Venue in the Southern Judicial District of  
3 California in the United States District Court is in accord with  
4 28. U.S.C. section 1391(b) because a substantial part of  
5 plaintiff's claims arose within the Judicial District of the  
6 United States District Court of the Southern District of  
7 California.

8 (b) Supplemental Jurisdiction. The Judicial District of the  
9 United States District Court of the Southern District of  
10 California has supplemental jurisdiction over the state claims  
11 alleged in this Complaint pursuant to 28 U.S.C. section 1367(a).  
12 Supplemental jurisdiction is appropriate in this action on the  
13 basis that all the causes of action or claims derived from federal  
14 law and those arising under state law, as herein alleged, arose  
15 from a common nucleus of operative facts. The common nucleus of  
16 operative facts, include, but are not limited to, the incidents  
17 whereby plaintiff was denied full and equal access to Defendants'  
18 facilities, goods, and/or services in violation of both federal  
19 and state laws when plaintiff attempted to enter, use, and/or exit  
20 Defendants' facilities as described with this Complaint. Further,  
21 due to this denial of full and equal access Plaintiff and other  
22 person's with disabilities were injured. Based upon such  
23 allegations the state actions, as stated herein, are so related to  
24 the federal actions that they form part of the same case or  
25 controversy, and the actions should be tried in one judicial  
26 proceeding.

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II

PARTIES

2. Defendant Formosa Club Cocktails was and at all times herein mentioned was a duly organized and operating business entity, partnership, corporation or other legally recognized business operation duly authorized to exist and operate a business within the State of California and County of San Diego and Plaintiff is informed and believes and thereon alleges that said defendant is a public accommodation business existing and operating at 840 Broadway Chula Vista, California.

3. Plaintiff is informed and believes and thereon alleges that defendant John Schuricht was and is at all times herein the owner, landlord and/or operator of the business and owner of the real property, which is the subject of this action.

4. Plaintiff is ignorant of the names and capacities of defendants sued as Does 1-10 herein and therefore sues each of them in the fictitious name of Doe. Plaintiff is informed and believes and thereon believes that each Doe defendant is in some manner responsible for the incidents, actions and violations alleged within this complaint and in their capacity were at all times acting as the agent, employee, representative, owner, or franchisee of each named defendant herein. Plaintiff will seek leave to amend this complaint to name Doe defendants when the same is ascertained.

5. Plaintiff is informed and believes and thereon alleges that each of the named defendants herein operates a business and or/facility of public accommodation as defined and described within 42 USC 12181(7)(B) of the American with Disabilities Act

1 [ADA] and as such must comply with the ADA under provisions of  
2 Title III therein.

3 III

4 GENERAL ALLEGATIONS COMMON TO ALL CLAIMS

5 6. Plaintiff is an African American male who is disabled and  
6 confined to a wheelchair. He has no control over his lower  
7 extremities and must use a wheelchair to transport himself and to  
8 effect the basic necessities of his everyday existence.

9 Plaintiff's disability substantially limits one or more of life's  
10 major activities [walking] and therefore he is disabled as defined  
11 under 42 USC 12102(2)(A)(B)(C).

12 7. On or about February 15, 2002 plaintiff attempted to enter the  
13 subject premises of the defendants herein to purchase food,  
14 beverage and/or services offered by defendants. When Plaintiff  
15 attempted to enter the facilities he had difficulty entering and  
16 using the facilities because they failed to comply with federal  
17 ADA Access Guidelines For Building and Facilities [hereinafter  
18 "ADAAG"] and/or the State of California's Title 24 Building Code  
19 Requirements.

20 8. The specific difficulty Plaintiff had in entering and utilizing  
21 Defendants' facilities and which amount to a violation of ADAAG  
22 and Title 24 of the California Building Code are:

23 (a) Property entrance site signage is improper and in violation of  
24 Title 24 1129B.5.

25 (b) There is no designated van accessible parking space as  
26 required by ADAAG 4.1.2(5)(b) and Title 24 1129B.4.2.

27 (c) There is no van accessible aisle as required by ADAAG 4.6.3 &  
28 Title 24 1129B.5.

1 (d) There is no accessible route of travel as required by ADAAG  
2 4.1.3(2) and Title 24 1129B.1.2.

3 (e) Bathroom facility lacks proper directional signage as required  
4 by ADAAG 4.30.7(d) and Title 24 1117B. 5.1.1.1. &5.3.

5 (f) Bathroom lacks proper international symbol of access as  
6 required by ADAAG 4.30.6 and Title 24 1117B.5.9.

7 (g) Mirror heights are improper in violation of ADAAG 4.19.6.

8 (h) Bathroom grab bars are not at proper lengths as required by  
9 ADAAG 4.17.6.

10 (i) Bathroom accessories/fixtures are at improper height and in  
11 violation of ADAAG 4.23.7 and Title 24 1115B9.2.

12 (j) Toilet room door handles are improper and in violation of  
13 ADAAG 4.13.9 and Title 24 1133B.2.5.1.

14 (k) Restroom lacks raised Braille characters as required by ADAAG  
15 4.30.4 and Title 24 1117B.5.6.1&2.

16 (l) Faucet fixtures are improper and violate ADAAG 4.27.4 and  
17 Title 24 1508.1 & 2.

18 (m) Facilities lack visual/audible emergency alarms as required by  
19 ADAAG 4.28.2, 4.28.3 and Title 24 1114B.2.4. Plaintiff is informed  
20 and believes that more than fifty (50) violations of ADAAG and/or  
21 Title 24 exist at this facility.

22 9. Based upon the above facts, Plaintiff has been discriminated  
23 against and will continue to be discriminated against unless and  
24 until Defendants are enjoined and forced to cease and desist from  
25 continuing to discriminate against Plaintiff and others similarly  
26 situated.

27 10. Pursuant to federal [ADA] and state law [California Title 24],  
28 Defendants are required to remove barriers to their existing

1 facilities. Defendants have been put on notice pursuant to the ADA  
2 and the California Civil Code prior to the statutory effect of the  
3 ADA on January 26, 1992 that Defendants and each of them had a  
4 duty to remove barriers to persons with disabilities such as  
5 plaintiff. Defendants also knew or should have known that  
6 individuals such as plaintiff with a disability are not required  
7 to give notice to a governmental agency prior to filing suit  
8 alleging Defendant's failure to remove architectural barriers.

9 11. Plaintiff believes and thereon allege that Defendants'  
10 facility, as described herein, has other access violations not  
11 directly experienced by Plaintiff, which preclude or limit access  
12 by others with disabilities, including, but not limited to, Space  
13 Allowances, Reach Ranges, Accessible Routes, Protruding Objects,  
14 Ground and Floor Surfaces, Parking and Passenger Loading Zones,  
15 Curb Ramps, Ramps, Elevators, Platform Lifts (Wheelchair Lifts),  
16 Windows, Doors, Entrances, Drinking Fountains, and Water Coolers,  
17 Water Closets, Toilet Stalls, Urinals, Lavatories and Mirrors,  
18 Sinks, Storage, Handrails, Grab Bars, Telephones, Controls and  
19 Operating Mechanisms, Alarms, Detectable Warnings and Signage.  
20 Accordingly, Plaintiff alleges Defendants are required to remove  
21 all architectural barriers, known or unknown. Also, Plaintiff  
22 alleges Defendants are required to utilize the ADA checklist for  
23 Readily Achievable Barrier Removal approved by the United States  
24 Department of Justice and created by Adaptive Environments.

25 12. Plaintiff desires to return to Defendants' place of business  
26 and utilize their facilities without being discriminated against  
27 in the immediate future.

28 **IV**

1 FIRST CAUSE OF ACTION

2 (Violation of Civil Rights-American With Disabilities Act)

3 13. Plaintiff realleges the allegations in paragraphs 1 through 12  
4 as though set forth fully herein.

5 **Claim 1: Denial of Full and Equal Access**

6 14. Based on the facts asserted above Plaintiff has been denied  
7 full and equal access to Defendants' goods, services, facilities,  
8 privileges, advantages, or accommodations. Defendants are a public  
9 accommodation owned, leased and/or operated by Defendants named  
10 herein. Defendants' existing facilities and/or services failed to  
11 provide full and equal access to Defendants' facilities as  
12 required by 42 U.S.C. section 12182(a). Thus, Plaintiff was  
13 subjected to discrimination in violation of 42 U.S.C.  
14 12182(b)(2)(A)(ii)(iv); 42 USC 1981 and 42 U.S.C. section 12188  
15 because Plaintiff was denied equal access to Defendants' existing  
16 facility.

17 15. Plaintiff has a physical impairment as alleged herein because  
18 his condition affects one or more of the following body systems:  
19 neurological, musculoskeletal, special sense organs, and/or  
20 cardiovascular. Further, his physical impairments substantially  
21 limits one or more of the following major life activities:  
22 walking. In addition, Plaintiff cannot perform one or more of the  
23 said major life activities in the manner speed, and duration when  
24 compared to the average person. Moreover, Plaintiff has a history  
25 of or has been classified as having a physical impairment as  
26 required by 42 U.S.C. section 12102(2)(A).



1                   **Claim 2: Failure To Remove Architectural Barriers**

2 16. Based upon the facts alleged herein, Plaintiff was denied full  
3 and equal access to Defendants' goods, services, facilities,  
4 privileges, advantages, or accommodations within a public  
5 accommodation owned leased, and/or operated by the named  
6 Defendants. Defendants individually and collectively failed to  
7 remove barriers as required by 42 U.S.C. 12182(a). Plaintiff is  
8 informed and believes, and thus alleges that architectural  
9 barriers which are structural in nature exist at the following  
10 physical elements of Defendants' facilities:

11 Space Allowance and Reach Ranges, Accessible Route, Protruding  
12 Objects, Ground and Floor Surfaces, Parking and Passenger Loading  
13 Zones, Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts  
14 (Wheelchair Lifts), Windows, Doors, Entrances, Drinking Fountains  
15 and Water Coolers, Water Closets, Toilet Stalls, Urinals,  
16 Lavatories and Mirrors, Sinks, Storage, Handrails, Grab Bars, and  
17 Controls and Operating Mechanisms, Alarms, Detectable Warnings,  
18 Signage, and Telephones. Pursuant to 42 USC section  
19 12182(b)(2)(iv), Title III requires places of public accommodation  
20 to remove architectural barriers that are structural in nature  
21 within existing facilities. Failure to remove such barriers and  
22 disparate treatment against a person who has a known association  
23 with a person with a disability are forms of prohibited  
24 discrimination. Accordingly, Plaintiff was subjected to  
25 discrimination in violation of 42 USC 12182(b)(2)(A)(iv) and 42  
26 USC 12182 (b)(2)(A)(iv); 42 USC 1981 and 42 USC 12188.

27 //  
28 //



1 22. The provisions of 42 U.S.C. 1981 (As amended by the Civil  
2 Rights Act of 1991) provide that Plaintiff as a person with  
3 disabilities cannot be discriminated against with regard to the  
4 ability to enter into, to make or to enforce contracts. In  
5 enacting the Civil Rights Act of 1991 congress established a three  
6 tier system of remedies for a broad range of discretionary  
7 conduct, including violations of the Americans With Disabilities  
8 Act, wherein disabled individuals such as plaintiff are denied  
9 equal access to facilities they wish to conduct business in and  
10 therefore are precluded from making, entering into and enforcing  
11 contracts that plaintiff and others similarly situated may desire  
12 to effect.

13 23. Defendants, because they have individually and/or collectively  
14 denied plaintiff access to its premises, goods and services, have  
15 denied him the right to make, enter into or enforce a contract and  
16 therefore have violated the provisions of 42 U.S.C. 1991 all to  
17 Plaintiff's damage in an amount to be determined at time of trial  
18 herein.

19 24. As a result of Defendants' actions Plaintiff was humiliated,  
20 embarrassed and discouraged and upset emotionally and physically  
21 and suffered damage according to proof.

22 25. The actions of Defendants were intentional, outrageous and  
23 done with reckless disregard of Plaintiff's rights and therefore  
24 entitle him to an award of punitive damages.

25 26. By reason of Defendants' actions Plaintiff was caused to incur  
26 costs and expenses of litigation, including attorney's fees, to  
27 seek and redress his civil rights. Plaintiff therefore seeks an  
28

1 award of costs and attorney's fees associated with the necessity  
2 of bringing this lawsuit.

3 VI

4 THIRD CAUSE OF ACTION

5 **(Violation Of Civil Rights Under California Accessibility Laws)**

6 27. Plaintiff realleges the allegations of the Second Cause of  
7 Action as though set forth fully herein.

8 **(a) Denial Of Full And Equal Access**

9 28. Plaintiff has been denied full and equal access to Defendants'  
10 goods, services, facilities, privileges, advantages, or  
11 accommodations within a public accommodation owned, leased, and/or  
12 operated by Defendants in violation of Civil Code Sections 54 and  
13 54.1; Health and Safety Code Section 19955 and California  
14 Government Code Section 12948. The actions of Defendants also  
15 violate the provisions of Title 24 of State of California Building  
16 Codes with regard to accessibility for persons with disabilities  
17 by failing to provide access to Defendants' facilities due to  
18 violations pertaining to accessible routes, ground and floor  
19 surfaces, parking and passenger loading zones, curb ramps, ramps,  
20 stairs, elevators, platform lifts (wheelchair lifts), windows,  
21 doors, toilet stalls, urinals, lavatories and mirrors, sinks,  
22 storage, handrails, grab bars, controls and operating mechanisms  
23 alarms, detectable warnings, signage and telephones.

24 29. On the above basis Plaintiff has been wrongfully discriminated  
25 against.

26 **(b) Failure To Modify Practices, Policies And Procedures**

27 30. Defendants have failed and refused and continue to fail and  
28 refuse to provide a reasonable alternative to allow plaintiff

1 equal access to their facility by modifying their practices,  
2 policies, and procedures in that that they failed to have a  
3 scheme, plan, or design to assist Plaintiff and others similarly  
4 situated in entering and utilizing Defendants' goods or services  
5 as required by California Civil Code section 54 and 54.1.  
6 Accordingly Defendants have wrongfully discriminated against  
7 Plaintiff.

8 **VII**

9 **FOURTH CAUSE OF ACTION**

10 **(Violation of The Unruh Civil Rights Act)**

11 31. Plaintiff realleges the allegations of the Third Cause of  
12 Action as though set forth fully herein.

13 32. Section 51(b) of the Cal. Civ. Code [The Unruh Civil Rights  
14 Act], provides in pertinent part:

15 "All persons within the jurisdiction of this state are  
16 free and equal, and no matter what their sex, race, color,  
17 religion, ancestry, national origin, disability, or medical  
18 condition is entitled to the full and equal accommodations,  
19 advantages, facilities, privileges, or services in all  
20 business establishments of every kind whatsoever."

21 33. Defendants have violated the provisions of Civ. Code 51(b) by  
22 failing and refusing to provide free and equal access to Plaintiff  
23 to their facility on the same basis as other persons not disabled.

24 By its failure to provide equal access to Plaintiff as herein  
25 alleged, Defendants have also violated 42 U.S.C. section

26 12182(b)(2)(A)(iv) as provided in Cal. Civ. Codes section 51(f).

27 34. By reason of its acts and denial of Plaintiff's civil rights  
28 Defendants also violated the provisions of Cal. Civ. Code section  
52, which makes a person or entity in violation of Cal.Civ. Code

1 51 liable for the actual damages to a Plaintiff including treble  
2 damages where appropriate and \$4000 per statutory violation.

3 35. Defendants, at all times prior to and including February 15,  
4 2002, respectively and continuing to the present time, knew that  
5 persons with physical disabilities were denied their rights of  
6 equal access to all portions of this public facility. Despite such  
7 knowledge, Defendants failed and refused to take steps to comply  
8 with the applicable access statutes and despite knowledge of the  
9 resulting problems and denial of civil rights suffered by  
10 Plaintiff and other similarly situated persons with disabilities.

11 36. Defendants have failed and refused to take action to grant  
12 full and equal access to persons with physical disabilities.

13 Defendants have carried out a course of conduct of refusing to  
14 respond to, or correct complaints about unequal access and has  
15 refused to comply with its legal obligation to make the subject  
16 facility accessible pursuant to the ADAAG and the California  
17 Building Code [Title 24 of the California Code of Regulations].

18 Such actions and continuing course of conduct by Defendants  
19 evidence despicable conduct in conscious disregard of the rights  
20 and/or safety of Plaintiff and those similarly situated and thus  
21 justify an award of treble damages pursuant to section 52(a) and  
22 54.3(a) of the Cal.Civ. Code or alternatively an award of punitive  
23 damages in an appropriate amount.  
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1 37. Plaintiff has suffered emotional and physical damage and  
2 continues to suffer such damages all in an amount to be determined  
3 at time of trial.

4  
5 38. Under the provisions of Cal. Civ. Code section 55 Plaintiff  
6 seeks an award of reasonable attorney's fees and costs as a result  
7 of having to bring this action. Plaintiff requests the court to  
8 award such fees in an appropriate amount.

9  
10 **VIII**

11 **FIFTH CAUSE OF ACTION**

12 **(Unfair And Unlawful Business Practice)**

13 39. Plaintiff realleges the allegations of the Fourth Cause of  
14 Action as though set forth fully herein.

15 40. California Business and Professions Code Section 17200 states  
16 in pertinent part:

17 "As used in this chapter, unfair competition shall mean and  
18 include any unlawful, unfair or fraudulent business act..."

19 41. Defendants, as alleged herein, are in violation of the  
20 Americans With Disabilities Act and Title 24 of the California  
21 Building Code, in that it has denied equal access to their place  
22 of public accommodation to Plaintiff and others similarly situated  
23 to Plaintiff. Defendants have failed and refused and continue to  
24 refuse to comply with equal access laws all in violation of 42 USC  
25 12181-12183; 42 USC 1981; and 42 USC 12188. In addition the  
26 complained of acts are in violation of California Civil Code  
27 Sections 51, 52, 54, and 54.1,; California Health and Safety Code  
28

1 section 19955 and California Government Code section 12948 all of  
2 which require Defendants to provide equal access to its facility  
3 to disabled persons such as plaintiff. Defendants are also in  
4 violation of the indicated statutes because of their failure to  
5 remove architectural barriers, which prevent equal access to its  
6 facility by disabled persons and because of its failure to modify  
7 its practices, policies and procedures to have a scheme, plan, or  
8 design to assist Plaintiff and others similarly situated to enter  
9 and utilize Defendants' services as required by the Unruh Act.  
10

11  
12 42. Defendant's acts are unlawful and unfair and are therefore in  
13 violation of California Business and Professions Code section  
14 17200.

15  
16 43. Pursuant to the provisions of California Business and  
17 Professions Code section 17201 Plaintiff is a person as identified  
18 within said section and therefore allowed to bring this action on  
19 behalf of himself and the general public to effectuate California  
20 Business and Professions Code 17200 as provided for within  
21 Business and Professions Code section 17204.

22  
23 44. Thus, Plaintiff, under Bus & Prof. Code section 17200 seeks  
24 injunctive relief, on behalf of himself and the general public,  
25 requiring Defendants to remedy the disabled access violations  
26 present within Defendants' facility and that Defendants be ordered  
27 to cease and desist from continuing in noncompliance with disabled  
28 access statutes and regulations.



SIXTH CAUSE OF ACTION**(Negligent Infliction of Emotional Distress)**

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5 45. Plaintiff relleges the allegations of the Fourth Cause of  
6 Action as though set forth fully herein.

7 46. Defendants owe a duty to Plaintiff to make its facility  
8 accessible and to keep Plaintiff reasonably safe from known  
9 dangers and risks of harm. This duty arises by virtue of the legal  
10 duties proscribed by various federal and state statutes including,  
11 but not limited to, ADA, ADAAG, California Civil Code sections 51,  
12 52, 54, 54.1 and Title 24 of the California Code of Regulations.  
13 Defendants had a duty of due care not to do or cause anything to  
14 happen that would subject Plaintiff to undue stress,  
15 embarrassment, chagrin, and discouragement.  
16

17  
18 47. Defendants breached their duty of care to Plaintiff by the  
19 actions and inaction complained of herein and as a result thereof  
20 Plaintiff was shocked, discouraged, embarrassed and outraged at  
21 the callousness and disregard of Defendants. Defendants knew or  
22 had reason to know that by denying Plaintiff equal access to their  
23 facility and failing and refusing to remove architectural  
24 barriers, Plaintiff would suffer emotional and/or mental distress  
25 because of such discrimination and disparate treatment. Defendants  
26 breached their duty of care to plaintiff by the perpetration of  
27 the acts outlined herein.  
28

1 48. As a proximate result of the actions of Defendants Plaintiff  
2 did suffer emotional and mental distress and pain and suffering  
3 all in an amount to be determined at time of trial.

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5 X

6 **SEVENTH CAUSE OF ACTION**

7 **(Intentional Infliction of Emotional Distress)**

8 49. Plaintiff realleges the allegations of the Fourth Cause of  
9 Action as though set forth fully herein.

10 50. The actions of Defendants are despicable, intentional and done  
11 with conscious disregard of the rights and safety of Plaintiff and  
12 as such should be regarded as outrageous.

13 51. As a proximate result of Defendants' actions Plaintiff has  
14 suffered severe emotional and mental distress all to his damage in  
15 an amount to be determined at time of trial.

16 52. Plaintiff seeks an award of punitive damages for this claim as  
17 the actions of Defendants are tantamount to outrageous conduct and  
18 subject it to exemplary damages.

19 **DEMAND FOR JURY**

20 53. Plaintiff respectfully requests that the claims made herein be  
21 heard and determined by a jury.

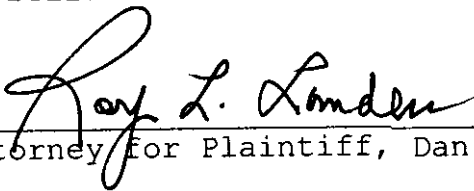
22 WHEREFORE PLAINTIFF PRAYS:

- 23 1. For general damages according to proof;  
24 2. For special damages according to proof;  
25 3. For damages pursuant to Cal. Civil Code section 52, in the  
26 amount of \$4,000 for each and every offense of California Civil  
27 Code section 51, Title 24 of the California Building Code and the  
28 Americans With Disabilities Act.

- 1 4. For Injunctive relief pursuant to 42 U.S.C. 12188(a) and
- 2 California Business and Professions Code section 17200
- 3 5. For an award of attorney's fees pursuant to 42 U.S.C. 1988, 42
- 4 U.S.C. 1981, 42 U.S.C. 12205 and Cal. Civ. Code section 55;
- 5 6. For treble damages pursuant to Cal. Civ. Code 52 (a);
- 6 7. For punitive damages according to proof;
- 7 8. For a Jury Trial;
- 8 9. For costs of suit incurred herein and;
- 9 10. For such other and further relief as the court deems proper.

10 Respectfully submitted,

11 Dated: 3-23-02

  
\_\_\_\_\_  
Attorney for Plaintiff, Dan Jones

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

DAN JONES

San Diego

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

FORMOSA CLUB COCKTAILS, JOHN SCHURICHT AND DOES 1-10, Inclusive

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED BY: DEPUTY

FILED

02 APR - 8, PM 2:50

San Diego

DEPT. U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

(c) Attorney's (Firm Name, Address, and Telephone Number)

Roy L. Landers (619)296-7898 7840 Mission Center CT, Suite 101 San Diego, CA 92108

Attorneys (if Known)

02 CV 671 H (LAB)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 main categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal codes and descriptions.

V. 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

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 statutes unless diversity.)

42 USC 12101-12102, 12181-12183 and 12201, et seq. Discrimination on basis of disability (Public Accommodations)

VII. REQUESTED IN COMPLAINT: xx CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

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

DATE 4/02/02 SIGNATURE OF ATTORNEY OF RECORD Roy L. Landers

FOR OFFICE USE ONLY RECEIPT # 081271 AMOUNT \$5000.00 APPLYING TO JUDGE MAG. JUDGE