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Attorney for Plaintiff, CHRIS LANGER,

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

CHRIS LANGER,	)	Case No. : <b>GIN022482</b>
	)	
Plaintiff,	)	<b>COMPLAINT FOR DAMAGES AND</b>
	)	<b>INJUNCTIVE RELIEF FOR VIOLATIONS</b>
v.	)	<b>OF: UNRUH CIVIL RIGHTS ACT;</b>
	)	<b>CALIFORNIA'S DISABLED PERSON ACT;</b>
DONNA L. BEANLAND as TRUSTEE of)	)	<b>NEGLIGENCE; CALIFORNIA'S UNFAIR</b>
the DONNA BEANLAND TRUST, dated)	)	<b>BUSINESS PRACTICE ACT.</b>
December 17, 1990; GILBERT B.)	)	
BEANLAND as TRUSTEE of the DONNA)	)	<b>DEMAND FOR JURY</b>
BEANLAND TRUST, dated December)	)	
17, 1990; MAHAL PUTRIS, and DOES)	)	
1 through 10, inclusive	)	
Defendants.	)	

Plaintiff CHRIS LANGER, (hereinafter referred to as "Plaintiff") complains of DONNA L. BEANLAND as TRUSTEE of the DONNA BEANLAND TRUST, dated December 17, 1990; GILBERT B. BEANLAND as TRUSTEE of the DONNA BEANLAND TRUST, dated December 17, 1990; MAHAL PUTRIS, and DOES 1 through 10, inclusive, (hereinafter referred to as "Defendants") and alleges as follows:

**INTRODUCTION:**

ORIGINAL

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Rights action for discrimination against persons with physical disabilities, of which Plaintiff is a member said class, for failure to remove architectural barriers structural in nature at Defendants' place of business, located at 1122 S. Escondido Blvd., Escondido, California, a place of public accommodation; and for failure to modify practices and or policies in order to accommodate, thereby discriminatorily denying Plaintiff and the class of other similarly situated persons with physical disabilities access to, the full and equal enjoyment of, opportunity to participate in, and benefit from, the goods, facilities, services, and accommodations thereof.

2. Plaintiff seeks injunctive relief and damages for violations of civil rights and for damages flowing from such violations.

**PARTIES:**

3. Plaintiff is a California resident with physical disabilities who uses a wheelchair to travel about in public.

4. Defendants, DONNA L. BEANLAND as TRUSTEE of the DONNA BEANLAND TRUST, dated December 17, 1990; GILBERT B. BEANLAND as TRUSTEE of the DONNA BEANLAND TRUST, dated December 17, 1990; MAHAL PUTRIS, and DOES 1 through 10, inclusive (hereinafter alternatively referred to collectively as "Defendants"), are the owners and operators, lessors and/or lessees, or agents of the owners, lessors and/or lessees, and/or alter egos, franchisers and/or franchisees, of the building and/or buildings which constitute a public facility in and of itself, occupied by the above described defendants, and subject to the requirements of federal and state law requiring full and equal access to public accommodations and facilities.

know the true names of Defendants, their ownership connection to the property and the responsibilities in causing the access violations herein complained of, and alleges a joint venture and common enterprise by all such Defendants. Plaintiff is informed and believes that each of the Defendants herein, including DOES 1 through 10, inclusive, is responsible in some capacity for the events herein alleged, or is a necessary party for obtaining appropriate relief. Plaintiff will seek leave to amend when the true names, capacities, connections, and responsibilities of the Defendants and DOES 1 through 10, inclusive, are ascertained.

**PRELIMINARY FACTUAL ALLEGATIONS:**

6. Defendants are or were at the time of the incident the owners and operators, lessors and lessees of the public facility, located at 1122 S. Escondido Blvd., Escondido, California. The public accommodation, its path of travel, parking, restrooms and its other facilities are each a "public accommodation or facility" subject to the requirements of state and federal law. On information and belief, each such facility has, since July 1, 1970, undergone "alterations, structural repairs and additions," each of which has subjected the public accommodations, and each of their facilities to handicapped access requirements per the Americans with Disabilities Act Access Guidelines (ADAAG) and Title 24 of California's Code of Regulations.

7. On at least once occasion within the statutory period preceding the filing of this complaint, Plaintiff was an invitee and customer at the subject public accommodation.

8. During Plaintiff's visit, the subject public accommodation

ns of the Americans with Disabilities Act  
Accessibility Guidelines ("ADAAG") and Title 24 of the California  
3 Code of Regulations including but not limited to: there was a lack  
4 of properly configured disabled parking; and a lack of van  
5 accessible designated disabled parking.

6 9. On information and belief, other portions of the facility  
7 were improperly inaccessible for use by persons with physical  
8 disabilities.

9 10. On information and belief, the facilities continue to the  
10 date of filing this complaint to deny equal access to Plaintiff and  
11 other persons with physical disabilities.

12 11. As a result of the inaccessible facilities, Plaintiff was  
13 humiliated, embarrassed and frustrated, suffering emotional  
14 injuries. Moreover, as a result of the inaccessible facilities,  
15 Plaintiff, suffered bodily and physical injury.

16 12. Plaintiff would like to return and use the Defendants'  
17 public accommodations but because of Defendants' violations,  
18 Plaintiff and other persons with physical disabilities are unable to  
19 use public facilities such as those owned and operated by Defendants  
20 on a "full and equal" basis unless such facility is in compliance  
21 with the provisions of the Americans with Disabilities Act  
22 Accessibility Guidelines and state accessibility law as pled herein.  
23 Plaintiff has, therefore, been deterred from returning and using the  
24 Defendants' public accommodations.

25 13. Plaintiff is informed and believes and therefore alleges  
26 that Defendants and each of them (1) caused the subject improved  
27 real properties which constitute the subject public accommodation to  
28 be constructed, altered and maintained in such a manner that persons

ies were denied full and equal access to,  
aid improved real property(s); (2) that the

3 Defendants have had actual and constructive notice that the  
4 facilities were not legally accessible to persons with disabilities;  
5 (3) that despite being informed of such effect on Plaintiff and  
6 other persons with physical disabilities due to the lack of  
7 accessible facilities, Defendants, and each of them, knowingly and  
8 willfully refused to take any steps to rectify the situation and to  
9 provide full and equal access for Plaintiff and other persons with  
10 physical disabilities to the subject public accommodation. Said  
11 defendants, and each of them, have continued such practices, in  
12 conscious disregard for the rights and safety of Plaintiff and other  
13 persons with physical disabilities. Said conduct, with knowledge of  
14 the effect it was and is having on Plaintiff and other persons with  
15 physical disabilities, constitutes despicable conduct in conscious  
16 disregard of the rights and safety of Plaintiff and of other  
17 similarly situated persons, justifying the imposition of punitive  
18 and exemplary damages per Civil Code section 3294.

19 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**  
20 (On behalf of Plaintiff and Against All Defendants) (Cal Civ §  
51 et seq.)

21 14. Plaintiff repleads and incorporates by reference, as if  
22 fully set forth again herein, the allegations contained in all prior  
23 paragraphs of this complaint.

24 15. California Civil Code § 52 provides that a party that  
25 discriminates against a plaintiff in violation of Civ. Code § 51  
26 shall be liable for actual damages, up to three times actual damages  
27 but not less than \$4000 for each such offense, and any attorney's  
28 fees incurred by the plaintiff.

s have not ensured that their facilities  
3 comply with Title 24 of the California Code of Regulations, the  
4 California Building Code as it applies to physical access for  
5 persons with disabilities and failed to ensure that disabled persons  
6 have "full and equal accommodations, advantages, facilities,  
7 privileges, or services" to the facilities identified above.

8 Count Two:

9 17. The Defendants have not complied with the Americans with  
10 Disabilities Act of 1990.

11  
12 **II. SECOND CAUSE OF ACTION: VIOLATION OF CALIFORNIA'S DISABLED**  
13 **PERSONS ACT, (On Behalf of Plaintiff and Against All**  
**Defendants) (California Civil Code § 54 et seq.)**

14 18. Plaintiff repleads and incorporates by reference as if  
15 fully set forth again herein, the allegations contained in all prior  
16 paragraphs of this complaint and incorporates them herein as if  
17 separately repled.

18 19. California Civil Code §55 provides that a person aggrieved  
19 under §54 of the Civil Code may bring an action to enjoin such  
20 violation and shall be entitled to recover reasonable attorney's  
21 fees.

22 Count One:

23 20. The Defendants have not ensured that their facilities  
24 comply with Title 24 of the California Code of Regulations, the  
25 California Building Code as it applies to physical access for  
26 persons with disabilities and have failed to ensure that disabled  
27 persons have full and equal access to public accommodations and/or  
28 other places that the general public is invited and that disabled

commodations, advantages, facilities, and  
as identified above.

3 Count Two:

4 21. The Defendants have not complied with the Americans with  
5 Disabilities Act of 1990.

6 22. Wherefore, Plaintiff prays for relief and damages as  
7 hereinafter stated.

8 **III. THIRD CAUSE OF ACTION: NEGLIGENCE**  
9 (On behalf of the Plaintiff and Against All Defendants)

10 23. Plaintiff repleads and incorporates by reference, as if  
11 fully set forth again herein, the allegations contained in all prior  
12 paragraphs of this complaint.

13 24. Defendants had a duty to exercise ordinary care, i.e.,  
14 comply with the various accessibility laws and ensure that their  
15 property was safely configured.

16 25. Defendants failed to exercise ordinary care in that they  
17 failed to ensure that their facilities complied with the  
18 accessibility guidelines or that their facilities were configured to  
19 promote safe and effective use by persons with wheelchairs.

20 26. As the actual and proximate result of Defendants' failure  
21 to exercise ordinary care, Plaintiff suffered damages in an amount  
22 to be determined by proof.

23 27. Wherefore, Plaintiff prays for relief and damages and  
24 relief as hereinafter stated.

25 **IV. FOURTH CAUSE OF ACTION: VIOLATION OF CALIFORNIA'S UNFAIR**  
26 **BUSINESS PRACTICES ACT** (On behalf of the Public and Against All  
27 Defendants) (Cal. Bus. & Prof. § 17200 et seq.)

28 28. Plaintiff repleads and incorporates by reference, as if

rein, the allegations contained in all prior  
suits.

3       29. In addition to the access violations described above,  
4 Defendants' facilities are in violation of California and Federal  
5 law in that they do not provide required access for disabled  
6 persons.

7       30. Defendants' acts and omissions alleged herein are a  
8 violation of both statutory requirements and public policy and,  
9 therefore, constitute a violation of Business and Professions Code  
10 sections 17200 et seq.

11       31. Plaintiff, on behalf of himself/herself and the general  
12 public, seeks injunctive relief requiring Defendants to remedy the  
13 disability access violations present at their facilities.

14       32. Wherefore, Plaintiff prays for relief and damages and  
15 relief as hereinafter stated.

16 **PRAYER:**

17       Wherefore, Plaintiff prays that this court award damages and  
18 provide relief as follows:

19       1. For injunctive relief, compelling Defendants to comply with  
20 the Unruh Civil Rights Act, and California's Disabled Person Act,  
21 which order will include the removal of barriers and the  
22 implementation of reasonable modifications in policies, practice,  
23 eligibility criteria and procedures so as to afford full access to  
24 the goods, services, facilities, privileges, advantages and  
25 accommodations being offered.

26       2. General, Special and Penalty damages in an amount to be  
27 determined by proof;



neys' fees, litigation expenses and costs of  
Civ Code §§ 52,55, and Cal. Civ. Proc. §

3 1021.5;

4 4. For such other and further relief as the court may deem  
5 proper.

6 Dated: May 9, 2002

CENTER FOR DISABILITY ACCESS, LLP

8 By: 

9 MARK D. POTTER  
10 RUSSELL C. HANDY  
11 JAMES R. BOYD  
Attorneys for Plaintiff

12 DEMAND FOR JURY TRIAL

13 Plaintiff hereby demands a jury for all claims for which a jury  
14 is permitted.

15  
16 Dated: May 9, 2002

CENTER FOR DISABILITY ACCESS, LLP

17  
18 By: 

19 MARK D. POTTER  
20 RUSSELL C. HANDY  
21 JAMES R. BOYD  
22 Attorneys for Plaintiff  
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