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RP

1 CENTER FOR DISABILITY ACCESS, LLP
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4 San Diego, CA 92163-4606
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SA

6 Attorney for Plaintiff, CHRIS LANGER,

4716 01 07 GIC784767 03/18/02 11:31
02 001 New Civil \$199.00

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

12 CHRIS LANGER,
13
14 Plaintiff,
15 v.
16 GOLDEN BLUE RIDGE DEVELOPMENT,
INC.; MINH DANG, and DOES 1)
17 through 10, inclusive)
18 Defendants.)
19)

) Case No.: **GIC 784767**
)
) **COMPLAINT FOR DAMAGES AND**
) **INJUNCTIVE RELIEF FOR VIOLATIONS**
) **OF: UNRUH CIVIL RIGHTS ACT;**
) **CALIFORNIA'S DISABLED PERSON ACT;**
) **NEGLIGENCE; CALIFORNIA'S UNFAIR**
) **BUSINESS PRACTICE ACT.**
) **DEMAND FOR JURY**
)
)
)
)

20 Plaintiff CHRIS LANGER, (hereinafter referred to as
21 "Plaintiff") complains of GOLDEN BLUE RIDGE DEVELOPMENT, INC.; MINH
22 DANG, and DOES 1 through 10, inclusive, (hereinafter referred to as
23 "Defendants") and alleges as follows:
24

25 **INTRODUCTION:**

26 1. This is a Civil Rights action for discrimination against
27 persons with physical disabilities, of which Plaintiff is a member
28 of said class, for failure to remove architectural barriers

ORIGINAL

ACCIDENT

1 structural in nature at Defendants' place of business, located at
2 1801 Morena Blvd., San Diego, California, a place of public
3 accommodation; and for failure to modify practices and or policies
4 in order to accommodate, thereby discriminatorily denying Plaintiff
5 and the class of other similarly situated persons with physical
6 disabilities access to, the full and equal enjoyment of, opportunity
7 to participate in, and benefit from, the goods, facilities,
8 services, and accommodations thereof.

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

12 **PARTIES:**

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

15 4. Defendants, GOLDEN BLUE RIDGE DEVELOPMENT, INC.; MINH DANG,
16 and DOES 1 through 10, inclusive (hereinafter alternatively referred
17 to collectively as "Defendants"), are the owners and operators,
18 lessors and/or lessees, or agents of the owners, lessors and/or
19 lessees, and/or alter egos, franchisers and/or franchisees, of the
20 building and/or buildings which constitute a public facility in and
21 of itself, occupied by the above described defendants, and subject
22 to the requirements of federal and state law requiring full and
23 equal access to public accommodations and facilities.

24 5. Plaintiff does not know the true names of Defendants, their
25 business capacities, their ownership connection to the property and
26 business, or their relative responsibilities in causing the access
27 violations herein complained of, and alleges a joint venture and
28 common enterprise by all such Defendants. Plaintiff is informed and

1 believes that each of the Defendants herein, including DOES 1
2 through 10, inclusive, is responsible in some capacity for the
3 events herein alleged, or is a necessary party for obtaining
4 appropriate relief. Plaintiff will seek leave to amend when the true
5 names, capacities, connections, and responsibilities of the
6 Defendants and DOES 1 through 10, inclusive, are ascertained.

7 **PRELIMINARY FACTUAL ALLEGATIONS:**

8 6. Defendants are or were at the time of the incident the
9 owners and operators, lessors and lessees of the public facility,
10 located at 1801 Morena Blvd., San Diego, California. The public
11 accommodation, its path of travel, parking, restrooms and its other
12 facilities are each a "public accommodation or facility" subject to
13 the requirements of state and federal law. On information and
14 belief, each such facility has, since July 1, 1970, undergone
15 "alterations, structural repairs and additions," each of which has
16 subjected the public accommodations, and each of their facilities to
17 handicapped access requirements per the Americans with Disabilities
18 Act Access Guidelines (ADAAG) and Title 24 of California's Code of
19 Regulations.

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

23 8. During Plaintiff's visit, the subject public accommodation
24 exhibited various violations of the Americans with Disabilities Act
25 Accessibility Guidelines ("ADAAG") and Title 24 of the California
26 Code of Regulations including but not limited to: a lack of properly
27 configured designated disabled parking; and a lack of van accessible
28 designated disabled parking.

1 9. On information and belief, other portions of the facility
2 were improperly inaccessible for use by persons with physical
3 disabilities.

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

7 11. As a result of the inaccessible facilities, Plaintiff was
8 humiliated, embarrassed and frustrated, suffering emotional
9 injuries. Moreover, as a result of the inaccessible facilities,
10 Plaintiff, suffered bodily and physical injury.

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

20 ~~13. Plaintiff is informed and believes~~ and therefore alleges
21 that Defendants and each of them (1) caused the subject improved
22 real properties which constitute the subject public accommodation to
23 be constructed, altered and maintained in such a manner that persons
24 with physical disabilities were denied full and equal access to,
25 within and throughout said improved real property(s); (2) that the
26 Defendants have had actual and constructive notice that the
27 facilities were not legally accessible to persons with disabilities;
28 (3) that despite being informed of such effect on Plaintiff and

1 other persons with physical disabilities due to the lack of
2 accessible facilities, Defendants, and each of them, knowingly and
3 willfully refused to take any steps to rectify the situation and to
4 provide full and equal access for Plaintiff and other persons with
5 physical disabilities to the subject public accommodation. Said
6 defendants, and each of them, have continued such practices, in
7 conscious disregard for the rights and safety of Plaintiff and other
8 persons with physical disabilities. Said conduct, with knowledge of
9 the effect it was and is having on Plaintiff and other persons with
10 physical disabilities, constitutes despicable conduct in conscious
11 disregard of the rights and safety of Plaintiff and of other
12 similarly situated persons, justifying the imposition of punitive
13 and exemplary damages per Civil Code section 3294.

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

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

19 15. California Civil Code § 52 provides that a party that
20 discriminates against a plaintiff in violation of Civ. Code § 51
21 shall be liable for actual damages, up to three times actual damages
22 but not less than \$1000 for each such offense, and any attorney's
23 fees incurred by the plaintiff.

24 **Count One:**

25 16. The Defendants have not ensured that their facilities
26 comply with Title 24 of the California Code of Regulations, the
27 California Building Code as it applies to physical access for
28 persons with disabilities and failed to ensure that disabled persons

1 have "full and equal accommodations, advantages, facilities,
2 privileges, or services" to the facilities identified above.

3 **Count Two:**

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

6
7 **II. SECOND CAUSE OF ACTION: VIOLATION OF CALIFORNIA'S DISABLED
8 PERSONS ACT, (On Behalf of Plaintiff and Against All
9 Defendants) (California Civil Code § 54 et seq.)**

10 18. 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 and incorporates them herein as if
13 separately repled.

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

18 **Count One:**

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

27 **Count Two:**

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

1 22. Wherefore, Plaintiff prays for relief and damages as
2 hereinafter stated.

3
4 **III. THIRD CAUSE OF ACTION: NEGLIGENCE**
5 (On behalf of the Plaintiff and Against All Defendants)

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

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

12 25. ~~Defendants failed to exercise ordinary care~~ in that they
13 failed to ensure that their facilities complied with the
14 accessibility guidelines or that their facilities were configured to
15 promote safe and effective use by persons with wheelchairs.

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

19 27. Wherefore, Plaintiff prays for relief and damages and
20 relief as hereinafter stated.

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

24 28. Plaintiff repleads and incorporates by reference, as if
25 fully set forth again herein, the allegations contained in all prior
26 paragraphs of this complaint.

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

1 persons.

2 30. Defendants' acts and omissions alleged herein are a
3 violation of both statutory requirements and public policy and,
4 therefore, constitute a violation of Business and Professions Code
5 sections 17200 et seq.

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

9 32. Wherefore, Plaintiff prays for relief and damages and
10 relief as hereinafter stated.

11 **PRAYER:**

12 Wherefore, Plaintiff prays that this court award damages and
13 provide relief as follows:

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

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

23 3. Reasonable attorneys' fees, litigation expenses and costs of
24 suit, pursuant to Cal. Civ. Code §§ 52,55, and Cal. Civ. Proc. §
25 1021.5;

26 ///

27 ///

28

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

3 Dated: March 4, 2002

CENTER FOR DISABILITY ACCESS, LLP

5
6 By: 

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

7
8
9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a jury for all claims for which a jury
11 is permitted.

12
13 Dated: March 4, 2002

CENTER FOR DISABILITY ACCESS, LLP

14
15 By: 

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state, number, and address):
Center For Disability Access, LLP
Mark D. Potter, Esq., SBN 166317
1022 Pennsylvania Ave, P. O. Box 34606
San Diego, CA 92163-4606
TELEPHONE NO.: (619)291-7592 FAX NO.: (619)725-0720
ATTORNEY FOR (Name): Plaintiff, CHRIS LANGER

FOR COURT USE ONLY
F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court
MAY 8 2002
By: P. WOODS, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
 HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
 NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643
 EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
 RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200
 SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

PLAINTIFF(S) CHRIS LANGER

JUDGE: HON. SHERIDAN REED

DEFENDANT(S) GOLDEN BLUE RIDGE DEVELOPMENT, INC.

DEPT: 68

**AMENDMENT TO COMPLAINT
(CCP 473, 474)**

CASE NUMBER
GIC 784767

Under Section 474, Code of Civil Procedure:


FICTITIOUS NAME (Court order required once case is at issue. San Diego Superior Court Rules, Division II, rule 5.11)

Plaintiff(s), being ignorant of the true name of a defendant when the complaint in the above-named case was filed, and having designated said defendant in the complaint by the fictitious name of
DOE 2

and having discovered the true name of the said defendant to be
PHUONG HUYNH

amends the complaint by inserting such true name in place and stead of such fictitious name wherever it appears in said complaint.

Date: MAY 1, 2002



ATTORNEY(S) FOR PLAINTIFF(S)

ORIGINAL

Under Section 473, Code of Civil Procedure:

NAME - Add or Correct (Court order required)

Plaintiff(s), having designated a defendant plaintiff in the complaint by the name of

and having discovered said name to be incorrect and the correct name is defendant also uses the name of

amends the complaint by substituting adding such name(s) wherever the name of

appears in said complaint.

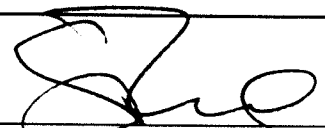
Date:

ATTORNEY(S) FOR PLAINTIFF(S)

ORDER

The above amendment to the complaint is allowed.

Date: 5/8/02



JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

Short Case Name: LANGER V. GOLDEN BLUE RIDGE DEVELOPMENT, INC., et al 8 2002

Case No.: GIC 784767

By: P. WOODS, Deputy

I, the undersigned, am over the age of eighteen years and am a resident of San Diego County, California; I am not a party to the above-entitled action; my business address is 1022 Pennsylvania Avenue, San Diego, CA 92103-4420.

On May 2, 2002, I served the following document(s):

AMENDMENT TO COMPLAINT (Phuong Huynh)

Addressed to:

Raymond T. Theep
ATTORNEY AT LAW
707 Broadway, Suite 1800
San Diego, CA 92101-5314

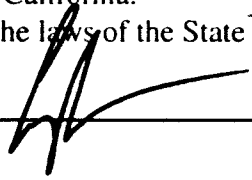
 X (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Diego, California.

 (BY FACSIMILE) In addition to service by mail as set forth above, the counsel by whose name an asterisk is affixed on the attached service list were also forwarded a copy of said document(s) by facsimile.

 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on May 2, 2002, at San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



040/196

FILED
CIVIL BUSINESS OFFICE 5

2002 MAY 14 P 3:50

STEFAN THUNBERG
COURT

ORIGINAL

1 RAYMOND T. THEEP
Attorney at Law
2 (SB# 54684)
707 Broadway, Ste. 1800
3 San Diego, CA 92101-5314
(619) 233-5250
4 FAX (619) 238-0550

5 Attorney for Defendant
Golden Blue Ridge Development, Inc.

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN DIEGO, CENTRAL DIVISION

8764 01 03 GIC784767 05/15/02 14:52
02 040 1st Paper Fee \$196.00

11 CHRIS LANGER,

12 Plaintiff

13 v.

14 GOLDEN BLUE RIDGE DEVELOPMENT, INC.;

15 MINH DANG, and DOES 1 to 10, INCLUSIVE,

16 Defendants.

Case No. GIC784767

ANSWER TO COMPLAINT

Judge: Hon. Sheridan Reed
Dept: 68

Complaint filed: March 11, 2002

17 Defendant Golden Blue Ridge Development (hereafter "Blue Ridge" or "Defendant"), for its
18 answer to the Complaint herein and severing itself from all Co-Defendants, alleges, denies and admits
19 as follows:

20 Pursuant to Section 431.30 of the California Code of Civil Procedure, Defendant denies each
21 and every allegation whether direct or indirect, expressed or implied, of Plaintiff's unverified
22 complaint.

23 Defendant asserts the following affirmative defenses against each and every cause of action
24 alleged by Plaintiff in his complaint:

25 // / / / /

1 **FOR A FIRST AFFIRMATIVE DEFENSE**

2 Defendant alleges that Plaintiff has failed to state a cause of action against Defendant upon which
3 relief can be granted.

4 **FOR A SECOND AFFIRMATIVE DEFENSE**

5 Defendant is informed and believes and thereon alleges that Plaintiff cannot state facts sufficient
6 to constitute any cause of action against it.

7 **FOR A THIRD AFFIRMATIVE DEFENSE**

8 Defendant is informed and believes and thereon alleges that Plaintiff has waived some or all of
9 the claims set forth in the Complaint.

10 **FOR A FOURTH AFFIRMATIVE DEFENSE**

11 Defendant is informed and believes and thereon alleges that any damages alleged to have been
12 sustained by Plaintiff were actually and proximately caused by the actions of persons other than this
13 Defendant.

14 **FOR A FIFTH AFFIRMATIVE DEFENSE**

15 Defendant is informed and believes and thereon alleges that it is entitled to indemnity and
16 contribution from those presently unknown individuals or entities responsible for any alleged damages
17 complained of by Plaintiff.

18 **FOR A SIXTH AFFIRMATIVE DEFENSE**

19 Defendant is informed and believes and thereon alleges that Plaintiff, by its actions and inactions,
20 is barred by laches from the pursuit of this action.

21 **FOR A SEVENTH AFFIRMATIVE DEFENSE**

22 Defendant is informed and believes and thereon alleges that Plaintiff has failed to state facts
23 sufficient to constitute a cause of action or a claim for compensatory damages.

24 **FOR AN EIGHTH AFFIRMATIVE DEFENSE**

25 Defendant is informed and believes and thereon alleges that Defendant has acted at all times in
26 good faith and without discrimination towards Plaintiff.

27

1 **FOR A NINTH AFFIRMATIVE DEFENSE**

2 Defendant is informed and believes and thereon alleges that Plaintiff's damages, if any, were
3 directly and proximately caused by his own negligence.

4 **FOR A TENTH AFFIRMATIVE DEFENSE**

5 Defendant is informed and believes and thereon alleges that Plaintiff failed to take such action
6 as was necessary, reasonable and proper in this case, and failed to prevent or minimize his alleged
7 damages, if any.

8 **FOR AN ELEVENTH AFFIRMATIVE DEFENSE**

9 Defendant is informed and believes and thereon alleges that Plaintiff has failed to state facts or
10 legal claims sufficient to form the basis for an award of attorneys' fees in favor of Plaintiff.

11 **FOR A TWELFTH AFFIRMATIVE DEFENSE**

12 Defendant is informed and believes and thereon alleges that Plaintiff, through his own conduct,
13 has failed to prevent or mitigate his alleged damages, if any.

14 **FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

15 This answering Defendant is informed and believes and thereon alleges that Plaintiff's Complaint
16 is governed by the doctrine of *de minimus non curat lex*.

17 **FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

18 Defendant is informed and believes and thereon alleges that the Complaint and each purported
19 Cause of Action contained therein is barred because the damages, if any, were caused by an act of
20 negligence, intentional conduct or omissions of third persons for whom Defendant bears no
21 responsibility.

22 **FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

23 Defendant is informed and believes and thereon alleges, that without admitting the allegations
24 of the complaint, that if it is subjected to any liability to the Plaintiff herein, it will be due, in whole or
25 in part, to the conduct and negligence and activities of other known and unknown persons; wherefore,
26 any recovery obtained by the Plaintiff against this answering Defendant should be reduced according to

27

1 the law of comparative liability.

2 **FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

3 Defendant is informed and believes and thereon alleges that Plaintiff cannot state facts sufficient
4 for a claim for negligence, including facts establishing a duty to Plaintiff.

5 **FOR A SEVENTEENTH AFFIRMATIVE DEFENSE**

6 This answering Defendant has performed and fully discharged any and all obligations and legal
7 duties arising out of the matters alleged in the Complaint.

8 **FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE**

9 Defendant is informed and believes and thereon alleges that Plaintiff is estopped to assert a claim
10 because of his actions and inactions.

11 **FOR A NINETEENTH AFFIRMATIVE DEFENSE**

12 Defendant is informed and believes and thereon alleges that Plaintiff has unclean hands, and any
13 recovery should be barred in that Plaintiff had access to the within establishments.

14 **FOR A TWENTIETH AFFIRMATIVE DEFENSE**

15 Defendant is informed and believes and based upon such information and belief, alleges that
16 Defendant is excused from performance by virtue of impossibility, practical difficulty, unnecessary
17 hardship, or extreme differences, caused by persons and/or events beyond the control of this answering
18 Defendant, which circumstances was known or should have been known to Plaintiff.

19 **FOR A TWENTY-FIRST AFFIRMATIVE DEFENSE**

20 Defendant has insufficient, independent knowledge, as of the filing of this Answer, of the facts
21 allegedly constituting Plaintiffs' Complaint, and based thereon, hereby respectfully requests leave of the
22 court to amend this Answer to the Complaint to include those affirmative defenses that are revealed
23 during the course of discovery.

24 WHEREFORE, as to each and every cause of action, this answering Defendant demands
25 judgment against Plaintiff as follows:

- 26 1. That Plaintiff takes nothing by way of his complaint and the complaint be dismissed

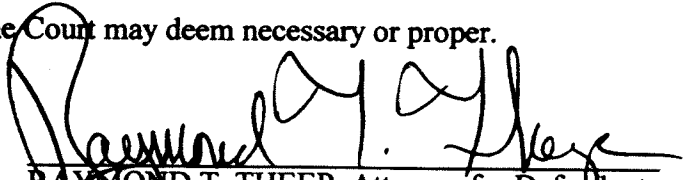
1 against Defendant with prejudice;

2 2. For Defendant's costs incurred herein;

3 3. For Defendant's attorneys fees; and

4 4. For any further relief that the Court may deem necessary or proper.

5 Dated: May 14, 2002

6 
7 RAYMOND T. THEEP, Attorney for Defendant,
8 Golden Blue Ridge Development, Inc.

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1 **LANGER v. GOLDEN BLUE RIDGE DEV. et al.**
2 **Case No. GIC784767**
3 **SUPERIOR COURT OF CALIFORNIA**
4 **COUNTY OF SAN DIEGO**
5 **CENTRAL JUDICIAL DISTRICT**

FILED
CIVIL BUSINESS OFFICE 5
CENTRAL JUDICIAL DISTRICT

2002 MAY 14 P 3 51

6 **PROOF OF SERVICE BY MAIL**

7 I, the undersigned, declare that I am over the age of 18 years and not a party of this action;
8 I am a citizen of the United States and am employed in the County of San Diego, State of
9 California, within which County the subject mailing occurred; my business address is:

10 707 Broadway, Suite 1800
11 San Diego, California, 92101-5314

12 I am readily familiar with the business practice for collection and processing correspondence
13 for mailing with the United States Postal Service; and that the correspondence shall be deposited
14 with the United States Postal Service this same day in the ordinary course of business. I caused to
15 be served the following document(s):

16 **ANSWER TO COMPLAINT**

17 by placing a true copy thereof in a separate envelope for each addressee named hereafter, addressed
18 to each such addressee respectively, as follows:

19 Center for Disability Access, LLP
20 Mark D. Potter, Esq.
21 P.O. Box 34606
22 San Diego CA 92168-4606

23 I caused such envelope(s) to be deposited in the United States Postal Service, for mailing
24 on May 14, 2002, at my business address shown above, following ordinary business practices.

25 I declare under penalty of perjury under the laws of the State of California that the above is
26 true and correct.

27 Executed on May 14, 2002, at San Diego, California.

28 
JANICE F. HARRIS

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state, and address):
Center For Disability Access, LLP
Mark D. Potter, Esq., SBN 166317
1022 Pennsylvania Ave, P. O. Box 34606
San Diego, CA 92163-4606
TELEPHONE NO.: (619) 291-7592 FAX NO.: (619) 725-0720
ATTORNEY FOR (Name): Plaintiff, CHRIS LANGER

FOR COURT USE ONLY
FILED
STEPHEN THUNBERG
Clerk of the Superior Court
MAY 8 2002
By: P. WOODS, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
 HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
 NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643
 EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
 RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200
 SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

PLAINTIFF(S) CHRIS LANGER

JUDGE: HON. SHERIDAN REED

DEFENDANT(S) GOLDEN BLUE RIDGE DEVELOPMENT, INC.

DEPT: 68

AMENDMENT TO COMPLAINT
(CCP 473, 474)

CASE NUMBER
GIC 784767

Under Section 474, Code of Civil Procedure:

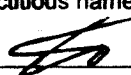
FICTITIOUS NAME (Court order required once case is at issue. San Diego Superior Court Rules, Division II, rule 5.11)

Plaintiff(s), being ignorant of the true name of a defendant when the complaint in the above-named case was filed, and having designated said defendant in the complaint by the fictitious name of
DOE 1

and having discovered the true name of the said defendant to be
CINDY T. HA

amends the complaint by inserting such true name in place and stead of such fictitious name wherever it appears in said complaint.

Date: MAY 1, 2002



ATTORNEY(S) FOR PLAINTIFF(S)

ORIGINAL

Under Section 473, Code of Civil Procedure:

NAME - Add or Correct (Court order required)

Plaintiff(s), having designated a defendant plaintiff in the complaint by the name of

and having discovered said name to be incorrect and the correct name is defendant also uses the name of

amends the complaint by substituting adding such name(s) wherever the name of

appears in said complaint.


Date:

ATTORNEY(S) FOR PLAINTIFF(S)

ORDER

The above amendment to the complaint is allowed.

Date: 5/8/02



JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

Short Case Name: LANGER V. GOLDEN BLUE RIDGE DEVELOPMENT, INC., et al
Case No.: GIC 784767

I, the undersigned, am over the age of eighteen years and am a resident of San Diego County, California; I am not a party to the above-entitled action; my business address is 1022 Pennsylvania Avenue, San Diego, CA 92103-4420.

On May 2, 2002, I served the following document(s):

AMENDMENT TO COMPLAINT (Cindy T. Ha)

Addressed to:

Raymond T. Theep
ATTORNEY AT LAW
707 Broadway, Suite 1800
San Diego, CA 92101-5314

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

MAY 8 2002

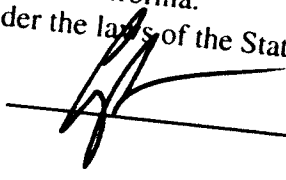
By: P. WOODS, Deputy

X (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Diego, California.

_____ (BY FACSIMILE) In addition to service by mail as set forth above, the counsel by whose name an asterisk is affixed on the attached service list were also forwarded a copy of said document(s) by facsimile.

_____ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on May 2, 2002, at San Diego, California.
I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

NUMBER GIC784767	COMPLAINT DATE 03-11-02	HEARING DATE AUG 28 2002	HEARING TIME	DEPT	CALENDAR NO. COURT USE ONLY F STEPHEN THUNBERG Clerk of the Superior Court AUG 28 2002 By: P. WOODS, Deputy
JUDGE/COMMISSIONER SHERIDAN E. REED		CLERK P. Woods			
REPORTER		CSR #			
PLAINTIFF/PETITIONER CHRIS LANGER			DEFENDANT/RESPONDENT GOLDEN BLUE RIDGE DEVELOPMENT INC, et		
ATTORNEY FOR PLAINTIFF/PETITIONER			ATTORNEY FOR DEFENDANT/RESPONDENT		
The above matter came on for hearing with the below appearances for:					

THIS MATTER HAVING COME BEFORE THE COURT THIS DATE, THE COURT ORDERS:

- PRIOR TO CALENDAR CALL OFF-CALENDAR GRANTED BONDS _____
- DENIED WITH/WITHOUT PREJUDICE
- PRIOR TO CALENDAR CALL CONT. TO _____ IN DEPT _____ AT _____
- TRO CONTINUED VACATED
- ALL PREVIOUS ORDERS REMAIN IN FULL FORCE AND EFFECT.
- TELEPHONIC CONTINUED FOR ORAL ARGUMENT ON _____
- ORAL ARGUMENT TELEPHONIC DATED _____ CONFIRMED MODIFIED
- DISPOSES OF ENTIRE ACTION DOES NOT DISPOSE OF ENTIRE ACTION
- PREVAILING PARTY TO PREPARE AND FILE FORMAL ORDER PURSUANT TO CRC 391.
- OTHER

Pursuant to notice of settlement, the court dismisses the case without prejudice – Court reserves jurisdiction to vacate dismissal nunc pro tunc upon showing of good cause.

Dated: AUG 28 2002



 JUDGE/COMMISSIONER OF THE SUPERIOR COURT

Mark D. Potter, SBN 166317 (619) 291-7593
Center for Disability Access, LLP
P.O. Box 34606
San Diego, CA 92163-4606

ATTORNEY FOR (Name): Chris Langer

Insert name of court and name of judicial district and branch court, if any:

Superior Court of the State of California
County of San Diego

PLAINTIFF/PETITIONER: Chris Langer

DEFENDANT/RESPONDENT: Golden Blue Ridge Development,
Inc., et al.

REQUEST FOR DISMISSAL

- Personal Injury, Property Damage, or Wrongful Death
 - Motor Vehicle Other
- Family Law
- Eminent Domain
- Other (specify): Civil

CASE NUMBER:
GIC 784767

CIVIL BUSINESS OFFICE
 FILED
 DEC - 5 P 3:39
 CLERK
 STEPHEN THUNBERG
 SUPERIOR COURT
 COUNTY OF SAN DIEGO

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name):
- (4) Cross-complaint filed by (name):
- (5) Entire action of all parties and all causes of action
- (6) Other: (specify):*

on (date):
on (date):

Date: 12/5/02

Mark D. Potter
(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)



(SIGNATURE)


Attorney or party without attorney for: Chris Langer

- Plaintiff/Petitioner Defendant/Respondent
- Cross-complainant

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

2. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:



(SIGNATURE)

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
- Cross-complainant

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for the cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

(To be completed by clerk)

- 3. Dismissal entered as requested on (date):
- 4. Dismissal entered on (date): as to only (name):
- 5. Dismissal not entered as requested for the following reasons (specify):
- 6. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide
 - a copy to conform means to return conformed copy

DEC 05 2002

Previously dismissed on 8/28/02

DEC 05 2002

Date: DEC 05 2002

Clerk, by  Deputy

ORIGINAL