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PAGE 13

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6 Attorney for Plaintiff, CHRIS LANGER,

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02 001 New Civil \$199.00

ORIGINAL  
ACCOUNTING

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF SAN DIEGO

GIC 785155  
785154

11 CHRIS LANGER, ) Case No.:  
12 )  
13 Plaintiff, )  
14 ) **COMPLAINT FOR DAMAGES AND**  
v. ) **INJUNCTIVE RELIEF FOR VIOLATIONS**  
15 ) **OF: UNRUH CIVIL RIGHTS ACT;**  
CHARLIE SHIELDS; DANNIE J. ) **CALIFORNIA'S DISABLED PERSON ACT;**  
16 SHIELDS; TOMMY D. SHIELDS; ) **NEGLIGENCE; CALIFORNIA'S UNFAIR**  
WALLACE H. SHIELDS; GEORGIA ) **BUSINESS PRACTICE ACT.**  
17 DUTRO, and DOES 1 through 10, ) **DEMAND FOR JURY**  
inclusive )  
18 )  
19 Defendants. )

20 \_\_\_\_\_  
21 Plaintiff CHRIS LANGER, (hereinafter referred to as  
22 "Plaintiff") complains of CHARLIE SHIELDS; DANNIE J. SHIELDS; TOMMY  
23 D. SHIELDS; WALLACE H. SHIELDS; GEORGIA DUTRO, and DOES 1 through  
24 10, inclusive, (hereinafter referred to as "Defendants") and alleges  
25 as follows:

26 **INTRODUCTION:**

27 1. This is a Civil Rights action for discrimination against  
28 persons with physical disabilities, of which Plaintiff is a member

1 of said class, for failure to remove architectural barriers  
2 structural in nature at Defendants' place of business, located at  
3 1028 Buenos Ave., San Diego, California, a place of public  
4 accommodation; and for failure to modify practices and or policies  
5 in order to accommodate, thereby discriminatorily denying Plaintiff  
6 and the class of other similarly situated persons with physical  
7 disabilities access to, the full and equal enjoyment of, opportunity  
8 to participate in, and benefit from, the goods, facilities,  
9 services, and accommodations thereof.

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

13 **PARTIES:**

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

16 4. Defendants, CHARLIE SHIELDS; DANNIE J. SHIELDS; TOMMY D.  
17 SHIELDS; WALLACE H. SHIELDS; GEORGIA DUTRO, and DOES 1 through 10,  
18 inclusive (hereinafter alternatively referred to collectively as  
19 "Defendants"), are the owners and operators, lessors and/or lessees,  
20 or agents of the owners, lessors and/or lessees, and/or alter egos,  
21 franchisers and/or franchisees, of the building and/or buildings  
22 which constitute a public facility in and of itself, occupied by the  
23 above described defendants, and subject to the requirements of  
24 federal and state law requiring full and equal access to public  
25 accommodations and facilities.

26 5. Plaintiff does not know the true names of Defendants, their  
27 business capacities, their ownership connection to the property and  
28 business, or their relative responsibilities in causing the access

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

9 **PRELIMINARY FACTUAL ALLEGATIONS:**

10 6. Defendants are or were at the time of the incident the  
11 owners and operators, lessors and lessees of the public facility,  
12 located at 1028 Buenos Ave., San Diego, California. The public  
13 accommodation, its path of travel, parking, restrooms and its other  
14 facilities are each a "public accommodation or facility" subject to  
15 the requirements of state and federal law. On information and  
16 belief, each such facility has, since July 1, 1970, undergone  
17 "alterations, structural repairs and additions," each of which has  
18 subjected the public accommodations, and each of their facilities to  
19 handicapped access requirements per the Americans with Disabilities  
20 Act Access Guidelines (ADAAG) and Title 24 of California's Code of  
21 Regulations.

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

25 8. During Plaintiff's visit, the subject public accommodation  
26 exhibited various violations of the Americans with Disabilities Act  
27 Accessibility Guidelines ("ADAAG") and Title 24 of the California  
28 Code of Regulations including but not limited to: inaccessible

1 public paths of travel; and a lack of designated van accessible  
2 disabled parking.

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

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

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

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

22 13. Plaintiff is informed and believes and therefore alleges  
23 that Defendants and each of them (1) caused the subject improved  
24 real properties which constitute the subject public accommodation to  
25 be constructed, altered and maintained in such a manner that persons  
26 with physical disabilities were denied full and equal access to,  
27 within and throughout said improved real property(s); (2) that the  
28 Defendants have had actual and constructive notice that the

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

16 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**  
17 (On behalf of Plaintiff and Against All Defendants) (Cal Civ §  
18 51 et seq.)

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

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

27 **Count One:**

28 16. The Defendants have not ensured that their facilities  
comply with Title 24 of the California Code of Regulations, the

1 California Building Code as it applies to physical access for  
2 persons with disabilities and failed to ensure that disabled persons  
3 have "full and equal accommodations, advantages, facilities,  
4 privileges, or services" to the facilities identified above.

5 Count Two:

6 17. The Defendants have not complied with the Americans with  
7 Disabilities Act of 1990.

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

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

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

20 Count One:

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

Count Two:

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

3           22. Wherefore, Plaintiff prays for relief and damages as  
4 hereinafter stated.

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

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

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

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

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

21           27. Wherefore, Plaintiff prays for relief and damages and  
22 relief as hereinafter stated.

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

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

          29. In addition to the access violations described above,

1 Defendants' facilities are in violation of California and Federal  
2 law in that they do not provide required access for disabled  
3 persons.

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

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

11 32. Wherefore, Plaintiff prays for relief and damages and  
12 relief as hereinafter stated.

13 **PRAYER:**

14 Wherefore, Plaintiff prays that this court award damages and  
15 provide relief as follows:

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

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

25 3. Reasonable attorneys' fees, litigation expenses and costs of  
26 suit, pursuant to Cal. Civ. Code §§ 52,55, and Cal. Civ. Proc. §  
27 1021.5;



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

3 Dated: March 11, 2002

CENTER FOR DISABILITY ACCESS, LLP

4  
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 11, 2002

CENTER FOR DISABILITY ACCESS, LLP

14  
15 By: \_\_\_\_\_

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

2002 APR 29 P 4:19

1 Richard M. Valdez, Bar No. 156957  
2 SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP  
3 402 West Broadway, Suite 1700  
4 San Diego, CA 92101-3542  
5 Telephone (619) 235-5655  
6 Facsimile (619) 235-5648

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02 040 1st Paper Fee \$198.00

Attorneys for Defendant GEORGIA DUTRO

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO

10 CHRIS LANGER,

11 Plaintiff,

12 v.

13 CHARLIE SHIELDS; DANNIE J. SHIELDS;  
14 TOMMY D. SHIELDS; WALLACE H. SHIELDS;  
15 GEORGIA DUTRO and DOES 1 through 10,  
16 inclusive,

17 Defendants.

Case No. GIC785155

ANSWER TO COMPLAINT

I/C Judge: Hon. S. Charles Wickersham

Complaint Filed: March 19, 2002

18 Defendant Georgia Dutro, for herself and no other defendant hereto ("this answering  
19 defendant"), hereby answers the complaint of Plaintiff Chris Langer ("plaintiff") as follows:

20 1. Under the provisions of Section 431.30(d) of the California Code of Civil Procedure,  
21 this answering defendant denies each and every allegation of the unverified complaint . Further, this  
22 answering defendant denies that plaintiff has been damaged in any sum or sums alleged, or any other  
23 sum or sums at all, or that plaintiff is entitled to the relief sought in the complaint, by reason of any  
24 act or omission on the part of this answering defendant.

25 **AFFIRMATIVE DEFENSES**

26 **FIRST AFFIRMATIVE DEFENSE**

27 ----- As the first, separate and affirmative defense, this answering defendant is informed and  
28 believes and thereon alleges that the complaint, and each allegation contained therein, fails to state  
facts sufficient to constitute a cause of action against this answering defendant.

1 **SECOND AFFIRMATIVE DEFENSE**

2 As the second, separate and affirmative defense, this answering defendant is informed and  
3 believes and thereon alleges that the complaint, and each allegation contained therein, is barred by  
4 the applicable statute of limitations.

5 **THIRD AFFIRMATIVE DEFENSE**

6 As the third, separate and affirmative defense, this answering defendant is informed and  
7 believes and thereon alleges that the complaint, and each allegation contained therein, is barred by  
8 the doctrine of estoppel.

9 **FOURTH AFFIRMATIVE DEFENSE**

10 As the fourth, separate and affirmative defense, this answering defendant is informed and  
11 believes and thereon alleges that the complaint, and each allegation contained therein, is barred by  
12 the doctrine of laches.

13 **FIFTH AFFIRMATIVE DEFENSE**

14 As the fifth, separate and affirmative defense, this answering defendant is informed and  
15 believes and thereon alleges that the complaint, and each cause of action therein, is barred by the  
16 doctrine of waiver.

17 **SIXTH AFFIRMATIVE DEFENSE**

18 As the sixth, separate and affirmative defense, this answering defendant is informed and  
19 believes and thereon alleges that the complaint, and each cause of action contained therein, is barred  
20 by the doctrine of unclean hands.

21 **SEVENTH AFFIRMATIVE DEFENSE**

22 As the seventh, separate and affirmative defense, this answering defendant is informed and  
23 believes and thereon alleges that plaintiff's damages, if any, were proximately and/or legally caused  
24 by the acts and omissions of persons and entities other than this answering defendant and, therefore,  
25 the damages, if any, recoverable by plaintiff cannot be recovered against this answering defendant.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 As the eighth, separate and affirmative defense, this answering defendant is informed and  
3 believes and thereon alleges that plaintiff failed to exercise reasonable care and diligence to mitigate  
4 his alleged damages, if any, and, therefore, any recovery, if any, should be reduced accordingly.

5 **NINTH AFFIRMATIVE DEFENSE**

6 As the ninth, separate and affirmative defense, this answering defendant is informed and  
7 believes and thereon alleges that plaintiff's alleged damages, if any, were caused by circumstances  
8 and conduct other than that alleged in the complaint.

9 **TENTH AFFIRMATIVE DEFENSE**

10 As the tenth, separate and affirmative defense, this answering defendant is informed and  
11 believes and thereon alleges that plaintiff has not suffered any damages as a result of any actions  
12 taken by this answering defendant or its agents, and plaintiff is, therefore, barred from asserting any  
13 causes of action against this answering defendant.

14 **ELEVENTH AFFIRMATIVE DEFENSE**

15 As the eleventh, separate and affirmative defense, this answering defendant is informed and  
16 believes and thereon alleges that not all portions of the facilities mentioned in plaintiff's complaint  
17 are governed by the Americans with Disabilities Act and/or the California disability access  
18 laws/regulations.

19 **TWELFTH AFFIRMATIVE DEFENSE**

20 As the twelfth, separate and affirmative defense, this answering defendant is informed and  
21 believes and thereon alleges that the subject property is neither an existing facility, nor has it been  
22 structurally modified, so as to require this answering defendant to take any actions to remove any  
23 alleged barriers present at the facility, as no California law or regulation applies a "readily  
24 achievable" standard to a place of public accommodation that existed at the time of enactment of the  
25 disability access laws/regulations.

1 **THIRTEENTH AFFIRMATIVE DEFENSE**

2 As the thirteenth, separate and affirmative defense, this answering defendant is informed and  
3 believes and thereon alleges that plaintiff's claims are barred because this answering defendant  
4 performed all duties required of her by law.

5 **FOURTEENTH AFFIRMATIVE DEFENSE**

6 As the fourteenth, separate and affirmative defense, this answering defendant is informed and  
7 believes and thereon alleges that plaintiff's claims are barred because removal of any alleged access  
8 barrier is not readily achievable and no alternative method of access could be provided without  
9 fundamentally altering the nature of the goods, services and facilities being provided.

10 **FIFTEENTH AFFIRMATIVE DEFENSE**

11 As the fifteenth, separate and affirmative defense, this answering defendant is informed and  
12 believes and thereon alleges that some or all of plaintiff's claims for relief are moot and this Court,  
13 therefore, lacks jurisdiction.

14 **SIXTEENTH AFFIRMATIVE DEFENSE**

15 As the sixteenth, separate and affirmative defense, this answering defendant is informed and  
16 believes and thereon alleges that plaintiff lacks standing to maintain this action under the ADA or  
17 the California Persons with Disabilities Act.

18 **SEVENTEENTH AFFIRMATIVE DEFENSE**

19 As the seventeenth, separate and affirmative defense, this answering defendant is informed  
20 and believes and thereon alleges that Plaintiff lacks standing to maintain any cause of action on  
21 behalf of the general public or any class of "similarly situated persons."

22 **EIGHTEENTH AFFIRMATIVE DEFENSE**

23 This answering defendant reserves the right to raise additional affirmative defenses at trial,  
24 upon discovery of the same through the discovery process.

25 WHEREFORE, this answering defendant prays for judgment as follows:

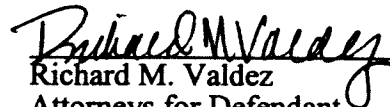
- 26 1. That plaintiff take nothing by way of his complaint;  
27 2. That judgment be entered in favor of this answering defendant;  
28 3. For attorneys' fees;

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- 4. For costs of suit incurred herein; and
- 5. For such other and further relief as the court deems just and proper.

Dated: April 29, 2002

**SANDLER, LASRY, LAUBE, BYER  
& VALDEZ LLP**

By:   
Richard M. Valdez  
Attorneys for Defendant  
Georgia Dutro

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		<b>COURT USE ONLY</b>
TITLE OF CASE (ABBREVIATED) <b>LANGER v. SHIELDS, et al.</b>		<b>FILED</b> <b>CIVIL BUSINESS OFFICE 5</b>
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): Richard M. Valdez, Bar No. 156957 <b>SANDLER, LASRY, LAUBE, BYER &amp; VALDEZ LLP</b> 402 West Broadway, Suite 1700 San Diego, CA 92101-3542		TELEPHONE NO.: Tel: (619) 235-5655 Fax: (619) 235-5648
ATTORNEY FOR (NAME): <b>Defendant GEORGIA DUTRO</b>		2002 APR 29 P 4: 14
ATTORNEYS FOR <b>GEORGIA DUTRO</b>	HEARING DATE - TIME	CASE NUMBER: <b>GIC785155</b>

**PROOF OF SERVICE**

I am a resident of the state of California over the age of eighteen years, and not a party to the within action. My business address is SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP, 402 West Broadway, Suite 1700, San Diego, CA 92101-3542. On April 29, 2002, I served the within documents:

1. ANSWER TO COMPLAINT

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.
- by causing personal delivery by \_\_\_\_\_ of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the addresses(es) set forth below.

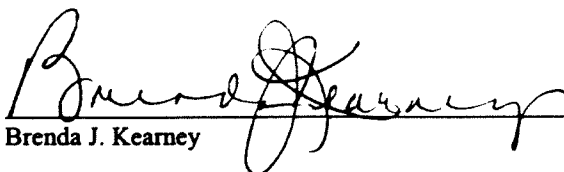
Mark D. Potter Esq.  
Center for Disability Access, LLP  
P.O. Box 34606  
San Diego, CA 92163-4606  
(619) 232-4982  
(619) 234-1183 fax

Attorneys for Plaintiff CHRIS LANGER

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on April 29, 2002, at San Diego, California.

- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose directions the service was made.

  
 Brenda J. Kearney

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CALENDAR NO.

NUMBER GIC785155	COMPLAINT DATE 03/19/02	HEARING DATE 08/05/02	HEARING TIME	DEPT 73	COURT USE ONLY
JUDGE/COMMISSIONER HON. S. CHARLES WICKERSHAM			CLERK		
REPORTER			CSR #		
PLAINTIFF/PETITIONER CHRIS LANGER			DEFENDANT/RESPONDENT CHARLIE SHIELDS, et al.		
The above matter came on for hearing with the below appearances for:					
<u>ATTORNEY OF RECORD</u>	<u>PHONE</u>	<u>APPEARANCE BY</u>			
_____	_____	_____			
_____	_____	_____			
_____	_____	_____			
(add'l signatures - use attached sheet)					

**IT IS ORDERED AS FOLLOWS:**

PURSUANT TO CRC 225 AND/OR SUPERIOR COURT RULES DIVISION II, RULE 5.14,  
 AND THE NOTICE OF DISMISSAL PREVIOUSLY SERVED ON THE PARTIES BY THE COURT,  
 THE ABOVE-ENTITLED CASE IS DISMISSED.

ESTIMATED TRIAL TIME: \_\_\_\_\_ day(s).

JURY / NON-JURY

Ordered dismissed with \_\_\_\_\_ without \_\_\_\_\_ prejudice.

IT IS SO ORDERED:

Dated: 08/05/02

*S. Charles Wickersham*

JUDGE/COMMISSIONER OF THE SUPERIOR COURT



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)
Mark D. Potter, SBN 166317 (619) 291-7593
Center for Disability Access, LLP
P.O. Box 34606
San Diego, CA 92163-4606

TELEPHONE NO.:

FOR COURT USE ONLY

FILED
CIVIL BUSINESS OFFICE 14
SEP 30 PM 3:43

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: Joel M. Shields, et al.

REQUEST FOR DISMISSAL

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

CASE NUMBER:
GIC 785155

- 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:

- (1) With prejudice
(2) Without prejudice
(3) Complaint
(4) Petition
(5) Cross-complaint filed by (name)
(6) Entire action of all parties and all causes of action

on (date):
on (date):

Date: 9/27/02

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

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

Date:
TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY

(SIGNATURE)

- Plaintiff/Petitioner
Defendant/Respondent
Cross-complainant

(To be completed by clerk)

- Dismissal entered as requested on (date): SEP 30 2002; previously dismissed on: AUG 05 2002
Dismissal entered on (date):
Dismissal not entered as requested for the following reasons (specify):
a. Attorney or party without attorney notified on (date): SEP 30 2002
b. Attorney or party without attorney not notified. Filing party failed to provide
a copy to conform means to return conformed copy

Date: SEP 30 2002 Clerk, by Deputy