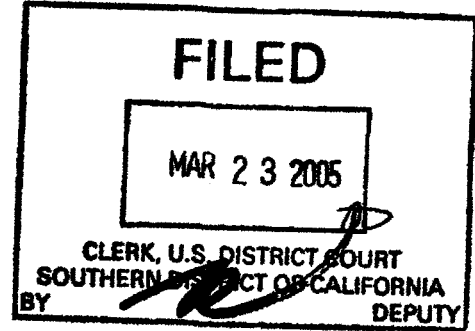


1 LAW OFFICES OF ROY L. LANDERS
2 ROY L. LANDERS (BAR #64920)
3 7840 MISSION CENTER COURT, SUITE 101
4 SAN DIEGO, CALIFORNIA 92108
5 TELEPHONE (619) 296-7898
6 FACSIMILE (619) 296-5611

7 Attorney for Plaintiff, Gaynor Carlock



8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 GAYNOR CARLOCK,

12 Plaintiff,

13 vs.

14 ANTHONY CHARLTON, INC., dba
15 ANTHONY'S AUTO CENTER; VIRGINIA
16 MCCREDIE TRUSTEE OF THE VIRGINIA
17 MCCREDIE TRUST AND DOES 1-10,
18 INCLUSIVE,,

19 Defendants.

Case No. 05 CV 0582. JAH (POR)

COMPLAINT FOR DAMAGES RE:
VIOLATION OF CIVIL RIGHTS ON BASIS
OF DISCRIMINATION IN PUBLIC
ACCOMMODATIONS; NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS;
DECLARATORY RELIEF; DEMAND FOR
JURY TRIAL

20
21 JURISDICTION AND VENUE

22 1. (a) Jurisdiction of this action is invoked on the basis of 28 USC 1331 and 1343, 42 USC 12101-
23 12102, 12181-12183 and 12201, et. seq., which is applicable to causes of action where persons with
24 disabilities have been denied their civil rights. Venue in the Southern Judicial District of California
25 in the United States District Court is in accord with 28. U.S.C. Section 1391(b) because a
26 substantial part of Plaintiff's claims arose within the Judicial District of the United States District
27 Court of the Southern District of California.

1 (b) Supplemental Jurisdiction. The Judicial District of the United States District Court of the
2 Southern District of California has supplemental jurisdiction over the state claims alleged in this
3 Complaint pursuant to 28 U.S.C. Section 1367(a). Supplemental jurisdiction is appropriate in this
4 action on the basis that all the causes of action or claims derived from federal law and those arising
5 under state law, as herein alleged, arose from a common nucleus of operative facts. The common
6 nucleus of operative facts, include, but are not limited to, the incidents whereby Plaintiff was denied
7 full and equal access to Defendant's facilities, goods, and/or services in violation of both federal and
8 state laws when Plaintiff attempted to enter, use, and/or exit Defendant's facilities as described
9 within this Complaint. Further, due to this denial of full and equal access, Plaintiff and other
10 person's with disabilities were injured. Based upon such allegations, the state actions, as stated
11 herein, are so related to the federal actions that they form part of the same case or controversy, and
12 the actions would ordinarily be expected to be tried in one judicial proceeding.

13 II

14 PARTIES

15 2. Defendant, Anthony Charlton, Inc., dba Anthony's Auto Center was and at all times herein
16 mentioned, was a duly organized business, association, or corporation duly authorized to exist and
17 operate within the State of California and County of San Diego and the owner, lessee, or tenant of
18 the premises located at 305 "E" Street, #B Chula Vista, California 91910-2612.

19 3. Plaintiff is informed and believes and thereon alleges that defendant Virginia McCredie is the
20 Trustee of the Virginia McCredie Trust, which is the owner and/or landlord of the subject property
21 upon which Defendants' business is sited.

22 4. Plaintiff is informed and believes and thereon alleges that each of the named defendants herein
23 operate a business and or/facility of public accommodation as defined and described within 42 USC
24 12181(7)(e)(f) of the American with Disabilities Act [ADA] and, as such, must comply with the
25 ADA under provisions of Title III therein.

26 5. Plaintiff is ignorant of the Defendants sued as Does 1-10 herein, and therefore sues them in their
27 fictitious names as Doe Defendants. Plaintiff is informed and believes and thereon alleges that Does
28 1-10 are the owners, operators, lessees or tenants of the subject property and each of the Doe

1 Defendants at all times herein were acting as the agent and or representative of each other and,
2 thereby, are responsible in some manner for the injuries and damages complained of herein.
3 Plaintiff will seek leave of the court to amend this complaint to name Doe Defendants when the
4 same is ascertained.

5 **III**

6 **GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

7 6. Plaintiff is a male who is disabled and confined to a wheelchair. He has no control over his
8 lower extremities and must use a wheelchair to transport himself and to affect the basic necessities
9 of his everyday existence. Plaintiff's disability substantially limits one or more of life's major
10 activities and therefore he is disabled as defined under section 42 USC 12102(2)(A)(B)(C).

11 7. On or about December 11, 2004 Plaintiff patronized the premises of Defendants to utilize goods
12 and/or services offered by Defendants. When Plaintiff attempted to gain access to the goods and/or
13 services offered by Defendants he encountered access barriers because the premises failed to
14 comply with federal ADA Access Guidelines For Building and Facilities [hereinafter "ADAAG"];
15 Department of Justice [DOJ] regulations at 28 CFR. 36.201; 36.304 and/or the State of California's
16 Title 24 Building Code Requirements.

17 8. The specific difficulty Plaintiff had in entering and utilizing Defendants' facility and which
18 amount to a violation of ADAAG, DOJ regulations and Title 24 of the California Building Code
19 are:

- 20 (a) Site entrance signage does not comply with Title 24 1129B.5
21 (b) Lack of designated van accessible parking required by ADAAG 4.1.2(5)(b) and Title 24
22 1129B.4.2
23 (c) Lack of correct number of disable parking stalls required by ADAAG 4.1.2(5)(a) and Title 24
24 1129B.1
25 (d) Lack of regular disabled parking space in violation of ADAAG 4.6.3 and Title 24 1129B.4.1
26 (d) Lack of shortest route of travel for the disabled required by ADAAG 4.6.2
27 (e) Lack of access route of travel required by ADAAG 4.1.3(2); 4.3.2(2) an dTitle 24 1114B.1.2
28

1 (f) Disabled parking stall is positioned incorrectly thus requiring the disabled to travel behind other
2 vehicles in violation of Title 24 1129B.4.3

3 (g) Door threshold does not comply with ADAAG 4.1.3.8 and Title 1133B.2.4.1

4 (h) Entrance signage does not comply with ADAAG 4.30.7(c) and Title 24 1117B.5.1.1.1 & 5.3

5 (i) Lack of entrance signage at every entrance/exit required by ADAAG 4.1.3(16)(b) and Title 24
6 1127B.3

7 (j) Lack of access to each type of functional activity required by ADAAG 5.1 and Title 24
8 1104B.5.3

9 (k) Lack of access to office area to conduct business as required by Title 24 1105B.3.2

10 (l) Counters do not comply with ADAAG 4.23.3 and Title 24 1122B.4

11 9. Based upon the above facts, Plaintiff as been discriminated against and will continue to be
12 discriminated against unless and until Defendants are enjoined and forced to cease and desist from
13 continuing to discriminate against Plaintiff and others similarly situated.

14 10. Pursuant to Federal [ADA], Title 28 CFR 36.201; 36.203; 36.304; 36.305 and state law
15 [California Title 24], Defendants are required to remove barriers to their existing facilities.

16 Defendants have been put on notice pursuant to the ADA and California Civil Codes [51,52] prior
17 to the statutory effect of the ADA on January 26, 1992 that Defendants and each of them had a duty
18 to remove barriers to persons with disabilities such as plaintiff. Defendants also knew or should
19 have known that individuals such as Plaintiff with a disability are not required to give notice to a
20 governmental agency prior to filing suit alleging Defendants' failure to remove architectural
21 barriers.

22 11. Plaintiff believes and thereon allege that Defendants' facilities, as described herein, have other
23 access violations not directly experienced by Plaintiff, which preclude or limit access by others with
24 disabilities, including, but not limited to, Space Allowances, Reach Ranges, Accessible Routes,
25 Protruding Objects, Ground and Floor Surfaces, Parking and Passenger Loading Zones, Curb
26 Ramps, Ramps, Stairs, Elevators, Platform Lifts (Wheelchair Lifts), Windows, Doors, Entrances,
27 Drinking Fountains, and Water Coolers, Water Closets, Toilet Stalls, Urinals, Lavatories and
28 Mirrors, Sinks, Storage, Handrails, Grab Bars, Telephones, Controls and Operating Mechanisms,

1 Alarms, Detectable Warnings and Signage. Accordingly, Plaintiff alleges Defendants are required
2 to remove all architectural barriers, known or unknown. Also, Plaintiff alleges Defendants are
3 required to utilize the ADA checklist for Readily Achievable Barrier Removal approved by the
4 United States Department of Justice and created by Adaptive Environments.

5 12. Plaintiff desires to return to Defendants' places of business and utilize their facilities without
6 being discriminated against in the immediate future.

7 **IV**

8 **FIRST CAUSE OF ACTION**

9 **(Violation of Civil Rights-American With Disabilities Act)**

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

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

12 14. Based on the facts asserted above Plaintiff has been denied full and equal access to Defendants'
13 goods, services, facilities, privileges, advantages, or accommodations. Defendant business is a
14 public accommodation owned, leased and/or operated by Defendants and each of them. Defendants'
15 existing facilities and/or services failed to provide full and equal access to Defendants' facility as
16 required by 42 U.S.C. Section 12182(a). Thus, Plaintiff was subjected to discrimination in violation
17 of 42 U.S.C. 12182(b)(2)(A)(ii)(iv) and 42 U.S.C. section 12188 because Plaintiff was denied equal
18 access to Defendants' existing facilities.

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

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

27 16. Based upon the facts alleged herein, Plaintiff was denied full and equal access to Defendants'
28 goods, services, facilities, privileges, advantages, or accommodations within a public

1 accommodation owned leased, and/or operated by the named Defendants. Defendants individually
2 and collectively failed to remove barriers as required by 42 U.S.C. 12182(a) and 28 CFR 36.304.

3 Plaintiff is informed and believes, and thus alleges that architectural barriers which are structural in
4 nature exist at the following physical elements of Defendants' facilities:

5 Space Allowance and Reach Ranges, Accessible Route, Protruding Objects, Ground and Floor
6 Surfaces, Parking and Passenger Loading Zones, Curb Ramps, Ramps, Stairs, Elevators, Platform
7 Lifts (Wheelchair Lifts), Windows, Doors, Entrances, Drinking Fountains and Water Coolers,
8 Water Closets, Toilet Stalls, Urinals, Lavatories and Mirrors, Sinks, Storage, Handrails, Grab Bars,
9 and Controls and Operating Mechanisms, Alarms, Detectable Warnings, Signage, and Telephones.

10 Pursuant to 42 USC section 12182(b)(2)(iv) and 28 CFR 36.304 Title III requires places of public
11 accommodation to remove architectural barriers that are structural in nature within existing
12 facilities. Failure to remove such barriers and disparate treatment against a person who has a known
13 association with a person with a disability are forms of prohibited discrimination. Accordingly,
14 Plaintiff was subjected to discrimination in violation of 42 USC 12182(b)(2)(A)(iv) and 42 USC
15 12182 (b)(2)(A)(iv) and 42 USC 12188.

16 **Claim 3: Failure To Modify Practices, Policies And Procedures**

17 17. Based on the facts alleged in this Complaint Defendants failed and refused to provide a
18 reasonable alternative by modifying its practices, policies and procedures in that they failed to have
19 a scheme, plan, or design to assist Plaintiff and/or others similarly situated in entering and utilizing
20 Defendants' services, as required by 42 U.S.C. Section 12188(a). Thus, Plaintiff was subjected to
21 discrimination in violation of 42 U.S.C. section 12182(b)(2)(A)(iv); 28 CFR 36.302 and 42 U.S.C.
22 section 12188 because Plaintiff was denied equal access to Defendants' existing facilities.

23 18. As a result of the wrongful and discriminatory practices of defendants, plaintiff has suffered
24 actual damages consisting of special damages and general damages in an amount to be determined
25 at time of trial herein.

26 19. Pursuant to the provisions of 42 USC 12188 plaintiff seeks injunctive relief and an order
27 directing defendants to cease and desist from discriminating against plaintiff and others similarly
28

1 situated and for an order that defendants comply with the Americans With Disabilities Act
2 forthwith.

3 20. Under the provisions of 42 USC 12205 Plaintiff is entitled to an award of reasonably attorneys
4 fees and requests that the court grant such fees as are appropriate.

5 VI

6 **SECOND CAUSE OF ACTION**

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

8 21. Plaintiff realleges the allegations of the First Cause of Action as though set forth fully herein.

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

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

20 23. On the above basis Plaintiff has been wrongfully discriminated against.

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

22 24. Defendants have failed and refused and continue to fail and refuse to provide a reasonable
23 alternative to allow plaintiff equal access to their facility by modifying their practices, policies, and
24 procedures in that that they failed to have s scheme, plan, or design to assist Plaintiff and others
25 similarly situated in entering and utilizing Defendants' goods or services as required by California
26 Civil Code section 54 and 54.1. Accordingly Defendants have wrongfully discriminated against
27 Plaintiff.

28 //

VII

THIRD CAUSE OF ACTION

(Violation of The Unruh Civil Rights Act)

25. Plaintiff realleges the allegations of the Second Cause of Action as though set forth fully herein.

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

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

27. Defendants have violated the provisions of Civ. Code 51 (b) by failing and refusing to provide free and equal access to Plaintiff to their facility on the same basis as other persons not disabled. By their failure to provide equal access to Plaintiff as herein alleged, Defendants have also violated 42 U.S.C. section 12182(b)(2)(A)(iv) as provided in Cal. Civ. Codes section 51(f).

28. By reason of their acts and denial of Plaintiff's civil rights Defendants also violated the provisions of Cal. Civ. Code section 52, which makes a person or entity in violation of Cal. Civ. Code 51 liable for the actual damages to a Plaintiff including treble damages where appropriate.

29. Defendants and each of them, at all times prior to and including December 2004, respectively and continuing to the present time, knew that persons with physical disabilities were denied their rights of equal access to all portions of this public facility. Despite such knowledge, Defendants, and each of them, failed and refused to take steps to comply with the applicable access statutes and despite knowledge of the resulting problems and denial of civil rights suffered by Plaintiff and other similarly situated persons with disabilities.

30. Defendants and each of them have failed and refused to take action to grant full and equal access to person with physical disabilities. Defendants have carried out a course of conduct of

1 refusing to respond to, or correct complaints about unequal access and have refused to comply with
2 their legal obligations to make the subject facility accessible pursuant the ADAAG and the
3 California Building Code [Title 24 of the California Code of Regulations]. Such actions and
4 continuing course of conduct by Defendants, and each of them, evidence despicable conduct in
5 conscious disregard of the rights and/or safety of Plaintiff and those similarly situated and thus
6 justify an award of treble damages pursuant to section 52(a) and 54.3(a) of the Cal.Civ. Code or
7 alternatively an award of punitive damages in an appropriate amount.
8

9
10 31. Plaintiff has suffered damage because of the acts of defendants and continues to suffer such
11 damages all in an amount to be determined at time of trial.

12 32. Under the provisions of Cal. Civ. Code section 55 Plaintiff seeks an award of reasonable
13 attorney's fees and costs as a result of having to bring this action. Plaintiff requests the court to
14 award such fees in an appropriate amount.
15

16 **VIII**

17 **FOURTH CAUSE OF ACTION**

18 **(Negligent Infliction of Emotional Distress)**

19 33. Plaintiff realleges the allegations of the Third Cause of Action as though set forth fully herein.

20 34. Defendants and each of them owed a duty to Plaintiff to make their facility accessible and to
21 keep Plaintiff reasonably safe from known dangers and risks of harm. This duty arises by virtue of
22 the legal duties proscribed by various federal and state statutes including, but not limited to, ADA,
23 ADAAG, California Civil Code sections 51, 52, 54, 54.1 and Title 24 of the California Code of
24 Regulations. Defendants had a duty of due care not to do or cause anything to happen that would
25 subject Plaintiff to undue stress, embarrassment, chagrin, and discouragement.
26
27
28

1 35. Defendants breached their duty of care to Plaintiff by the actions and inaction complained of
2 herein and as a result thereof Plaintiff was shocked, discouraged, embarrassed and outraged at the
3 callousness and disregard of Defendants. Defendants knew or had reason to know that by denying
4 Plaintiff equal access to their facility and failing and refusing to remove architectural barriers,
5 Plaintiff would suffer emotional and/or mental distress because of such discrimination and disparate
6 treatment. Defendants breached their duty of care to plaintiff by the perpetration of the acts outlined
7 herein.
8

9
10 36. As a proximate result of the actions of Defendants Plaintiff did suffer emotional and mental
11 stress all in an amount to be determined at time of trial.

12 **IX**
13 **SIXTH CAUSE OF ACTION**
14 **(DECLARATORY RELIEF)**

15 37. Plaintiff realleges and incorporates by reference each and every allegation contained in
16 paragraphs 1-36 of this complaint as though set forth fully herein.

17 38. An actual controversy now exists in that plaintiff is informed and believes and thereon alleges
18 that Defendants' premises are in violation of the disabled access laws of the State of California
19 including, but not limited to, Civil Code Sections 51, et seq., Section 52, et seq., Title 24 of the
20 California Code of Regulations and Title III of the Americans with Disabilities Act and the
21 Americans with Disabilities Access Guidelines (ADAAG).

22 39. A declaration of Plaintiff's rights is necessary and appropriate in order for the parties to this
23 action to know their respective rights and duties. Accordingly, the court should make a declaration
24 of the rights of the parties.

25
26 **DEMAND FOR JURY**

27 40. Plaintiff respectfully requests that the claims made herein be heard and determined by a jury.

28 **WHEREFORE PLAINTIFF PRAYS:**

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing of 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.)

(a) PLAINTIFFS

GAYNOR CARLOCK,

DEFENDANTS

ANTHONY CHARLTON, INC., et al.

FILED
MAR 23 2005
San Diego

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONVEYANCE DISTRICT COURT AND OTHER CASES, USE THE LOCATION OF THE SOUTHERN DISTRICT OF CALIFORNIA DEPUTY

(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)

'05 CV 0582 JAH (POR)

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 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Inmate/Prisoner Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 198 Other Contract <input type="checkbox"/> 199 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rate/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Ruckelshaus Infringed and Contempt Organizations <input type="checkbox"/> 810 Selective Services <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 448 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Unempl. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 RIA (1395B) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (403(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

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: 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):

DATE 3/18/05 JUDGE _____ DOCKET NUMBER _____
 SIGNATURE OF ATTORNEY OR RECORDS [Signature]
 RECEIPT # 162209 AMOUNT 250.00 APPLYING U/P _____ JUDGE _____ MAG. JUDGE _____
3/24/05