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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 CENTRAL DIVISION

11 CV 04-9787 SJO (CJX)  
12

2001 DEC -2 AM 11:38  
CLERK, U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

FILED

13 GAYNOR CARLOCK,

14 Plaintiff,

15 vs.

16 ELIAS FAHED BATSHON, dba  
17 BATSHON SERVICE CENTER  
18 2; PENELOPE N. BAUGHMAN,  
19 TRUSTEE OF THE PENELOPE N.  
20 BAUGHMAN TRUST AND DOES 1-  
21 10, INCLUSIVE,

22 Defendants.

Case No.:

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

23 I  
24 JURISDICTION AND VENUE

25 (a) Jurisdiction of this action is invoked on the basis of 28 USC 1331 and 1343, 42  
26 USC 12101-12102, 12181-12183 and 12201, et. seq., which is applicable to causes of  
27 action where persons with disabilities have been denied their civil rights. Venue in  
28 the Central Judicial District of California in the United States District Court is in

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Complaint for Damages re: Violation of Civil Rights  
Page 1 of 15

ORIGINAL



I/S  
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1 accord with 28. U.S.C. Section 1391(b) because a substantial part of Plaintiff's claims  
2 arose within the Judicial District of the United States District Court of the Central  
3 District of California.

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

## 18 II

### 19 PARTIES

20 2. Defendant, Elias Fahed Batshon, dba Batshon Service Center 2 was and at all times  
21 herein mentioned, was a duly organized business, association, or corporation duly  
22 authorized to exist and operate within the State of California and County of Long  
23 Beach and the owner, lessee, or tenant of the premises located at 3400 E. Anaheim  
24 Street Long Beach, California.

25 3. Plaintiff is informed and believes and thereon alleges that defendant Penelope N.  
26 Baughman is the Trustee of the Penelope N. Baughman Trust, which is the owner  
27 and/or landlord of the subject property upon which Defendants' business is sited.  
28

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

6 5. Plaintiff is ignorant of the Defendants sued as Does 1-10 herein, and therefore sues  
7 them in their fictitious names as Doe Defendants. Plaintiff is informed and believes  
8 and thereon alleges that Does 1-10 are the owners, operators, lessees or tenants of the  
9 subject property and each of the Doe Defendants at all times herein were acting as the  
10 agent and or representative of each other and, thereby, are responsible in some  
11 manner for the injuries and damages complained of herein. Plaintiff will seek leave of  
12 the court to amend this complaint to name Doe Defendants when the same is  
13 ascertained.

### 14 III

#### 15 GENERAL ALLEGATIONS COMMON TO ALL CLAIMS

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

21 7. On or about October 1, 2004 Plaintiff patronized the premises of Defendants to  
22 utilize goods and/or services offered by Defendants. When Plaintiff attempted to  
23 gain access to the goods and/or services offered by Defendants he encountered access  
24 barriers because the premises failed to comply with federal ADA Access Guidelines  
25 For Building and Facilities [hereinafter "ADAAG"]; Department of Justice [DOJ]  
26 regulations at 28 CFR. 36.201; 36.304 and/or the State of California's Title 24  
27 Building Code Requirements.

1 8. The specific difficulty Plaintiff had in entering and utilizing Defendants' facilit  
2 and which amount to a violation of ADAAG, DOJ regulations and Title 24 of the  
3 California Building Code are:

- 4 1 Lack of Site Entrance Signage (Not Filled Out - Reclaim at:)  
5 (CA Title 24 1129B.5)
- 6 1 Site Entrance Signage (Not Filled Out – Telephone number:)  
7 (CA Title 24 1129B.5)
- 8 1 Lack of Designated Disabled "VAN ACCESSIBLE" Parking - Space  
9 (ADAAG 4.1.2(5)(b) & CA Title 24 1129.B.4.2)
- 10 1 Lack of Designated Disabled "VAN ACCESSIBLE" Parking Space - Width  
1 (ADAAG 4.1.2(5)(b) & CA Title 24 1129.B.4.2)
- 2 1 Designated Disabled "VAN ACCESSIBLE" Parking Space - Length  
3 (ADAAG 4.1.2(5)(b) & CA Title 24 1129.B.4.2)
- 4 1 Designated Disabled "VAN ACCESSIBLE" Parking Space - Signage  
5 (ADAAG 4.1.2(5)(b) & CA Title 24 1129.B.4.2)
- 6 1 Designated Parking Stalls – Correct Number of Stalls  
7 (ADAAG 4.1.2(5)(a) & CA Title 24 1129B.1)
- 8 1 Warning – Access Aisle - (NO PARKING)  
9 (CA Title 24 1129B.4.1 & 2)
- 10 1 Warning – Access Aisle - (12" High Minimum)  
1 (CA Title 24 1129B.4.1 & 2)
- 2 1 Lack of Regular Access Aisle – Exist/Improper  
3 (CA Title 24 1129B.4.1)
- 4 Regular Access Aisle - Width  
5 (CA Title 24 1129B.4.1)
- 6 Regular Access Aisle - Length  
7 (CA Title 24 1129B.4.1)
- 8 Van Accessible Aisle – Exist/Improper

- 1 (ADAAG 4.6.3 & CA Title 24 1129B.4.2)
- 2 1 Van Accessible Aisle - Width
- 3 (ADAAG 4.6.3 & CA Title 24 1129B.4.2)
- 4 1 Van Accessible Aisle - Length
- 5 (ADAAG 4.6.3 & CA Title 24 1129B.4.2)
- 6 1 Van Accessible Aisle - (Passenger Side)
- 7 (ADAAG 4.6.3 & CA Title 24 1129B.4.2)
- 8 1 Lack of Access Route - A Visible Route of Travel
- 9 (ADAAG 4.1.3(2), 4.3.2(2) & CA Title 24 1114B.1.2)
- 10 1 Shortest Route of Travel to Accessible Entrance
- 11 (ADAAG 4.6.2)
- 12 1 Parking Space Emblem – Proper Size
- 13 (ADAAG 4.6.4 & CA Title 24 1129B.5.1 &.2)
- 14 1 Disabled Parking Stall Positioned Correctly (No Travel Behind Other
- 15 Vehicles) (CA Title 24 1129.B.4.3)
- 16 1 Threshold – Max Change in level ½”
- 17 (ADAAG 4.1.3.8 & CA Title 1133B.2.4.1)
- 18 1 Entrance – Proper Directional Signage
- 19 (ADAAG 4.30.7(c) & CA Title 24 1117B.5.1.1.1 & 5.3)
- 20 1 Entrance – Signage at Every Entrance/Exit, Accessibility
- 21 (ADAAG 4.1.3(16)(b) & CA Title 24 1127B.3)
- 22 1 Wheelchair – Access to Each Type of Functional Activity
- 23 (ADAAG 5.1 & CA Title 24 1104B.5.3)
- 24 1 Access - Office Area
- 25 (CA Title 24 1105B.3.2)
- 26 1 Bathroom – International Symbol of Accessibility at Accessible
- 27 Restroom (ADAAG 4.30.6 & CA Title 24 1117B.5.9)
- 28

1 Bathroom – International Symbol of Accessibility - Pictogram Min 6”  
2 High (ADAAG 4.30.4 & CA Title 24 1117B.5.5.2)

3 1 Bathroom – International Symbol of Accessibility – Verbal Description  
4 Below(ADAAG 4.30.4 & CA Title 24 1117B.5.5.2)

5 1 Raised Braille Characters - (Restroom Wall Signage)  
6 (ADAAG 4.30.4 & CA Title 24 1117B.5.6.1 & .2)

7 1 Wall Mount Signage (Latch Side of Door)  
8 (ADAAG 4.1.2(7)(d) and CA Title 24 1117B.5.1.1 & .5.6.3)

9 1 Wall Mount Signage (60 inches from the floor)  
10 (ADAAG 4.30.6 & CA Title 24 1117B.5.9)

11 1 Door Mount Signage (Men's & Women's)  
12 (CA Title 24 1115B.5)

13 2 Hardware – Opening Door Knobs  
14 (ADAAG 4.13.9 & CA Title 24 1133B.2.5.1)

15 1 Hardware – Opening Door Lock/Latch  
16 (ADAAG 4.13.9 & CA Title 24 1115B.7.1.4)

17 2 Hardware – Handle Inside/Outside Compartment Door  
18 (ADAAG 4.13.9 & CA Title 24 1115B.7.1.4)

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

23 10. Pursuant to Federal [ADA], Title 28 CFR 36.201; 36.203; 36.304; 36.305 and  
24 state law [California Title 24], Defendants are required to remove barriers to their  
25 existing facilities. Defendants have been put on notice pursuant to the ADA and  
26 California Civil Codes [51,52] prior to the statutory effect of the ADA on January 26,  
27 1992 that Defendants and each of them had a duty to remove barriers to persons with  
28 disabilities such as plaintiff. Defendants also knew or should have known that

1 individuals such as Plaintiff with a disability are not required to give notice to a  
2 governmental agency prior to filing suit alleging Defendants' failure to remove  
3 architectural barriers.

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

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

#### 19 IV

#### 20 FIRST CAUSE OF ACTION

#### 21 (Violation of Civil Rights-American With Disabilities Act)

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

#### 24 **Claim 1: Denial of Full and Equal Access**

25 14. Based on the facts asserted above Plaintiff has been denied full and equal access  
26 to Defendants' goods, services, facilities, privileges, advantages, or accommodations.  
27 Defendant business is a public accommodation owned, leased and/or operated by  
28 Defendants and each of them. Defendants' existing facilities and/or services failed to

1 provide full and equal access to Defendants' facility as required by 42 U.S.C. Section  
2 12182(a). Thus, Plaintiff was subjected to discrimination in violation of 42 U.S.C.  
3 12182(b)(2)(A)(ii)(iv) and 42 U.S.C. section 12188 because Plaintiff was denied  
4 equal access to Defendants' existing facilities.

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

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

14 16. Based upon the facts alleged herein, Plaintiff was denied full and equal access to  
15 Defendants' goods, services, facilities, privileges, advantages, or accommodations  
16 within a public accommodation owned leased, and/or operated by the named  
17 Defendants. Defendants individually and collectively failed to remove barriers as  
18 required by 42 U.S.C. 12182(a) and 28 CFR 36.304. Plaintiff is informed and  
19 believes, and thus alleges that architectural barriers which are structural in nature  
20 exist at the following physical elements of Defendants' facilities:

21 Space Allowance and Reach Ranges, Accessible Route, Protruding Objects, Ground  
22 and Floor Surfaces, Parking and Passenger Loading Zones, Curb Ramps, Ramps,  
23 Stairs, Elevators, Platform Lifts (Wheelchair Lifts), Windows, Doors, Entrances,  
24 Drinking Fountains and Water Coolers, Water Closets, Toilet Stalls, Urinals,  
25 Lavatories and Mirrors, Sinks, Storage, Handrails, Grab Bars, and Controls and  
26 Operating Mechanisms, Alarms, Detectable Warnings, Signage, and Telephones.  
27 Pursuant to 42 USC section 12182(b)(2)(iv) and 28 CFR 36.304 Title III requires  
28 places of public accommodation to remove architectural barriers that are structural in



1 nature within existing facilities. Failure to remove such barriers and disparate  
2 treatment against a person who has a known association with a person with a  
3 disability are forms of prohibited discrimination. Accordingly, Plaintiff was subjected  
4 to discrimination in violation of 42 USC 12182(b)(2)(A)(iv) and 42 USC 12182  
5 (b)(2)(A)(iv) and 42 USC 12188.

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

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

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

17 19. Pursuant to the provisions of 42 USC 12188 plaintiff seeks injunctive relief and  
18 an order directing defendants to cease and desist from discriminating against plaintiff  
19 and others similarly situated and for an order that defendants comply with the  
20 Americans With Disabilities Act forthwith.

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

24 **VI**

25 **SECOND CAUSE OF ACTION**

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

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

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

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

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

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

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

**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:

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

7 27. Defendants have violated the provisions of Civ. Code 51 (b) by  
8 failing and refusing to provide free and equal access to Plaintiff to their facility on the  
9 same basis as other persons not disabled. By their failure to provide equal access to  
10 Plaintiff as herein alleged, Defendants have also violated 42 U.S.C. section  
11 12182(b)(2)(A)(iv) as provided in Cal. Civ. Codes section 51(f).  
12

13 28. By reason of their acts and denial of Plaintiff's civil rights Defendants also  
14 violated the provisions of Cal. Civ. Code section 52, which makes a person or entity  
15 in violation of Cal.Civ. Code 51 liable for the actual damages to a Plaintiff including  
16 treble damages where appropriate.  
17

18 29. Defendants and each of them, at all times prior to and including October 2004,  
19 respectively and continuing to the present time, knew that persons with physical  
20 disabilities were denied their rights of equal access to all portions of this public  
21 facility. Despite such knowledge, Defendants, and each of them, failed and refused to  
22 take steps to comply with the applicable access statutes and despite knowledge of the  
23 resulting problems and denial of civil rights suffered by Plaintiff and other similarly  
24 situated persons with disabilities.  
25  
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1 30. Defendants and each of them have failed and refused to take action to grant full  
2 and equal access to person with physical disabilities. Defendants have carried out a  
3 course of conduct of refusing to respond to, or correct complaints about unequal  
4 access and have refused to comply with their legal obligations to make the subject  
5 facility accessible pursuant the ADAAG and the California Building Code [Title 24  
6 of the California Code of Regulations]. Such actions and continuing course of  
7 conduct by Defendants, and each of them, evidence despicable conduct in conscious  
8 disregard of the rights and/or safety of Plaintiff and those similarly situated and thus  
9 justify an award of treble damages pursuant to section 52(a) and 54.3(a) of the  
10 Cal.Civ. Code or alternatively an award of punitive damages in an appropriate  
11 amount.  
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17 31. Plaintiff has suffered emotional and physical damage and continues to suffer such  
18 damages all in an amount to be determined at time of trial.

19  
20 32. Under the provisions of Cal. Civ. Code section 55 Plaintiff seeks an award of  
21 reasonable attorney's fees and costs as a result of having to bring this action. Plaintiff  
22 requests the court to award such fees in an appropriate amount.  
23

## 24 VIII

### 25 FOURTH CAUSE OF ACTION

#### 26 (Negligent Infliction of Emotional Distress) 27 28

1 33. Plaintiff realleges the allegations of the Third Cause of Action as though set forth  
2 fully herein.  
3

4 34. Defendants and each of them owed a duty to Plaintiff to make their facility  
5 accessible and to keep Plaintiff reasonably safe from known dangers and risks of  
6 harm. This duty arises by virtue of the legal duties proscribed by various federal and  
7 state statutes including, but not limited to, ADA, ADAAG, California Civil Code  
8 sections 51, 52, 54, 54.1 and Title 24 of the California Code of Regulations.  
9

10  
11 Defendants had a duty of due care not to do or cause anything to happen that would  
12 subject Plaintiff to undue stress, embarrassment, chagrin, and discouragement.  
13

14 35. Defendants breached their duty of care to Plaintiff by the actions and inaction  
15 complained of herein and as a result thereof Plaintiff was shocked, discouraged,  
16 embarrassed and outraged at the callousness and disregard of Defendants. Defendants  
17 knew or had reason to know that by denying Plaintiff equal access to their facility and  
18 failing and refusing to remove architectural barriers, Plaintiff would suffer emotional  
19 and/or mental distress because of such discrimination and disparate treatment.  
20

21  
22 Defendants breached their duty of care to plaintiff by the perpetration of the acts  
23 outlined herein.  
24

25 36. As a proximate result of the actions of Defendants Plaintiff did suffer emotional  
26 and mental stress and pain and suffering all in an amount to be determined at time of  
27 trial.  
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4 IX

5 **FIFTH CAUSE OF ACTION**

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

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

9 38. The actions of Defendants and each of them are despicable, intentional and done  
10 with conscious disregard of the rights and safety of Plaintiff and as such should be  
11 regarded at outrageous.

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

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

18 X

19 **SIXTH CAUSE OF ACTION**

20 **(DECLARATORY RELIEF)**

21 41. Plaintiff realleges and incorporates by reference each and every allegation  
22 contained in paragraphs 1-40 of this complaint as though set forth fully herein.

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

1 43. A declaration of Plaintiff's rights is necessary and appropriate in order for the  
2 parties to this action to know their respective rights and duties. Accordingly, the court  
3 should make a declaration of the rights of the parties.

4 WHEREFORE PLAINTIFF PRAYS:

- 5 1. For general damages according to proof;  
6 2. For special damages according to proof;  
7 3. For damages pursuant to Cal. Civil Code section 52, in the amount of \$4,000 for  
8 each and every offense of California Civil Code section 51, Title 24 of the California  
9 Building Code and the Americans with Disabilities Act.  
10 4. For Injunctive relief pursuant to 42 U.S.C. 12188(a) and for declaratory relief;  
11 5. For an award of attorney's fees pursuant to 42 U.S.C. 1988, 42 U.S.C. 12205 and  
12 Cal. Civ. Code section 55;  
13 6. For treble damages pursuant to Cal. Civ. Code 52 (a);  
14 7. For punitive damages according to proof;  
15 8. For a Jury Trial;  
16 9. For costs of suit incurred herein and;  
17 10. For such other and further relief as the court deems proper.

18  
19 **DEMAND FOR JURY**

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

22 Respectfully submitted, **THE LAW OFFICES OF ROY L. LANDERS**

23  
24 Dated: 11/22/04

By: 

Attorney for Plaintiff, Gaynor Carlock

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ORIGINAL

SCANNED

CIVIL MINUTES - GENERAL

CASE NO.: CV 04-9787 SJO (CTx)

DATE: March 17, 2005

TITLE: Gaynor Carlock v. Elias Fahed Batshon, dba Batshon Service Center 2, et al.

PRESENT: THE HONORABLE S. JAMES OTERO, UNITED STATES DISTRICT JUDGE

Victor Paul Cruz  
Courtroom Clerk

Not Present  
Court Reporter

COUNSEL PRESENT FOR PLAINTIFF(S):

COUNSEL PRESENT FOR DEFENDANT(S):

Not Present

Not Present

PROCEEDINGS (IN CHAMBERS):

ORDER TO SHOW CAUSE RE DISMISSAL FOR  
LACK OF PROSECUTION

Plaintiff is hereby ordered to show cause in writing by not later than March 28, 2005 why this action should not be dismissed for lack of prosecution.

The court will consider the filing of the following as an appropriate response to this Order to Show Cause, on or before the above date:

- Answer by the Defendant(s) or Plaintiff's request for entry of default; or

In accordance with Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, no oral argument of this matter will be heard unless ordered by the court. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the court's Order may result in the dismissal of the action.

IT IS SO ORDERED.

Priority

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JS-5/JS-6

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DOCKETED ON CM

MAR 18 2005

BY Bg 010

*VP*

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