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CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 WESTERN DIVISION

11 **CV04-2664 JS/ PLAx**

12 GAYNOR CARLOCK

) Case No.:

13 Plaintiff,

) COMPLAINT FOR DAMAGES RE:

14 vs.

) VIOLATION OF CIVIL RIGHTS ON

15 SATISHKUMAR B. BHAKTA, dba HOTEL )  
16 HOTEL AND DOES 1-10 Inclusive, )

) BASIS OF DISCRIMINATION IN

17 Defendants. )

) PUBLIC ACCOMMODATIONS; NEGLIGENT

) INFLECTION OF EMOTIONAL

) DISTRESS; INTENTIONAL INFLECTION

) OF EMOTIONAL

) DISTRESS; DECLARATORY RELIEF;

) DEMAND FOR JURY TRIAL

18 )  
19 )  
20 )  
21 I

22 **JURISDICTION AND VENUE**

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

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1 Judicial District of the United States District Court of the  
2 Central District of California.

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

22 **II**

23 **PARTIES**

24 2. Defendant Satishkumar B. Bhakta, dba Notel Motel was and at all  
25 times herein mentioned was a duly organized business, association,  
26 or corporation duly authorized to exist and operate within the  
27 State of California and County of Los Angeles and the owner,  
28

1 lessee, or tenant of the premises located at 4766 South Main  
2 Street Los Angeles, California.

3 3. Plaintiff is informed and believes and thereon alleges that  
4 defendant Satishkumar B. Bhakta is also the owner and/or landlord  
5 of the subject property upon which defendant business is sited.

6 4. Plaintiff is informed and believes and thereon alleges that  
7 each of the named defendants herein operates a business and  
8 or/facility of public accommodation as defined and described  
9 within 42 USC 12181(7)(A) of the American with Disabilities Act  
10 [ADA] and as such must comply with the ADA under provisions of  
11 Title III therein.

12 5. Plaintiff is ignorant of the defendants sued as Does 1-10  
13 herein, and therefore sues them in their fictitious names as Doe  
14 defendants. Plaintiff is informed and believes and thereon alleges  
15 that Does 1-10 are the owners, operators, lessees or tenants of  
16 the subject property and each of the Doe defendants at all times  
17 herein was acting as the agent and or representative of each other  
18 and thereby are responsible in some manner for the injuries and  
19 damages complained of herein. Plaintiff will seek leave of court  
20 to amend this complaint to name Doe defendants when the same is  
21 ascertained.

### 22 III

#### 23 GENERAL ALLEGATIONS COMMON TO ALL CLAIMS

24 6. Plaintiff is a male who is disabled and confined to a  
25 wheelchair. He has no control over his lower extremities and must  
26 use a wheelchair to transport himself and to affect the basic  
27 necessities of his everyday existence. Plaintiff's disability  
28 substantially limits one or more of life's major activities and

1 therefore he is disabled as defined under 42 USC  
2 12102(2) (A) (B) (C).

3 7. On or about June 30, 2003 plaintiff patronized the premises of  
4 defendants to utilize goods and/or services offered by defendants.  
5 When Plaintiff attempted to gain access to the goods and/or  
6 services offered by defendants he encountered access barriers  
7 because the premises failed to comply with federal ADA Access  
8 Guidelines For Building and Facilities [hereinafter "ADAAG"];  
9 Department of Justice [DOJ] regulations at 28 CFR. 36.201; 36.304  
10 and/or the State of California's Title 24 Building Code  
11 Requirements.

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

- 15 (a) Lack of site entrance signage as required by Title 24  
16 1129B.5
- 17 (b) Lack of designated van accessible parking space as required  
18 by ADAAG 4.1.2(5) (b) and Title 24 1129B.4.2.; ADAAG  
19 4.1.2(5) (a) and Title 24 1129B.1.
- 20 (c) Lack of van accessible aisle as required by ADAAG 4.6.3 and  
21 Title 24 1129B.4.2.
- 22 (d) No signage in accord with ADAAG 4.6.4 and Title 24 1129B.5.
- 23 (e) Designated disabled parking space signage is not proper  
24 per ADAAG 4.6.4 and Title 24 1129B.5.
- 25 (f) Entrance signage is not at every entrance/exit as required  
26 by ADAAG 4.1.3(16) (b) and Title 24 1127B.3.
- 27 (g) Lack of regular access aisle as required by Title 24  
28 1129B.4.1

- 1 (h) Insufficient number of designated disabled parking stalls  
2 as required by ADAAG 4.1.2(5) (a) and title 24 1129B.1.
- 3 (i) Lack of sufficient access route of travel as required by  
4 ADAAG 4.1.3(2), 4.3.2(2) and Title 24 1114B.1.2.
- 5 (j) Lack of shortest route of travel as required by ADAAG 4.6.2
- 6 (k) Lack of parking space emblem as required by ADAAG 4.6.4 and  
7 Title 24 1129B.5.1&2.
- 8 (l) Disabled parking stall is incorrectly positioned in  
9 violation of Title 24 1129B.4.3
- 10 (m) Threshold does not meet the requirements of ADAAG 4.1.3.8  
11 and Title 24 1133B.2.4.1
- 12 (n) Faucet fixtures do not comply with ADAAG 4.27.4 and title  
13 24 1508.1&2
- 14 (o) Grab bars do not meet the requirements of ADAAG 4.17.6 and  
15 title 24 1115B.8.1; 4.14.6
- 16 (p) Hardware does not comply with ADAAG 4.13.9 and Title 24  
17 1133B.2.5.1
- 18 (q) Facility lacks fully accessible rooms as required by ADAAG  
19 9.1.2 and Title 24 1111B4.2
- 20 (r) Facility lacks accessible route to sleeping units or suites  
21 as required by ADAAG 9.2.2 and Title 24 1111B.2
- 22 (s) Facility fails to make at least one bath tub or shower  
23 accessible to the disabled as required by ADAAG 9.2.2(6) (e)  
24 and Title 24 1111B.4.6.6.

25 9. Based upon the above facts, Plaintiff as been discriminated  
26 against and will continue to be discriminated against unless and  
27 until Defendants are enjoined and forced to cease and desist from  
28

1 continuing to discriminate against Plaintiff and others similarly  
2 situated.

3 10. Pursuant to federal [ADA], Title 28 CFR 36.201; 36.203;  
4 36.304; 36.305 and state law [California Title 24], Defendants are  
5 required to remove barriers to their existing facilities.

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

14 11. Plaintiff believes and thereon allege that Defendants'  
15 facilities, as described herein, have other access violations not  
16 directly experienced by Plaintiff, which preclude or limit access  
17 by others with disabilities, including, but not limited to, Space  
18 Allowances, Reach Ranges, Accessible Routes, Protruding Objects,  
19 Ground and Floor Surfaces, Parking and Passenger Loading Zones,  
20 Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts (Wheelchair  
21 Lifts), Windows, Doors, Entrances, Drinking Fountains, and Water  
22 Coolers, Water Closets, Toilet Stalls, Urinals, Lavatories and  
23 Mirrors, Sinks, Storage, Handrails, Grab Bars, Telephones,  
24 Controls and Operating Mechanisms, Alarms, Detectable Warnings and  
25 Signage. Accordingly, Plaintiff alleges Defendants are required to  
26 remove all architectural barriers, known or unknown. Also,  
27 Plaintiff alleges Defendants are required to utilize the ADA  
28 checklist for Readily Achievable Barrier Removal approved by the

1 United States Department of Justice and created by Adaptive  
2 Environments.

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

6 IV

7 FIRST CAUSE OF ACTION

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

9 13. Plaintiff realleges the allegations in paragraphs 1 through 12  
10 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  
13 full and equal access to Defendants' goods, services, facilities,  
14 privileges, advantages, or accommodations. Defendant business is a  
15 public accommodation owned, leased and/or operated by Defendants  
16 and each of them. Defendants' existing facilities and/or services  
17 failed to provide full and equal access to Defendants' facility as  
18 required by 42 U.S.C. section 12182(a). Thus, Plaintiff was  
19 subjected to discrimination in violation of 42 U.S.C.  
20 12182(b) (2) (A) (ii) (iv) and 42 U.S.C. section 12188 because  
21 Plaintiff was denied equal access to Defendants' existing  
22 facilities.

23 15. Plaintiff has a physical impairment as alleged herein because  
24 his condition affects one or more of the following body systems:  
25 neurological, musculoskeletal, special sense organs, and/or  
26 cardiovascular. Further, his physical impairments substantially  
27 limits one or more of the following major life activities:  
28 [walking]. In addition, Plaintiff cannot perform one or more of

1 the said major life activities in the manner speed, and duration  
2 when compared to the average person. Moreover, Plaintiff has a  
3 history of or has been classified as having a physical impairment  
4 as required by 42 U.S.C. section 12102(2) (A).

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

6 16. Based upon the facts alleged herein, Plaintiff was denied  
7 full and equal access to Defendants' goods, services, facilities,  
8 privileges, advantages, or accommodations within a public  
9 accommodation owned leased, and/or operated by the named  
10 Defendants. Defendants individually and collectively failed to  
11 remove barriers as required by 42 U.S.C. 12182(a) and 28 CFR  
12 36.304. Plaintiff is informed and believes, and thus alleges that  
13 architectural barriers which are structural in nature exist at the  
14 following physical elements of Defendants' facilities:

15 Space Allowance and Reach Ranges, Accessible Route, Protruding  
16 Objects, Ground and Floor Surfaces, Parking and Passenger Loading  
17 Zones, Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts  
18 (Wheelchair Lifts), Windows, Doors, Entrances, Drinking Fountains  
19 and Water Coolers, Water Closets, Toilet Stalls, Urinals,  
20 Lavatories and Mirrors, Sinks, Storage, Handrails, Grab Bars, and  
21 Controls and Operating Mechanisms, Alarms, Detectable Warnings,  
22 Signage, and Telephones. Pursuant to 42 USC section  
23 12182(b) (2) (iv) and 28 CFR 36.304 Title III requires places of  
24 public accommodation to remove architectural barriers that are  
25 structural in nature within existing facilities. Failure to remove  
26 such barriers and disparate treatment against a person who has a  
27 known association with a person with a disability are forms of  
28 prohibited discrimination. Accordingly, Plaintiff was subjected to



1 discrimination in violation of 42 USC 12182(b)(2)(A)(iv) and 42  
2 USC 12182 (b)(2)(A)(iv) and 42 USC 12188.

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

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

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

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

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

26 //

27 //

28 //

1 VI

2 SECOND CAUSE OF ACTION

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

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

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

7 22. Plaintiff has been denied full and equal access to Defendants'  
8 goods services, facilities, privileges, advantages, or  
9 accommodations within a public accommodation owned, leased, and/or  
10 operated by Defendants in violation of California Civil Code  
11 Sections 54 and 54.1; California Health and Safety Code Section  
12 19955 and California Government Code Section 12948. The actions of  
13 Defendants also violate the provisions of Title 24 of the State of  
14 California Building Codes with regard to accessibility for persons  
15 with disabilities by failing to provide access to Defendants  
16 facilities due to violations pertaining to accessible routes,  
17 ground and floor surfaces, parking and passenger loading zones,  
18 curb ramps, ramps, stairs, elevators, platform lifts (wheelchair  
19 lifts), windows, doors, toilet stalls, urinals, lavatories and  
20 mirrors, sinks, storage, handrails, grab bars, controls and  
21 operating mechanisms  
22 alarms, detectable warnings, signage and telephones.

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

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

26 24. Defendants have failed and refused and continue to fail and  
27 refuse to provide a reasonable alternative to allow plaintiff  
28 equal access to their facility by modifying their practices,

1 policies, and procedures in that that they failed to have s  
2 scheme, plan, or design to assist Plaintiff and others similarly  
3 situated in entering and utilizing Defendants' goods or services  
4 as required by California Civil Code section 54 and 54.1.  
5 Accordingly Defendants have wrongfully discriminated against  
6 Plaintiff.

7 **VII**

8 **THIRD CAUSE OF ACTION**

9 **(Violation of The Unruh Civil Rights Act)**

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

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

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

20 27: Defendants have violated the provisions of Civ. Code 51 (b) by  
21 failing and refusing to provide free and equal access to Plaintiff  
22 to their facility on the same basis as other persons not disabled.  
23 By their failure to provide equal access to Plaintiff as herein  
24 alleged, Defendants have also violated 42 U.S.C. section  
25 12182(b) (2) (A) (iv) as provided in Cal. Civ. Codes section 51(f).

26 28. By reason of their acts and denial of Plaintiff's civil rights  
27 Defendants also violated the provisions of Cal. Civ. Code section  
28 52, which makes a person or entity in violation of Cal.Civ. Code

1 51 liable for the actual damages to a Plaintiff including treble  
2 damages where appropriate.

3 29. Defendants and each of them, at all times prior to and  
4 including June 2003, respectively and continuing to the present  
5 time, knew that persons with physical disabilities were denied  
6 their rights of equal access to all portions of this public  
7 facility. Despite such knowledge, Defendants, and each of them,  
8 failed and refused to take steps to comply with the applicable  
9 access statutes and despite knowledge of the resulting problems  
10 and denial of civil rights suffered by Plaintiff and other  
11 similarly situated persons with disabilities.

14 30. Defendants and each of them have failed and refused to take  
15 action to grant full and equal access to person with physical  
16 disabilities. Defendants have carried out a course of conduct of  
17 refusing to respond to, or correct complaints about unequal access  
18 and have refused to comply with their legal obligations to make  
19 the subject facility accessible pursuant the ADAAG and the  
20 California Building Code [Title 24 of the California Code of  
21 Regulations]. Such actions and continuing course of conduct by  
22 Defendants, and each of them, evidence despicable conduct in  
23 conscious disregard of the rights and/or safety of Plaintiff and  
24 those similarly situated and thus justify an award of treble  
25 damages pursuant to section 52(a) and 54.3(a) of the Cal.Civ. Code  
26  
27  
28

1 or alternatively an award of punitive damages in an appropriate  
2 amount.

3 31. Plaintiff has suffered emotional and physical damage and  
4 continues to suffer such damages all in an amount to be determined  
5 at time of trial.  
6

7 32. Under the provisions of Cal. Civ. Code section 55 Plaintiff  
8 seeks an award of reasonable attorney's fees and costs as a result  
9 of having to bring this action. Plaintiff requests the court to  
10 award such fees in an appropriate amount.  
11

## 12 VIII

### 13 FOURTH CAUSE OF ACTION

#### 14 (Negligent Infliction of Emotional Distress)

15 33. Plaintiff relleges the allegations of the Third Cause of  
16 Action as though set forth fully herein.

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

1 35. Defendants breached their duty of care to Plaintiff by the  
2 actions and inaction complained of herein and as a result thereof  
3 Plaintiff was shocked, discouraged, embarrassed and outraged at  
4 the callousness and disregard of Defendants. Defendants knew or  
5 had reason to know that by denying Plaintiff equal access to their  
6 facility and failing and refusing to remove architectural  
7 barriers, Plaintiff would suffer emotional and/or mental distress  
8 because of such discrimination and disparate treatment. Defendants  
9 breached their duty of care to plaintiff by the perpetration of  
10 the acts outlined herein.  
11  
12

13 36. As a proximate result of the actions of Defendants Plaintiff  
14 did suffer emotional and mental stress and pain and suffering all  
15 in an amount to be determined at time of trial.  
16

17 **IX**

18 **FIFTH CAUSE OF ACTION**

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

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

22 38. The actions of Defendants and each of them are despicable,  
23 intentional and done with conscious disregard of the rights and  
24 safety of Plaintiff and as such should be regarded as outrageous.

25 39. As a proximate result of Defendants' actions Plaintiff has  
26 suffered severe emotional and mental distress all to his damage in  
27 an amount to be determined at time of trial.  
28

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

4 X

5 **SIXTH CAUSE OF ACTION**

6 **(Declaratory Relief)**

7 41. Plaintiff realleges the allegations of the Fifth Cause of  
8 Action as though set forth fully.

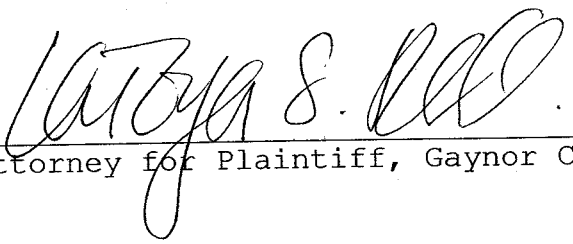
9 42. An actual controversy has arisen between defendant(s) and  
10 plaintiff in that plaintiff alleges that his civil rights are  
11 being violated by denial of equal access to a public accommodation  
12 owned and/or operated by defendant(s). Plaintiff's claim is  
13 adverse to defendant(s) current business operation and the rights  
14 that plaintiff claims entitled such that a declaration of rights  
15 and relief are required at between the parties. The court is  
16 requested to declare and state the rights and duties of the  
17 parties as it relates to the claims made by plaintiff.

18 WHEREFORE PLAINTIFF PRAYS:

- 19 1. For general damages according to proof;
- 20 2. For special damages according to proof;
- 21 3. For damages pursuant to Cal. Civil Code section 52, in the  
22 amount of \$4,000 for each and every offense of California Civil  
23 Code section 51, Title 24 of the California Building Code and the  
24 Americans with Disabilities Act.
- 25 4. For Injunctive relief pursuant to 42 U.S.C. 12188(a) and  
26 California Business and Professions Code section 17200
- 27 5. For an award of attorney's fees pursuant to 42 U.S.C. 1988, 42  
28 U.S.C. 12205 and Cal. Civ. Code section 55;

- 1 6. For treble damages pursuant to Cal. Civ. Code 52 (a);
  - 2 7. For punitive damages according to proof;
  - 3 8. For a Jury Trial;
  - 4 9. For costs of suit incurred herein and;
  - 5 10. For such other and further relief as the court deems proper.
- 6 Respectfully submitted,

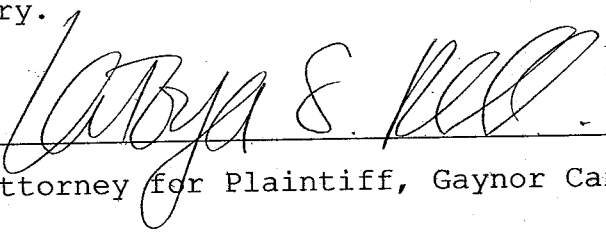
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8 Dated: 4/13/04

  
Attorney for Plaintiff, Gaynor Carlock

11 **DEMAND FOR JURY TRIAL**

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

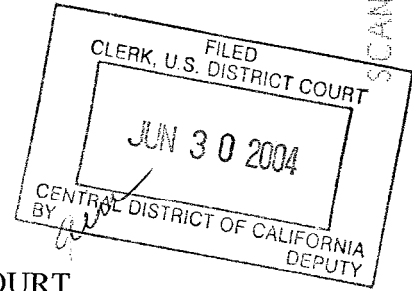
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15 Date: 4/13/04

  
Attorney for Plaintiff, Gaynor Carlock

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SCANNED

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GAYNOR CARLOCK )  
 )  
 Plaintiff(s), )  
 )  
 v. )  
 )  
 SATISHKUMAR B. BHAKTA )  
 )  
 Defendant(s), )  
 )

CV 04-2664 FMC(PLAx)

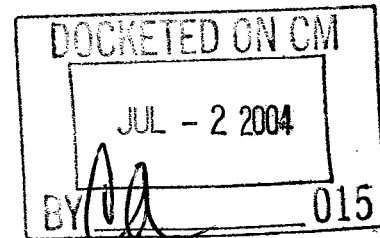
DISMISSAL BY COURT FOR FAILURE  
TO COMPLY WITH RULE 4(M) OF THE  
FEDERAL RULES OF CIVIL PROCEDURE

On June 1, 2004, the Court issued an Order to Show Cause why this action should not be dismissed for failure to comply with the Local Rules of this Court and the Federal Rules of Civil Procedure. A written response to this Order was ordered to be filed not later than June 15, 2004. No response has been filed.

IT IS HEREBY ORDERED AND ADJUDGED that the above-entitled cause is dismissed without prejudice for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

Dated: June 29, 2004

FLORENCE-MARIE COOPER  
UNITED STATES DISTRICT JUDGE



6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

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Case No. CV 04-2664 FMC(PLAx)

Date: June 1, 2004

Title: GAYNOR CARLOCK v SATISHKUMAR B. BHAKTA, etc.

SCANNED

PRESENT: THE HONORABLE FLORENCE-MARIE COOPER, JUDGE

Alicia Mamer  
Courtroom Clerk

Not present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

Not present

Not present

PROCEEDINGS: TRANSFER OF CASE TO JUDGE COOPER and ORDER TO SHOW CAUSE re  
DISMISSAL LACK OF PROSECUTION (In Chambers)

This action has been reassigned to the HONORABLE FLORENCE-MARIE COOPER, United States District Judge.

Please substitute the initials FMC in place of the initials JSL. The case number will now read: CV 04-2664 FMC(PLAx). Henceforth, *it is imperative* that the initials FMC be used on all documents to prevent any delays in processing of documents.

Judge Cooper's courtroom deputy clerk is Alicia Mamer and can be reached at (213) 894-1782. Judge Cooper's courtroom is located on the 7<sup>th</sup> floor of the Roybal Federal Building, Courtroom # 750. Additional information about Judge Cooper's procedures can be found on her website profile at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov). The Court will entertain appearances by telephone for all status conferences, scheduling conferences and oral argument on motions. If you wish to appear by telephone, you must:

- (i) notify the clerk at least two days in advance of *each* appearance date
- (ii) provide the clerk with the telephone number at which the Court can reach you (land lines, only; no cellular phones)
- (iii) agree to be available at that number for up to one hour from the time of the scheduled appearance

The Court, on its own motion, ORDERS that counsel for plaintiff show cause in writing on or before **June 15, 2004**, why this action should not be dismissed for lack of prosecution.

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

-response by defendant(s) to Complaint or plaintiff's request for entry of default

Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7.11, oral argument will not be heard in this matter unless so ordered by the Court. The Order to Show Cause will stand submitted upon the filing of counsel's response. Failure to respond to the Court's order may result in the dismissal of the action.

MINUTES FORM 11  
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