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

2004 FEB 11 PM 4:20  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

FILED

11 GAYNOR CARLOCK

12 Plaintiff,

13 vs.

14 WAYNE'S ENGINE REBUILDER'S INC.,  
15 HOMELIFE SCHNARRE REALTY, GEORGE  
16 H. SCHNARRE, COAST PROPERTY  
17 MANAGEMENT, DEL ROSA STAMP &  
18 COIN, HIGHLAND PLAZA, LLC AND  
DOES 1-10 Inclusive,

19 Defendants.

CV 04 - 00952

GAF

) Case No.:

) COMPLAINT FOR DAMAGES RE:  
) VIOLATION OF CIVIL RIGHTS ON  
) BASIS OF DISCRIMINATION IN  
) PUBLIC ACCOMMODATIONS; UNFAIR,  
) UNLAWFUL AND FRAUDULENT BUSINESS  
) PRACTICES; NEGLIGENT INFLECTION  
) OF EMOTIONAL DISTRESS;  
) INTENTIONAL INFLECTION OF  
) EMOTIONAL DISTRESS; DEMAND FOR  
) JURY TRIAL

MANX

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FEB 19 2004  
BY    r    001

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 (Eastern Division) in the  
28 United States District Court is in accord with 28. U.S.C. section  
1391(b) because a substantial part of plaintiff's claims arose

N/S

1 within the Judicial District of the United States District Court  
2 of the 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. Defendants, Wayne's Engine Rebuilders, Inc., Homelife Schnarre  
25 Realty, George H. Schnarre, Coast Property Management and Del Rosa  
26 Stamp & Coin were and at all times herein mentioned were duly  
27 organized businesses, associations, or corporations duly  
28 authorized to exist and operate within the State of California and

1 County of San Bernardino and the owner, lessee, or tenant of the  
2 premises located at 1408-1430 Highland Avenue San Bernardino,  
3 California.

4 3. Plaintiff is informed and believes and thereon alleges that  
5 defendant Highland Plaza, LLC is the owners and/or landlords of  
6 the subject property upon which defendant business is sited.

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

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

23 **III**

24 **GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

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

1 substantially limits one or more of life's major activities and  
2 therefore he is disabled as defined under 42 USC  
3 12102(2) (A) (B) (C).

4 7. On or about September 19, 2003 plaintiff patronized the  
5 premises of defendants to utilize goods and/or services offered by  
6 defendants. When Plaintiff attempted to gain access to the goods  
7 and/or services offered by defendants he encountered access  
8 barriers because the premises failed to comply with federal ADA  
9 Access Guidelines For Building and Facilities [hereinafter  
10 "ADAAG"]; Department of Justice [DOJ] regulations at 28 CFR.  
11 36.201; 36.304 and/or the State of California's Title 24 Building  
12 Code Requirements.

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

- 16 (a) Lack of site entrance signage as required by Title 24  
17 1129B.5
- 18 (b) Lack of access aisle (NO PARKING) warning sign as required  
19 by Title 24 1129B.4.1&2.
- 20 (c) Lack of designated van accessible parking space as required  
21 by ADAAG 4.1.2(5) (b) and Title 24 1129B.4.2.; ADAAG  
22 4.1.2(5) (a) and Title 24 1129B.1.
- 23 (d) Lack of van accessible aisle as required by ADAAG 4.6.3 and  
24 Title 24 1129B.4.2.
- 25 (e) No signage in accord with ADAAG 4.6.4 and Title 24 1129B.5.
- 26 (f) Designated disabled parking space signage is not at proper  
27 height per ADAAG 4.6.4 and Title 24 1129B.5.
- 28 (g) No parking space emblem as required by ADAAG 4.7.6.

1 (h) Threshold does not comply with ADAAG 4.1.3(16)9B) AND Title  
2 1133B.2.4.1

3 (i) Entrance signage is not at every entrance/exit as required  
4 by ADAAG 4.1.3(16) (b) and Title 241127B.3.

5 (j) Lack of wheelchair access to each type of functional  
6 activity per ADAAG 5.1 and Title 24 1104B.5.3

7 (k) Door kick plates do not comply with Title 24 1133B.2.6.

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

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

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

24 11. Plaintiff believes and thereon allege that Defendants'  
25 facilities, as described herein, have other access violations not  
26 directly experienced by Plaintiff, which preclude or limit access  
27 by others with disabilities, including, but not limited to, Space  
28 Allowances, Reach Ranges, Accessible Routes, Protruding Objects,

1 Ground and Floor Surfaces, Parking and Passenger Loading Zones,  
2 Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts (Wheelchair  
3 Lifts), Windows, Doors, Entrances, Drinking Fountains, and Water  
4 Coolers, Water Closets, Toilet Stalls, Urinals, Lavatories and  
5 Mirrors, Sinks, Storage, Handrails, Grab Bars, Telephones,  
6 Controls and Operating Mechanisms, Alarms, Detectable Warnings and  
7 Signage. Accordingly, Plaintiff alleges Defendants are required to  
8 remove all architectural barriers, known or unknown. Also,  
9 Plaintiff alleges Defendants are required to utilize the ADA  
10 checklist for Readily Achievable Barrier Removal approved by the  
11 United States Department of Justice and created by Adaptive  
12 Environments.

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

#### 16 IV

#### 17 FIRST CAUSE OF ACTION

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

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

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

22 14. Based on the facts asserted above Plaintiff has been denied  
23 full and equal access to Defendants' goods, services, facilities,  
24 privileges, advantages, or accommodations. Defendant business is a  
25 public accommodation owned, leased and/or operated by Defendants  
26 and each of them. Defendants' existing facilities and/or services  
27 failed to provide full and equal access to Defendants' facility as  
28 required by 42 U.S.C. section 12182(a). Thus, Plaintiff was

1 subjected to discrimination in violation of 42 U.S.C.  
2 12182(b)(2)(A)(ii)(iv) and 42 U.S.C. section 12188 because  
3 Plaintiff was denied equal access to Defendants' existing  
4 facilities.

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

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

16 16. Based upon the facts alleged herein, Plaintiff was denied  
17 full and equal access to Defendants' goods, services, facilities,  
18 privileges, advantages, or accommodations within a public  
19 accommodation owned leased, and/or operated by the named  
20 Defendants. Defendants individually and collectively failed to  
21 remove barriers as required by 42 U.S.C. 12182(a) and 28 CFR  
22 36.304. Plaintiff is informed and believes, and thus alleges that  
23 architectural barriers which are structural in nature exist at the  
24 following physical elements of Defendants' facilities:  
25 Space Allowance and Reach Ranges, Accessible Route, Protruding  
26 Objects, Ground and Floor Surfaces, Parking and Passenger Loading  
27 Zones, Curb Ramps, Ramps, Stairs, Elevators, Platform Lifts  
28 (Wheelchair Lifts), Windows, Doors, Entrances, Drinking Fountains

1 and Water Coolers, Water Closets, Toilet Stalls, Urinals,  
2 Lavatories and Mirrors, Sinks, Storage, Handrails, Grab Bars, and  
3 Controls and Operating Mechanisms, Alarms, Detectable Warnings,  
4 Signage, and Telephones. Pursuant to 42 USC section  
5 12182(b)(2)(iv) and 28 CFR 36.304 Title III requires places of  
6 public accommodation to remove architectural barriers that are  
7 structural in nature within existing facilities. Failure to remove  
8 such barriers and disparate treatment against a person who has a  
9 known association with a person with a disability are forms of  
10 prohibited discrimination. Accordingly, Plaintiff was subjected to  
11 discrimination in violation of 42 USC 12182(b)(2)(A)(iv) and 42  
12 USC 12182 (b)(2)(A)(iv) and 42 USC 12188.

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

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

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



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

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

9 **VI**

10 **SECOND CAUSE OF ACTION**

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

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

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

15 22. Plaintiff has been denied full and equal access to Defendants'  
16 goods services, facilities, privileges, advantages, or  
17 accommodations within a public accommodation owned, leased, and/or  
18 operated by Defendants in violation of California Civil Code  
19 Sections 54 and 54.1; California Health and Safety Code Section  
20 19955 and California Government Code Section 12948. The actions of  
21 Defendants also violate the provisions of Title 24 of the State of  
22 California Building Codes with regard to accessibility for persons  
23 with disabilities by failing to provide access to Defendants  
24 facilities due to violations pertaining to accessible routes,  
25 ground and floor surfaces, parking and passenger loading zones,  
26 curb ramps, ramps, stairs, elevators, platform lifts (wheelchair  
27 lifts), windows, doors, toilet stalls, urinals, lavatories and  
28

1 mirrors, sinks, storage, handrails, grab bars, controls and  
2 operating mechanisms  
3 alarms, detectable warnings, signage and telephones.

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

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

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

14 Accordingly Defendants have wrongfully discriminated against  
15 Plaintiff.

16 **VII**

17 **THIRD CAUSE OF ACTION**

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

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

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

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

27 27. Defendants have violated the provisions of Civ. Code 51 (b) by  
28

1 failing and refusing to provide free and equal access to Plaintiff  
2 to their facility on the same basis as other persons not disabled.

3 By their failure to provide equal access to Plaintiff as herein  
4 alleged, Defendants have also violated 42 U.S.C. section  
5

6 12182(b)(2)(A)(iv) as provided in Cal. Civ. Codes section 51(f).

7 28. By reason of their acts and denial of Plaintiff's civil rights

8 Defendants also violated the provisions of Cal. Civ. Code section

9 52, which makes a person or entity in violation of Cal.Civ. Code

10 51 liable for the actual damages to a Plaintiff including treble

11 damages where appropriate.  
12

13 29. Defendants and each of them, at all times prior to and

14 including September 2003, respectively and continuing to the

15 present time, knew that persons with physical disabilities were

16 denied their rights of equal access to all portions of this public

17 facility. Despite such knowledge, Defendants, and each of them,

18 failed and refused to take steps to comply with the applicable

19 access statutes and despite knowledge of the resulting problems

20 and denial of civil rights suffered by Plaintiff and other

21 similarly situated persons with disabilities.  
22

23 30. Defendants and each of them have failed and refused to take

24 action to grant full and equal access to person with physical

25 disabilities. Defendants have carried out a course of conduct of

26 refusing to respond to, or correct complaints about unequal access

27 and have refused to comply with their legal obligations to make  
28

1 the subject facility accessible pursuant the ADAAG and the  
2 California Building Code [Title 24 of the California Code of  
3 Regulations]. Such actions and continuing course of conduct by  
4 Defendants, and each of them, evidence despicable conduct in  
5 conscious disregard of the rights and/or safety of Plaintiff and  
6 those similarly situated and thus justify an award of treble  
7 damages pursuant to section 52(a) and 54.3(a) of the Cal.Civ. Code  
8 or alternatively an award of punitive damages in an appropriate  
9 amount.  
10  
11

12 31. Plaintiff has suffered emotional and physical damage and  
13 continues to suffer such damages all in an amount to be determined  
14 at time of trial.

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

## 20 VIII

### 21 FOURTH CAUSE OF ACTION

#### 22 (Unfair And Unlawful Business Practice)

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

25 34. California Business and Professions Code Section 17200 states  
26 in pertinent part:

27 "As used in this chapter, unfair competition shall mean and  
28 include any unlawful, unfair or fraudulent business act..."

1 35. Defendants, as alleged herein, are in violation of the  
2 Americans With Disabilities Act and Title 24 of the California  
3 Building Code, in that they have denied equal access to their  
4 places of public accommodation to Plaintiff and others similarly  
5 situated to Plaintiff. Defendants have failed and refused and  
6 continue to refuse to comply with equal access laws all in  
7 violation of 42 USC 12181-12183; 28 CFR 36.304 and 42 USC 12188.

8 In addition the complained of acts are in violation of California  
9 Civil Code Sections 51,52, 54,and 54.1,; California Health and  
10 Safety Code section 19955 all of which require Defendants to  
11 provide equal access to their facility to disabled persons such as  
12 plaintiff. Defendants are also in violation of the indicated  
13 statutes because of their failure to remove architectural  
14 barriers, which prevent equal access to their facility by disabled  
15 persons and because of their failure to modify their practices,  
16 policies and procedures to have a scheme, plan, or design to  
17 assist Plaintiff and others similarly situated to enter and  
18 utilize Defendants' services as required by the Unruh Act.

19 36. Defendants' acts are unlawful and unfair and are therefore in  
20 violation of California Business and Professions Code section  
21 17200.

22 37. Pursuant to the provisions of California Business and  
23 Professions Code section 17201 Plaintiff is a person as identified  
24 within said section and therefore allowed to bring this action on  
25  
26  
27  
28

1 behalf of himself and the general public to effectuate California  
2 Business and Professions Code 17200 as provided for within  
3 Business and Professions Code section 17204.

4  
5 38. Thus, Plaintiff, under Bus & Prof. Code section 17200 seeks  
6 injunctive relief, on behalf of himself and the general public,  
7 requiring Defendants to remedy the disabled access violations  
8 present within Defendants' facility and that Defendants be ordered  
9 to cease and desist from continuing in noncompliance with disabled  
10 access statutes and regulations.  
11

12 **IX**

13 **FIFTH CAUSE OF ACTION**

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

15 39. Plaintiff relleges the allegations of the Fourth Cause of  
16 Action as though set forth fully herein.  
17

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

1 41. 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 42. 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 X

18 **SIXTH CAUSE OF ACTION**

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

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

22 44. 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 45. 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

ORIGINAL

LOGGED

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ENTERED  
DISTRICT COURT  
JUN 30 2004  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

FILED  
CLERK, U.S. DISTRICT COURT  
JUN 28 2004  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

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Attorneys for Plaintiff: GAYNOR CARLOCK

FILED BY FAX

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GAYNOR CARLOCK,

Plaintiff,

vs.

WAYNE'S ENGINE REBUILDER'S  
INC., et al.,

Defendants.

Case No.: CV 04-00952 GAF (MANx)

**STIPULATION FOR DISMISSAL  
WITH PREJUDICE, AND ORDER  
ON STIPULATION FOR  
DISMISSAL**

**STIPULATION FOR DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel, that *Wayne's Engine Rebuilder's Inc., Homelife Schnarre Realty, George H. Schnarre, Coast Property Management, Del Rosa Stamp & Coin, Highland Plaza, LLC, and Does 1-10, Inclusive*, named as defendants in the above-captioned action, be and hereby are **DISMISSED WITH PREJUDICE** pursuant to Federal Rules of Civil Procedure Rule 41(a) (1).

For valuable consideration, the undersigned Plaintiff fully and forever releases and discharges ALL DEFENDANTS from any and all actions, causes of action,

11



1 claims, demands, costs, expenses and compensation by reason of any damages,  
2 general or special, or injury or injuries sustained by him on account of or in any way  
3 arising out of the incident described and set forth in the First Amended Complaint of  
4 Gaynor Carlock v. Wayne's Engine Rebuilder's Inc., Homelife Schnarre Realty,  
5 George H. Schnarre, Coast Property Management, Del Rosa Stamp & Coin,  
6 Highland Plaza, LLC, and Does 1-10, Inclusive, filed on February 11, 2004, in the  
7 United States District Court for the Central District of California, Case No. CV 04-  
8 00952 GAF (MANx).

9 **SO STIPULATED.**

10 **IN WITNESS WHEREOF THE UNDERSIGNED PARTIES HAVE**  
11 **READ THE FOREGOING AND FULLY UNDERSTAND IT.**

12 LAW OFFICES OF ROY L. LANDERS

13  
14 DATED: June 22, 2004 BY: [Signature]  
15 LaToya S. Redd, Esq.  
16 Attorney for Plaintiff  
17 Gaynor Carlock

18 GRESHAM, SAVAGE, NOLAN & TILDEN  
19 LLP

20  
21 DATED: \_\_\_\_\_, 2004 BY: \_\_\_\_\_  
22 John C. Nolan, Esq.  
23 Attorney for Defendants  
24 Homelife Schnarre Realty, George H.  
25 Schnarre, Coast Property Management,  
26 Del Rosa Stamp & Coin, and Highland  
27 Plaza, LLC

28 ///  
///

1 claims, demands, costs, expenses and compensation by reason of any damages,  
 2 general or special, or injury or injuries sustained by him on account of or in any way  
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 4 Gaynor Carlock v. Wayne's Engine Rebuilder's Inc., Homelife Schnarre Realty,  
 5 George H. Schnarre, Coast Property Management, Del Rosa Stamp & Coin,  
 6 Highland Plaza, LLC, and Does 1-10, Inclusive, filed on February 11, 2004, in the  
 7 United States District Court for the Central District of California, Case No. CV 04-  
 8 00952 GAF (MANx).

9 SO STIPULATED.

10 IN WITNESS WHEREOF THE UNDERSIGNED PARTIES HAVE  
 11 READ THE FOREGOING AND FULLY UNDERSTAND IT.

12 LAW OFFICES OF ROY L. LANDERS

13  
14 DATED: June 22, 2004

15 BY: Lafoya S. Redd  
 16 Lafoya S. Redd, Esq.  
 17 Attorney for Plaintiff  
 18 Gaynor Carlock

19 GRESHAM, SAVAGE, NOLAN & TILDEN  
20 LLP

21 DATED: June 23, 2004

22 BY: John C. Nolan  
 23 John C. Nolan, Esq.  
 24 Attorney for Defendants  
 25 Homelife Schnarre Realty, George H.  
 26 Schnarre, Coast Property Management,  
 27 Del Rosa Stamp & Coin, and Highland  
 28 Plaza, LLC

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STIPULATION FOR DISMISSAL & ORDER THEREON  
 (Case No. CV 04-00952 GAF (MANx))  
 Page 2 of 3

**ORDER ON STIPULATION FOR DISMISSAL**

Pursuant to the settlement reached between the parties in the above-captioned action, and the parties having so stipulated, this matter is hereby ordered **DISMISSED WITH PREJUDICE** against all defendants. The Court shall retain jurisdiction over all disputes between (among) the parties arising out of the settlement agreement, including but not limited to interpretation and enforcement of the terms of the settlement agreement.

DATED: \_\_\_\_\_

*6/28/04* 2004

*[Signature]*  
\_\_\_\_\_  
JUDGE OF THE U.S. DISTRICT COURT

///

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///