

USDC SCAN INDEX SHEET



GEP 11/19/04 9:18  
3:04-CV-02316 HUBBARD V. SECV INC  
\*1\*  
\*CMP.\*

ORIGINAL

1 LYNN HUBBARD, III, SBN 69773  
2 SCOTTLYNN J HUBBARD, IV, SBN 212970  
3 LAW OFFICES OF LYNN HUBBARD  
4 12 WILLIAMSBURG LANE  
5 CHICO, CA. 95926  
6 (530) 895-3252

Attorney for Plaintiff

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04 NOV 18 PM 3:41  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: *[Signature]* DEPUTY

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

12  
13 LYNN J HUBBARD and  
14 BARBARA J. HUBBARD

15 Plaintiff,

16 vs.

17 S.E.C.V., INC. dba CHULA VISTA  
18 SERVICE; SAM S. ATTISHA and  
19 IVON K. ATTISHA, Trustees of the  
20 ATTISHA FAMILY TRUST (05-03-  
02).

21 Defendants,

No. '04 CV 2316 JM (JMA)

Plaintiff's Complaint

1 I. SUMMARY

2 1. This is a civil rights action by Plaintiffs, LYNN J HUBBARD  
3 and BARBARA J. HUBBARD (“The Hubbards”) for discrimination at the  
4 building, structure, facility, complex, property, land, development, and/or  
5 surrounding business complex known as:

6 Chula Vista Service  
7 899 3<sup>rd</sup> Avenue  
8 Chula Vista, Ca 91911

9 (The “Gas Station”)  
10

11 2. The Hubbards seek compensatory and punitive damages,  
12 injunctive and declaratory relief, attorney fees and costs, against defendants  
13 S.E.C.V., INC. dba CHULA VISTA SERVICE; SAM S. ATTISHA and  
14 IVON K. ATTISHA, Trustees of the ATTISHA FAMILY TRUST (05-03-  
15 02) (collectively “Chula Vista Service”) pursuant to the Americans with  
16 Disabilities Act of 1990, (42 U.S.C. §§ 12101 et seq.), and related  
17 California statutes.

18 II. JURISDICTION

19 3. This Court has original jurisdiction under 28 U.S.C. §§ 1331  
20 and 1343 for ADA claims.

21 4. Supplemental jurisdiction for claims brought under parallel  
22 California law—arising from the same nucleus of operative facts—is  
23 predicated on 28 U.S.C. § 1367.

24 5. The Hubbards claims are authorized by 28 U.S.C. §§ 2201 and  
25 2202.

1 III. VENUE

2 6. All actions complained of herein take place within the  
3 jurisdiction of the United States District Court, Southern District of  
4 California, and venue is invoked pursuant to 28 U.S.C. § 1391(b), (c).

5 IV. PARTIES

6 7. Chula Vista Service owns, operates, or leases the Gas Station,  
7 and consists of a person (or persons), firm, or corporation.

8 8. The Hubbards have multiple conditions that affect one or more  
9 major life functions. The Hubbards require the use of motorized  
10 wheelchairs and a mobility-equipped vehicle, when traveling about in  
11 public. Consequently, the Hubbards are “physically disabled,” as defined  
12 by all applicable California and United States laws, and a member of the  
13 public whose rights are protected by these laws.

14 V. FACTS

15 9. The Gas Station is a service establishment, open to the public,  
16 which is intended for nonresidential use and whose operation affects  
17 commerce.

18 10. The Hubbards visited the Gas Station and encountered barriers  
19 (both physical and intangible) that interfered with—if not outright denied—  
20 their ability to use and enjoy the goods, services, privileges, and  
21 accommodations offered at the facility. To the extent known by the  
22 Hubbards, attached as Exhibit A to this complaint is a true and accurate list  
23 (with photos) of barriers that denied them access at the Gas Station.

24 11. Notwithstanding that visit, the Hubbards were also deterred  
25 from visiting the Gas Station, because they knew that the Gas Station’s  
26 goods, services, facilities, privileges, advantages, and accommodations at  
27 the Gas Station were unavailable to physically disabled patrons (such as  
28

1 themselves). They still refuse to visit the Gas Station because of the future  
2 threats of injury created by these barriers.

3 12. The Hubbards also encountered barriers at the Gas Station,  
4 which violate state and federal law, but were unrelated to their disability;  
5 these unrelated barriers were included within Exhibit A, as a courtesy to  
6 Chula Vista Service, so the defendants can avoid inadvertent acts of  
7 discrimination against the disabled. Nothing within this complaint,  
8 however, should be construed as an allegation that the Hubbards are seeking  
9 to remove barriers unrelated to their disabilities.

10 13. Chula Vista Service knew that these elements and areas of the  
11 Gas Station were inaccessible, violate state and federal law, and interfere  
12 with (or deny) access to the physically disabled. Moreover, defendants have  
13 the financial resources to remove these barriers from the Gas Station  
14 (without much difficulty or expense), and make the facility accessible to the  
15 physically disabled. To date, however, they refuse to either remove those  
16 barriers or seek an unreasonable hardship exemption to excuse their non-  
17 compliance.

18 14. The Hubbards have suffered (or anticipates suffering)  
19 emotional and physical harm during each visit to the Gas Station and each  
20 incident of deterrence. Moreover, because of Chula Vista Service's acts and  
21 omissions, they suffered physical discomfort and injury, emotional distress,  
22 and mental suffering and distress.

23 15. All injuries suffered by The Hubbards are expectedly and  
24 naturally associated with Chula Vista Service's acts and omissions at the  
25 Gas Station.

1 VI. FIRST CLAIM

2 **Americans with Disabilities Act of 1990**

3 Denial of "Full and Equal" Enjoyment and Use

4 16. The Hubbards incorporate the allegations contained in  
5 paragraphs 1 through 15 for this claim.

6 17. Title III of the ADA holds as a 'general rule' that no individual  
7 shall be discriminated against on the basis of disability in the full and equal  
8 enjoyment (or use) of goods, services, facilities, privileges, and  
9 accommodations offered by any person who owns, operates, or leases a  
10 place of public accommodation. 42 U.S.C. § 12182(a).

11 18. Chula Vista Service discriminated against the Hubbards by  
12 denying "full and equal enjoyment" and use of the goods, services,  
13 facilities, privileges or accommodations of the Gas Station during each visit  
14 and each incident of deterrence.

15 Failure to Remove Architectural Barriers in an Existing Facility

16 19. The ADA specifically prohibits failing to remove architectural  
17 barriers, which are structural in nature, in existing facilities where such  
18 removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). The term  
19 "readily achievable" is defined as "easily accomplishable and able to be  
20 carried out without much difficulty or expense." Id. § 12181(9).

21 20. When an entity can demonstrate that removal of a barrier is not  
22 readily achievable, a failure to make goods, services, facilities, or  
23 accommodations available through alternative methods is also specifically  
24 prohibited if these methods are readily achievable. Id. § 12182(b)(2)(A)(v).

25 21. Here, The Hubbards allege that Chula Vista Service can easily  
26 remove the architectural barriers at the Gas Station without much difficulty  
27 or expense, and that Chula Vista Service violated the ADA by failing to  
28 remove those barriers, when it was readily achievable to do so.

1           22. In the alternative, if it was not “readily achievable” for Chula  
2 Vista Service to remove the Gas Station’s barriers, then Chula Vista Service  
3 violated the ADA by failing to make the required services available through  
4 alternative methods, which are readily achievable.

5                           Failure to Design and Construct an Accessible Facility

6           23. On information and belief, the Gas Station was designed or  
7 constructed (or both) after January 26, 1992—independently triggering  
8 access requirements under Title III of the ADA.

9           24. The ADA also prohibits designing and constructing facilities  
10 for first occupancy after January 26, 1993, that aren’t readily accessible to,  
11 and usable by, individuals with disabilities when it was structurally  
12 practicable to do so. 42 U.S.C. § 12183(a)(1).

13           25. Here, Chula Vista Service violated the ADA by designing or  
14 constructing (or both) the Gas Station in a manner that was not readily  
15 accessible to the physically disabled public—including the Hubbards—  
16 when it was structurally practical to do so.

17                           Failure to Make an Altered Facility Accessible

18           26. On information and belief, the Gas Station was modified after  
19 January 26, 1992, independently triggering access requirements under the  
20 ADA.

21           27. The ADA also requires that facilities altered in a manner that  
22 affects (or could affect) its usability must be made readily accessible to  
23 individuals with disabilities to the maximum extent feasible. 42 U.S.C. §  
24 12183(a)(2). Altering an area that contains a facility’s primary function also  
25 requires adding making the paths of travel, bathrooms, telephones, and  
26 drinking fountains serving that area accessible to the maximum extent  
27 feasible. Id.

1           28. Here, Chula Vista Service altered the Gas Station in a manner  
2 that violated the ADA and was not readily accessible to the physically  
3 disabled public—including Feezor—to the maximum extent feasible.

4                           Failure to Modify Existing Policies and Procedures

5           29. The ADA also requires reasonable modifications in policies,  
6 practices, or procedures, when necessary to afford such goods, services,  
7 facilities, or accommodations to individuals with disabilities, unless the  
8 entity can demonstrate that making such modifications would fundamentally  
9 alter their nature. 42 U.S.C. § 12182(b)(2)(A)(ii).

10           30. Here, Chula Vista Service violated the ADA by failing to make  
11 reasonable modifications in policies, practices, or procedures at the Gas  
12 Station, when these modifications were necessary to afford (and would not  
13 fundamentally alter the nature of) these goods, services, facilities, or  
14 accommodations.

15           31. The Hubbards seek all relief available under the ADA (*i.e.*,  
16 injunctive relief, attorney fees, costs, legal expense) for these  
17 aforementioned violations. 42 U.S.C. § 12205.

18           32. The Hubbards also seek a finding from this Court (*i.e.*,  
19 declaratory relief) that Chula Vista Service violated the ADA in order to  
20 pursue damages under California’s Unruh Civil Rights Act or Disabled  
21 Persons Act.

22   **VII. SECOND CLAIM**

23   **Disabled Persons Act**

24           33. The Hubbards incorporate the allegations contained in  
25 paragraphs 1 through 32 for this claim.

26           34. California Civil Code § 54 states, in part, that: Individuals with  
27 disabilities have the same right as the general public to the full and free use  
28



1 of the streets, sidewalks, walkways, public buildings and facilities, and  
2 other public places.

3 35. California Civil Code § 54.1 also states, in part, that:  
4 Individuals with disabilities shall be entitled to full and equal access to  
5 accommodations, facilities, telephone facilities, places of public  
6 accommodation, and other places to which the general public is invited.

7 36. Both sections specifically incorporate (by reference) an  
8 individual's rights under the ADA. See Civil Code §§ 54(c) and 54.1(d).

9 37. Here, Chula Vista Service discriminated against the physically  
10 disabled public—including the Hubbards—by denying them full and equal  
11 access to the Gas Station. Chula Vista Service also violated The Hubbards  
12 rights under the ADA, and, therefore, infringed upon or violated (or both)  
13 The Hubbards rights under the Disabled Persons Act.

14 38. For each offense of the Disabled Persons Act, The Hubbards  
15 seek actual damages (both general and special damages), statutory minimum  
16 damages of one thousand dollars (\$1,000), declaratory relief, and any other  
17 remedy available under California Civil Code § 54.3.

18 39. He also seeks to enjoin Chula Vista Service from violating the  
19 Disabled Persons Act (and ADA) under California Civil Code § 55, and to  
20 recover reasonable attorneys' fees and incurred under California Civil Code  
21 §§ 54.3 and 55.

## 22 VIII. THIRD CLAIM

### 23 **Unruh Civil Rights Act**

24 40. The Hubbards incorporate the allegations contained in  
25 paragraphs 1 through 32 for this claim.

26 41. California Civil Code § 51 states, in part, that: All persons  
27 within the jurisdiction of this state are entitled to the full and equal  
28

1 accommodations, advantages, facilities, privileges, or services in all  
2 business establishments of every kind whatsoever.

3 42. California Civil Code § 51.5 also states, in part, that: No  
4 business establishment of any kind whatsoever shall discriminate against  
5 any person in this state because of the disability of the person.

6 43. California Civil Code § 51(f) specifically incorporates (by  
7 reference) an individual's rights under the ADA into the Unruh Act.

8 44. Chula Vista Service's aforementioned acts and omissions  
9 denied the physically disabled public—including Feezor—full and equal  
10 accommodations, advantages, facilities, privileges and services in a business  
11 establishment (because of their physical disability).

12 45. These acts and omissions (including the ones that violate the  
13 ADA) denied, aided or incited a denial, or discriminated against the  
14 Hubbards by violating the Unruh Act.

15 46. The Hubbards were damaged by Chula Vista Service's  
16 wrongful conduct, and seeks all available relief under Civil Code § 52. This  
17 relief includes actual damages and statutory minimum damages of four  
18 thousand dollars (\$4,000) for each offense.

19 47. The Hubbards also seek to enjoin Chula Vista Service from  
20 violating the Unruh Act (and ADA), and recover reasonable attorneys' fees  
21 and costs incurred under California Civil Code § 52(a).

## 22 IX. FOURTH CLAIM

### 23 **Denial of Full and Equal Access to Public Facilities**

24 48. The Hubbards incorporate the allegations contained in  
25 paragraphs 1 through 15 for this claim.

26 49. Health and Safety Code § 19955(a) states, in part, that:  
27 California public accommodations or facilities (built with private funds)  
28 shall adhere to the provisions of Government Code § 4450.







**PRELIMINARY SITE ACCESSIBILITY REPORT**

*Chula Vista Service  
899 3<sup>rd</sup> Avenue  
Chula Vista, California*



CHULA VISTA SERVICE  
899 3<sup>rd</sup> Avenue  
Chula Vista, Ca

1129 B  
Fig 21

1. No tow away sign at vehicular driveway or accessible parking space.

***SEE PHOTO No. 1***

- |                     |               |  |
|---------------------|---------------|--|
| 1129 B. 4.2         | 4.1.2 (5) (d) | 2. No marked required van accessible parking space.  |
| 1129B.5             | 4.6.4         | 3. Incorrect parking signage. No separate van accessible sign.   |
| 1129 B.5            | 4.6.4         | 4. No accessible parking signage.  |
| 1129 B.5.1&2        | 4.6.4         | 5. Accessible parking space and access aisle not outlined white.   |
| CVC 21 458(a)(3)(A) |               | 6. Access aisle not striped in white.  |
| 1129B.4.4           | 4.6.3         | 7. Surface of parking space or access aisle exceeds 2.0% grade in any direction. No pictures for verification. |

***SEE PHOTO No. 2***

- |        |     |   |
|--------|-----|---|
| 1102 B | 4.3 | 8. Parked employee vehicle is an obstruction to the accessible parking space. |
|--------|-----|---|

***SEE PHOTO No. 3***

- |           |        |  |
|-----------|--------|--|
| 1127 B.   | 36.304 | 9. No exterior route of travel from the property border. |
| 1127 B.   | 4.3.2  | 10. No exterior route of travel from parking.            |
| 1127 B. 3 |        | 11. No exterior route of travel signs.                   |

1117 B.2                    4.1.3                    12. Public telephone not accessible height.

1117 B. 5.8.3            4.30.7  
Fig 11 B.-14C            Fig 43                    13. Public telephone has no ISA.

***SEE PHOTO No. 4***

1117 B.5                    4.30  
Fig 11 B-6                    14. Entrance door has no ISA.

***SEE PHOTO No. 5***

1122 B. 4                    4.30.7                    15. This location does not have an accessible check stand.

1122 B. 4                    16. Check stand counter does not have a section 36 by 24 inches, 34 inches high to accommodate a wheelchair occupant.

1118B.4                    4.27.2                    17. Not a 30x48 inch clear floor space in front of the check stand.

1102 B                    4.3  
1114 B.1.2                4.3.3  
                                  Fig 7 (a & b)            18. No accessible route through store. At least one aisle is less than 36 inches wide.

Bus. And Prof. Code #13660                    19. No emergency call button on pump islands.

Bus and Prof. Code #13651(a)(1)            20. This location charges a fee for customers compressed air and water.

Bus and Prof Code #13651(2)                21. No sign stating compressed air and water are free to customers.

Bus and Prof Code #13651(2)                22. Air and water sign does not provide a phone number.

Bus and Prof Code #13473  
Bus and Prof Code #13474                    23. Water and air sign does not meet specified requirements with regard to size and contrast.

***SEE PHOTO Nos. 6 and 7***



1117 B. 5.4		
1117 B. 5.1.3	4.1.2 (7) (d)	70. No directional signage to the restroom.
1117 B. 5.6.3	4.1.3 (16) (a)	73. Restroom signs are not on the wall, latch side.
1117 B. 5.5.3	4.30.4	74. Restroom door sign has no ISA, wall mounted, latch side.
1117 B. 5.6.3	4.30.4	75. Restroom door signs do not have a verbal description below the ISA, latch side.
1115 B. 5	4.30.4	76. Restroom door not identified in Braille, latch side.
1117 B. 5.1.1	4.1.2 (7) (d)	
1117 B. 5.6.3		77. Restroom signs are not centered 60 inches from the floor, latch side.
1133 B. 2.6		78. Restroom entrance door does not have a 10 inch kick plate at the bottom.

***SEE PHOTO No. 8***

1102 B	4.3	79. Restroom door requires a key to enter.
--------	-----	--

***SEE PHOTO Nos. 8 and 9***

1115 B. 7.1.4	4.13.9	07. Stall door does not have flip or sliding latch.
1115B. 7.1.4		03. Restroom door not self closing.
1115 B.7.1.4		06. Inside restroom door handle not mounted below latch.

***SEE PHOTO No. 9***

1115 B.8.1	4.17.6	
Fig 11 B. - 1 A	Fig 30	21. No side grab bar 42 inch minimum.

***SEE PHOTO No. 10***

1115B.9.3

24. Toilet tissue dispenser is 15 inches in front of the water closet not required 12 inches in front

4.17.3  
Fig 30

25. Toilet tissue dispenser leading edge is 49 inches from back wall, not 36 inches maximum.

***SEE PHOTO No. 12***

1115 B.9.3

4.16.6

26. Toilet paper dispenser does not allow for a continuous flow.

1133 B.8.6.1

4.4.1

28. Toilet tissue dispenser protrudes more than 4 inches from wall.

***SEE PHOTO No. 13***

1115 B. 2.1.2.1  
Fig 11 B. -D

30. Center of lavatory 9 inches from the wall not 18 inch minimum.

1115 B. 2.1.2.1

4.27.4

33. Lavatory faucet controls require manual dexterity.

1115 B.2.1.2.1

4.27.4

34. Faucet controls require more than 5 lbs of force to activate.

***SEE PHOTO No. 14***

1115 B.2.1.2.1  
Fig 11 B. -D

4.19.2  
Fig 31

35. Drainpipes under lavatory 9 inches from the wall not 6 inch maximum.

1115 B. 2.1.2.2

4.19.4

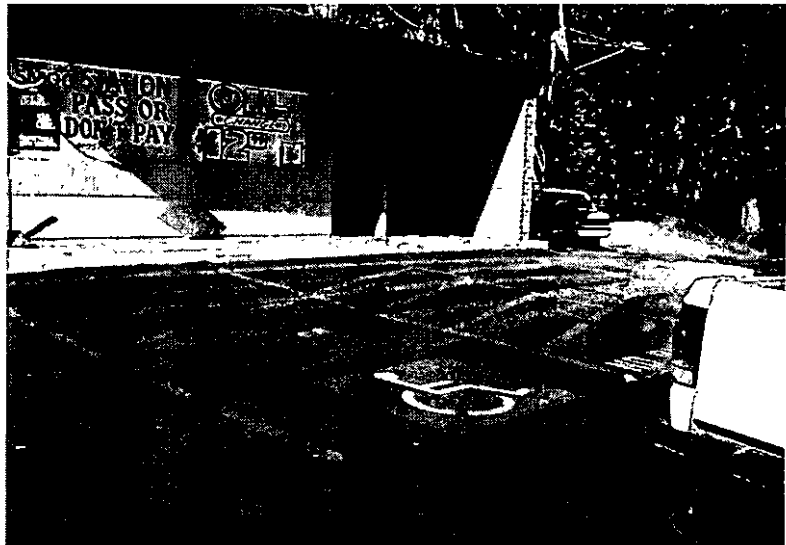
36. Hot water and drainpipes are not insulated.

***SEE PHOTO No. 15***

#1



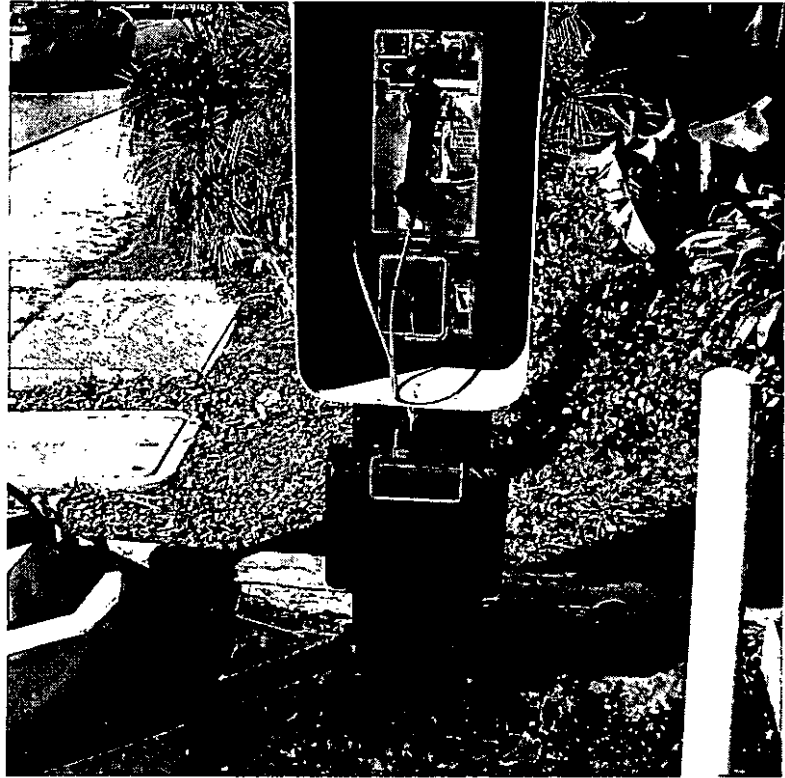
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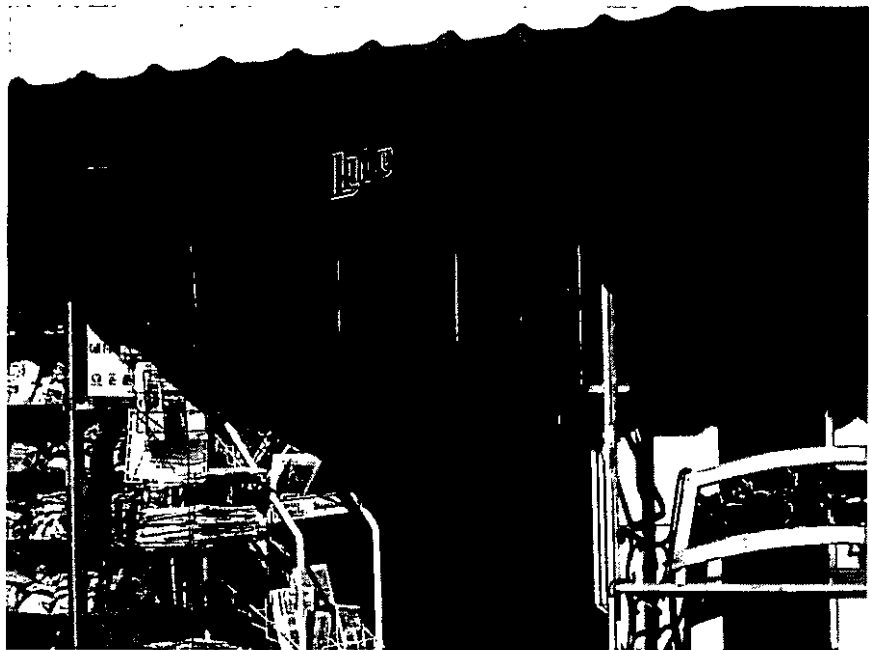
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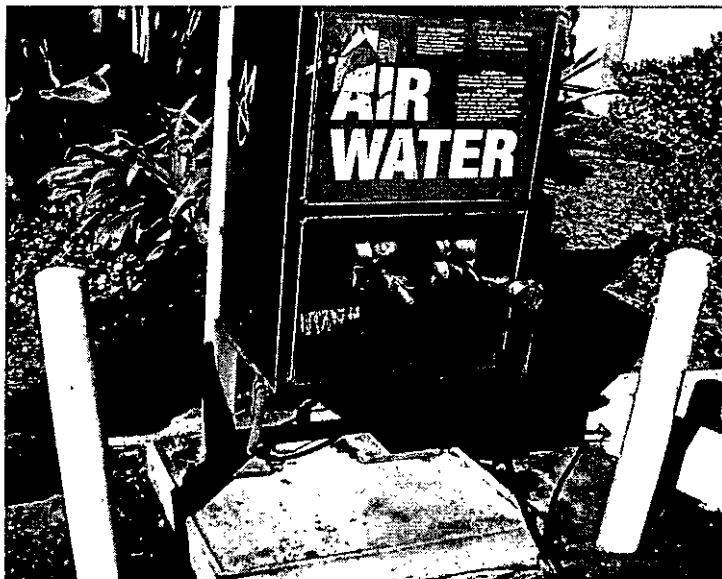
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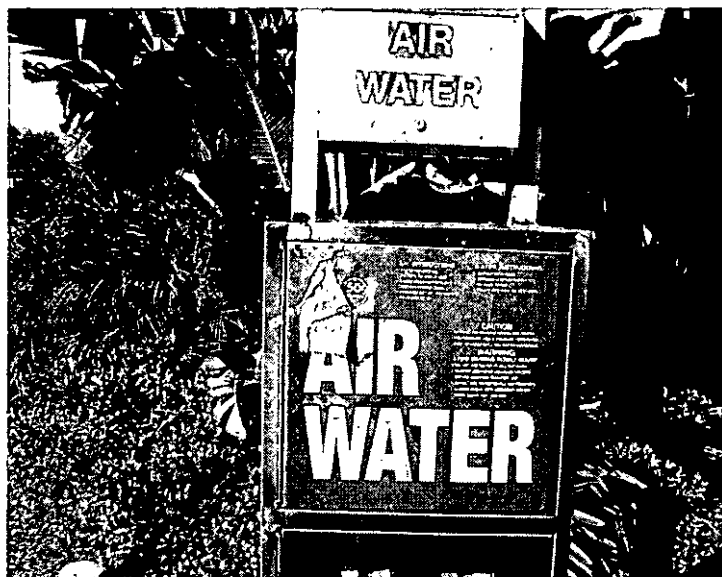
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#6



#7



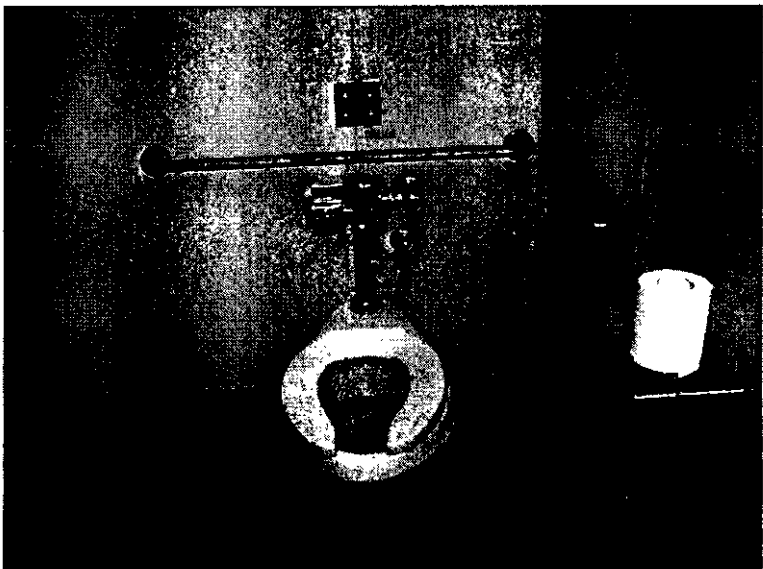
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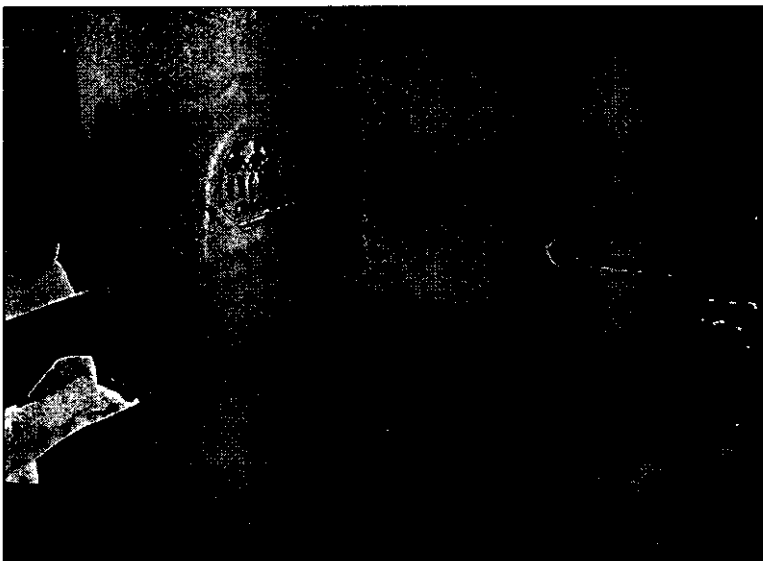
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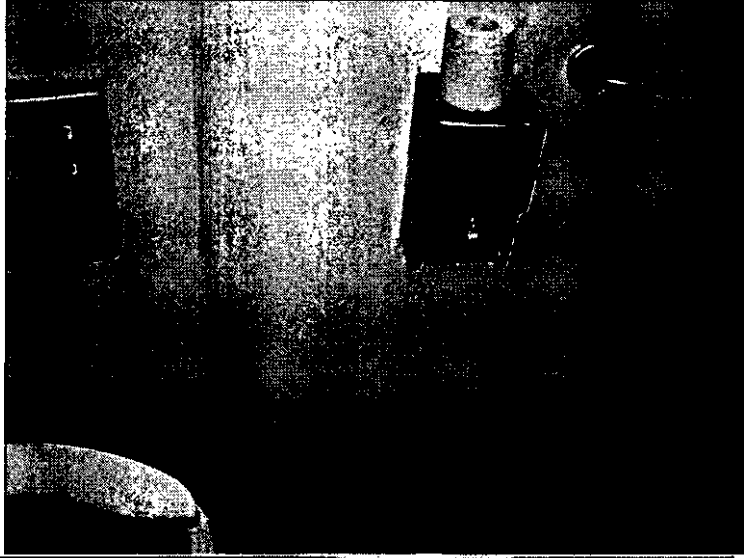
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#11



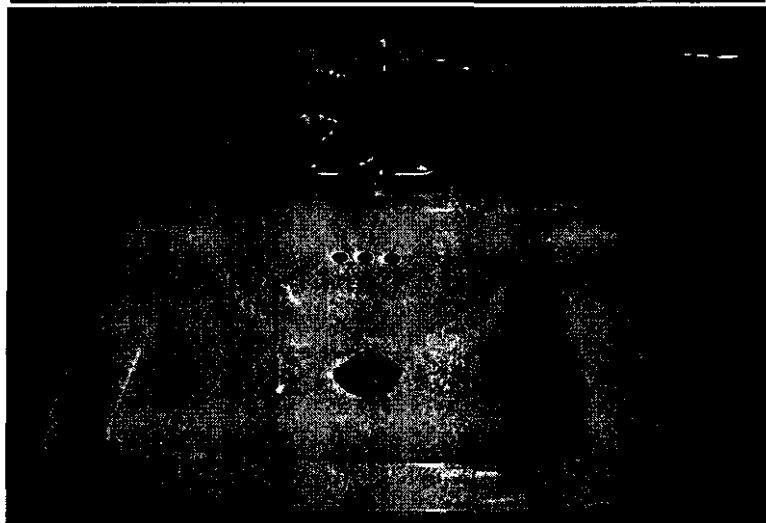
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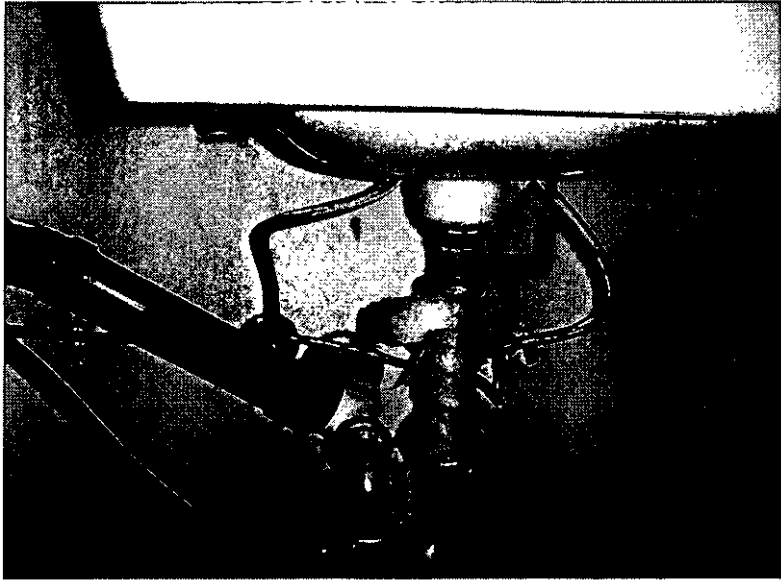
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#14



#15





# CIVIL COVER SHEET

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

FILED  
04 NOV 18 PH 3:40

## I. (a) PLAINTIFFS

ORIGINAL

LYNN J HUBBARD and BARBARA J. HUBBARD

## DEFENDANTS

S.E.C.V., INC. dba CHULA VISTA SERVICE; SAMISSATTISHA COURT and IVON K. ATTISHA, Trustees of the ATTISHA FAMILY TRUST (05-03-02).

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_ DEPUTY  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
  
Lynn Hubbard, III, Esq.  
Law Offices of Lynn Hubbard, 12 Williamsburg Lane,  
Chico, CA 95926

ATTORNEYS (IF KNOWN)  
  
**04 CV 2316 JM (JMA)**

## II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

	PTF	DEF		PTF	DEF
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

## VI. 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

## V. 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 Judgment <input type="checkbox"/> 151 Medicare 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"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<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	<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 <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 881 <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <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 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 900 Constitutional of State Statutes <input type="checkbox"/> 950 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"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <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/Mgmt. 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"/> 801 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

## 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 UNLESS DIVERSITY.)

42 U.S.C. Section 12101, et seq.  
Ongoing violations of the ADA Construction Standards

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ Excess \$75,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND:  YES  NO

## VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

November 17, 2004

## FOR OFFICE USE ONLY

RECEIPT # 108810 AMOUNT \$150,000.00 APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_