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

11
12 FAUSTINO AMBAOSIO
13 Plaintiff,
14 vs.

15 TACO JOES, JACK MURPHY, LEONA
16 MURPHY, DIANA COVARRUBIAS AND
17 DOES 1-10 Inclusive,
18 Defendants.

ED CV 04 - 00259

RT SGLX

) 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

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 (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

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 Taco Joes, Jack Murphy and Leona Murphy were and at
25 all times herein mentioned were duly organized businesses,
26 associations, or corporations duly authorized to exist and operate
27 within the State of California and County of San Bernardino and
28

1 the owner, lessee, or tenant of the premises located at 26659
2 Highland, Highland, California.

3 3. Plaintiff is informed and believes and thereon alleges that
4 defendant Diana Covarrubias is the owner and/or landlord of the
5 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) (B) 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 September 10, 2003 plaintiff patronized the
4 premises of defendants to utilize goods and/or services offered by
5 defendants. When Plaintiff attempted to gain access to the goods
6 and/or services offered by defendants he encountered access
7 barriers because the premises failed to comply with federal ADA
8 Access Guidelines For Building and Facilities [hereinafter
9 "ADAAG"]; Department of Justice [DOJ] regulations at 28 CFR.
10 36.201; 36.304 and/or the State of California's Title 24 Building
11 Code 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 access aisle (NO PARKING) warning sign as required
18 by Title 24 1129B.4.1&2.

19 (c) Lack of designated van accessible parking space as required
20 by ADAAG 4.1.2(5)(b) and Title 24 1129B.4.2.; ADAAG
21 4.1.2(5)(a) and Title 24 1129B.1.

22 (d) Lack of van accessible aisle as required by ADAAG 4.6.3 and
23 Title 24 1129B.4.2.

24 (e) No signage in accord with 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) Curb ramp location does not comply with ADAAG 4.7.1.
2 (i) Curb ramp projects into vehicular traffic lanes - ADAAG
3 4.7.6
4 (j) Accessories/fixtures are not are proper height as required
5 by ADAAG 4.23.7 and Title 24 1115B.9.2
6 (k) Hardware does not comply with ADAAG 4.13.9 and Title 24
7 1133B. 2.5.1.
8 (l) Drain and hot water pipes are not insulated or covered -
9 ADAAG 4.24.6

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

15 10. Pursuant to federal [ADA], Title 28 CFR 36.201; 36.203;
16 36.304; 36.305 and state law [California Title 24], Defendants are
17 required to remove barriers to their existing facilities.
18 Defendants have been put on notice pursuant to the ADA and
19 California Civil Codes [51,52] prior to the statutory effect of
20 the ADA on January 26, 1992 that Defendants and each of them had a

21 duty to remove barriers to persons with disabilities such as
22 plaintiff. Defendants also knew or should have known that
23 individuals such as plaintiff with a disability are not required
24 to give notice to a governmental agency prior to filing suit
25 alleging Defendants' failure to remove architectural barriers.
26 11. Plaintiff believes and thereon allege that Defendants'
27 facilities, as described herein, have other access violations not
28 directly experienced by Plaintiff, which preclude or limit access

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

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

18 **IV**

19 **FIRST CAUSE OF ACTION**

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

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

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

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

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

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

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

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

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

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

16 17. Based on the facts alleged in this Complaint Defendants failed
17 and refused to provide a reasonable alternative by modifying its
18 practices, policies and procedures in that they failed to have a
19 scheme, plan, or design to assist Plaintiff and/or others
20 similarly situated in entering and utilizing Defendants' services,

21 as required by 42 U.S.C. section 12188(a). Thus, Plaintiff was
22 subjected to discrimination in violation of 42 U.S.C. section
23 12182(b)(2)(A)(iv); 28 CFR 36.302 and 42 U.S.C. section 12188
24 because Plaintiff was denied equal access to Defendants' existing
25 facilities.

26 18. As a result of the wrongful and discriminatory practices of
27 defendants, plaintiff has suffered actual damages consisting of
28

1 special damages and general damages in an amount to be determined
2 at time of trial herein.

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

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

11 **VI**

12 **SECOND CAUSE OF ACTION**

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

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

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

17 22. Plaintiff has been denied full and equal access to Defendants'
18 goods services, facilities, privileges, advantages, or
19 accommodations within a public accommodation owned, leased, and/or
20 operated by Defendants in violation of California Civil Code

21 Sections 54 and 54.1; California Health and Safety Code Section
22 19955 and California Government Code Section 12948. The actions of
23 Defendants also violate the provisions of Title 24 of the State of
24 California Building Codes with regard to accessibility for persons
25 with disabilities by failing to provide access to Defendants
26 facilities due to violations pertaining to accessible routes,
27 ground and floor surfaces, parking and passenger loading zones,
28 curb ramps, ramps, stairs, elevators, platform lifts (wheelchair

1 lifts), windows, doors, toilet stalls, urinals, lavatories and
2 mirrors, sinks, storage, handrails, grab bars, controls and
3 operating mechanisms

4 alarms, detectable warnings, signage and telephones.

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

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

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

15 Accordingly Defendants have wrongfully discriminated against
16 Plaintiff.

17 **VII**

18 **THIRD CAUSE OF ACTION**

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

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

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

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

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

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 12182(b)(2)(A)(iv) as provided in Cal. Civ. Codes section 51(f).
6
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
24 30. Defendants and each of them have failed and refused to take
25 action to grant full and equal access to person with physical
26 disabilities. Defendants have carried out a course of conduct of
27 refusing to respond to, or correct complaints about unequal access
28 and have refused to comply with their legal obligations to make

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

VIII

FOURTH CAUSE OF ACTION

(Unfair And Unlawful Business Practice)

21
22
23 33. Plaintiff realleges the allegations of the Third Cause of
24 Action as though set forth fully herein.

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

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

*Physical
Damage*

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
20
21
22

23 36. Defendants' acts are unlawful and unfair and are therefore in
24 violation of California Business and Professions Code section
25 17200.

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

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

1 46. 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 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
8 amount of \$4,000 for each and every offense of California Civil
9 Code section 51, Title 24 of the California Building Code and the
10 Americans With Disabilities Act.
- 11 4. For Injunctive relief pursuant to 42 U.S.C. 12188(a) and
12 California Business and Professions Code section 17200
- 13 5. For an award of attorney's fees pursuant to 42 U.S.C. 1988, 42
14 U.S.C. 12205 and Cal. Civ. Code section 55;
- 15 6. For treble damages pursuant to Cal. Civ. Code 52 (a);
- 16 7. For punitive damages according to proof;
- 17 8. For a Jury Trial;
- 18 9. For costs of suit incurred herein and;
- 19 10. For such other and further relief as the court deems proper.

20 DEMAND FOR JURY

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

23 Respectfully submitted,

24 1/29/04

25 
Attorney for Plaintiff Faustino Ambaosio

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

Pursuant to the Local Rules Governing Duties of Magistrate Judges, the following Magistrate Judge has been designated to hear discovery motions for this case at the discretion of the assigned District Judge:

(SGLx)

- | | |
|---|---|
| <input type="checkbox"/> Paul I. Abrams | <input type="checkbox"/> James W. McMahon |
| <input type="checkbox"/> Robert N. Block | <input type="checkbox"/> Margaret A. Nagle |
| <input type="checkbox"/> Rosalyn M. Chapman | <input type="checkbox"/> Arthur Nakazato |
| <input type="checkbox"/> Charles Eick | <input type="checkbox"/> Fernando M. Olguin |
| <input type="checkbox"/> Marc Goldman | <input type="checkbox"/> Suzanne H. Segal |
| <input type="checkbox"/> Stephen J. Hillman | <input type="checkbox"/> Carolyn Turchin |
| <input type="checkbox"/> Jeffrey W. Johnson | <input type="checkbox"/> Patrick J. Walsh |
| <input type="checkbox"/> Victor B. Kenton | <input type="checkbox"/> A. J. Wistrich |
| <input checked="" type="checkbox"/> Stephen G. Larson | <input type="checkbox"/> Carla Woehle |
| <input type="checkbox"/> Jennifer T. Lum | <input type="checkbox"/> Ralph Zarefsky |

Upon the filing of a discovery motion, the motion will be presented to the United States District Judge for consideration and may thereafter be referred to the Magistrate Judge for hearing and determination. The Magistrate Judge's initials should be used on all documents filed with the Court so that the case number reads as follows:

EDCV04- 259 RT (SGLx)

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

- | | | |
|---|---|---|
| <input type="checkbox"/> Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012 | <input type="checkbox"/> Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516 | <input checked="" type="checkbox"/> Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501 |
|---|---|---|

Failure to file at the proper location will result in your documents being returned to you.

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEPENDANT IF PLAINTIFF OR DEPENDANT IS PRO PER

ROY L. LANDERS
Attorney At Law
7840 Mission Center Ct. #101
San Diego, CA 92108-1321

2004 MAR -5 PM 4:54
LENA U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

FILED

ATTORNEYS FOR: **FAUSTINO AMBAOSIO**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FAUSTINO AMBAOSIO

ED CV 04 - 00259 RI (SGLX)

Plaintiff(s),

v.

TACOS JOES., et al.

Defendant(s)

**CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)**

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for FAUSTINO AMBAOSIO (or party appearing in pro per), certifies that the following listed party (or parties) has (have) a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

PARTY

CONNECTION

(List the names of all such parties and identify their connection and interest.)

FAUSTINO AMBAOSIO, Plaintiff

TACOS JOES, JACK MURPHY, LEONA MURPHY, DIANA COVARRUBIAS. Defendants

3/4/04
Date

Roy L. Landers
Sign

ROY L. LANDERS
Attorney At Law
7840 Mission Center Ct. #101
San Diego, CA 92108-1321

Attorney of record for or party appearing in pro per