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6 Attorney for Plaintiff(s)

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF SAN FRANCISCO, UNLIMITED JURISDICTION  
9

10  
11 ADVOCATES ASSISTING DISABLED )  
12 AMERICANS, SUSANA CROW, JOE )  
13 BRIGNOLO, RUSSELL C. WATTS, for )  
14 themselves, and on behalf of )  
15 ALL OTHERS SIMILARLY SITUATED, )

16 Plaintiffs, )

17 vs. )

18 ZIPCAR CALIFORNIA, INC.; )  
19 CONOCOPHILLIPS COMPANY; )  
20 CONOCOPHILLIPS COMPANY, SITE )  
21 253788, 301-25TH AVE., SAN )  
22 FRANCISCO; A&M PROPERTIES LP; )  
23 DOUBLE AA CORPORATION; )  
24 MANUEL'S AUTO REPAIR, )  
25 AND DOES 1 TO 1000, )

26 Defendants )

CASE NUMBER

**CLASS ACTION COMPLAINT**  
(PROPOSED)

COMPLAINT FOR PRELIMINARY AND  
PERMANENT INJUNCTIVE RELIEF  
AND DAMAGES; DENIAL OF CIVIL  
RIGHTS AND PUBLIC FACILITIES  
TO ALL HANDICAPPED PERSONS,  
CALIFORNIA CIVIL CODE, 51, ET  
SEQ (UNRUH CIVIL RIGHTS ACT);  
HEALTH AND SAFETY CODE,  
19955ff; ATTORNEY FEES, COSTS

27 Plaintiffs, **ADVOCATES ASSISTING DISABLED AMERICANS, SUSANA CROW,**  
28 **JOE BRIGNOLO, and RUSSELL C. WATTS,** for themselves and on behalf  
29 **ALL OTHERS SIMILARLY SITUATED,** complain of Defendant(s), **ZIPCAR**  
30 **CALIFORNIA, INC. (ZIPCAR); CONOCOPHILLIPS COMPANY, SITE 253788,**  
31 **301-25TH AVENUE, SAN FRANCISCO (CONOCO); A&M PROPERTIES LP (A&M);**

1 DOUBLE AA CORPORATION (DOUBLE AA); MANUEL'S AUTO REPAIR, AND DOES  
2 1 TO 1000, hereinafter referred to as identified above, or as  
3 "DEFENDANT (s)", as follows:  
4  
5  
6

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7 PLEASE BE ADVISED that this is a PROPOSED Complaint. As of the  
8 time of the preparation of this PROPOSED Complaint, plaintiff(s)  
9 were not privy to confidential information, for example, the  
10 relationship between the named parties and DOES, contracts,  
11 leases, correspondence, emails, memos, permits, photos, diagrams,  
12 private conversations, and other matters which may be made  
13 available during discovery. Therefore, the parties, causes of  
14 action, factual allegations, cited law, and prayers for relief may  
15 be subject to change or modification.

16 \*\*\*\*\*  
17

18 INTRODUCTION  
19

20 1. ADVOCATES ASSISTING DISABLED AMERICANS (AADA) is a California  
21 Non-Profit Corporation organized to assist disabled persons to  
22 eliminate discrimination in places of public accommodation and  
23 offer equal opportunities which are extended to those persons  
24 without disabilities. AADA's intent is to aid in enforcing the  
25 requirements of the law and ensure that every man, woman and child  
26 with a disability can now pass through once closed doors into a  
27

1 bright new era of equality, independence and freedom. ADVOCATES  
2 ASSISTING DISABLED AMERICANS' (AADA) intent is to aid persons with  
3 disabilities with information and support.  
4

5 2. Plaintiff(s), at the time of the complained incident(s), were  
6 physically disabled adults, and possessed valid disabled parking  
7 placards.  
8

9 3. There are other disabled persons who have complained of the  
10 inaccessibility of defendant(s)' place(s) of public accommodation  
11 and may join as plaintiff(s) at some future time, either  
12 individually, or as a class.  
13

14 4. Plaintiff(s) seek to maintain this action as a Class Action.  
15 The Class consists of disabled persons who have used, or attempted  
16 to use, the facilities owned, operated or maintained by defendants.  
17 Said Class also consists of those disabled persons who have been  
18 potentially aggrieved by defendant(s)' action(s) or failure to take  
19 action(s). Said Class has been denied, and continues to be denied,  
20 on the basis of their disabilities, full and equal enjoyment of the  
21 services, facilities, privileges, advantages and accommodations of  
22 defendant(s)' facilities.  
23

24 5. The Class is believed to consist of thousands of members who  
25 are dispersed throughout the San Francisco Bay Area, and across the  
26 State of California. An estimated 4,300,000 people in California  
27 have a disability, or 12.7% of the population, age 5 and over. An  
28

1 estimated 770,000 people in California, or 2.3% of the population,  
2 5 and over, have difficulty performing self-care activities, also  
3 know as Activities of Daily Living, such as dressing, bathing, or  
4 getting around inside the home. There are over 25,000,000 licensed  
5 drivers in California, with approximately 2% of said drivers  
6 possessing valid disability driving placards.

7  
8 As of August 2007, the California Department of Motor Vehicles  
9 reported that there were 48,282 permanent disability parking  
10 placards issued to San Francisco residents. These 48,282 placards  
11 to not include those disabled persons visiting and working in San  
12 Francisco, but reside out of town, as well as the temporary  
13 placards in circulation. Joinder of all such Class members in this  
14 lawsuit is impracticable.

15  
16 6. There are numerous questions of law and fact common to the  
17 Class, including without limitation, whether Defendant(s)'  
18 facilities are "public accommodations" under the Americans with  
19 Disabilities Act of 1990 (1990), and, or California Civil Code,  
20 Section 51, et seq; Section 504 of the Rehabilitation Act;  
21 California Title 24; California Civil Code, Section 4450, et seq;  
22 California Government Code, Section 11135 and such other law and  
23 authority that may apply; whether those facilities deny the full  
24 and equal enjoyment of their goods, services, facilities,  
25 privileges, advantages, or accommodations to people who use  
26 wheelchairs in violation of the ADA and California law; and, what  
27 measures are legally required to bring such facilities into

1 compliance with the ADA and California law.

2  
3 7. The claims of Plaintiff(s) herein are typical of claims of  
4 Class members. Plaintiff(s), like all other members of the Class,  
5 have been issued a valid disabled parking placard, and/or use a  
6 wheelchair, or other, for mobility, and/or have other forms of  
7 disability. Plaintiff(s) claim defendant(s) have violated the ADA  
8 and California law, as identified herein, by failing to make their  
9 facilities accessible to people who are disabled.

10  
11 8. Plaintiff(s) will fairly and adequately protect the interests  
12 of the Class because Plaintiff(s) have retained counsel, and may  
13 associate experienced counsel, in the future, with experience in  
14 disability rights and class action litigation. Plaintiff(s) have  
15 no interests that conflict in any way with those of the Class.

16  
17 9. This action may be maintained as a Class Action because the  
18 defendant(s)' violations of the ADA and California law, as  
19 identified herein, are applicable to all members of the Class.  
20 Therefore, an injunction requiring compliance with those laws is  
21 appropriate and the primary relief sought is injunctive relief.

22  
23 10. This action may be maintained as a Class Action because the  
24 many questions of law and fact which are common to Class members  
25 clearly predominate over individual questions affecting members of  
26 the Class.

1 11. A Class Action is superior to other available methods for the  
2 fair and efficient adjudication of this controversy because the  
3 damages suffered by individual Class members are relatively small,  
4 and because the burden upon such individual litigants may make it  
5 difficult, and impractical for them to pursue their claims against  
6 defendant(s).

7  
8 12. Judicial economy will be served by maintenance of this lawsuit  
9 as a Class Action in that it is likely to avoid the burden which  
10 would be otherwise placed on the judicial system by filing of  
11 numerous similar suits by disabled people in the region. There are  
12 no obstacles to effective and efficient management of this lawsuit  
13 as a Class Action by this Court.

14  
15 13. Plaintiff(s) pray that this case be certified as a Class  
16 Action, and Plaintiff(s) be appointed as the Class  
17 Representative(s), and The Law Offices of Nick V. Avtonomoff be  
18 designated as Class Counsel. Plaintiff(s) pray for Injunctive  
19 Relief, Damages, Attorney Fees and Costs, and all other relief that  
20 the Court may deem proper.

21  
22 14. Defendant, ZIPCAR CALIFORNIA, INC., is a for-profit company  
23 providing automobile rental, and is the World's largest car sharing  
24 service, with locations in over 25 U.S. states, and over 30 cities  
25 in California. ZIPCAR has 100s of locations in the San Francisco  
26 Bay Area. ZIPCAR is the world's market leader with over 400,000  
27 members, approximately 5,000 locations, and over 10,000 vehicles,  
28

1 representing over 80% of the U.S. market share.

2  
3 To the extent that ZIPCAR has "members," or is involved in a  
4 "membership" ownership, plaintiff(s) reserve the right to amend  
5 their Complaint and add such "members" upon identification and  
6 discovery.

7  
8 ZIPCAR owns, and/or operates, a business of renting cars, and other  
9 vehicles, to the general public. As a pattern and practice, ZIPCAR  
10 rents, leases, or otherwise acquires the right to place their  
11 rental vehicles in parking spaces at various sites, including gas  
12 stations, parking lots, places of retail business(s), school  
13 campuses, and other places open to public. The locations where  
14 ZIPCAR place their rental vehicles are places of public  
15 accommodation, and open to general public, that are subject to the  
16 federal and state requirements of providing accessible disabled  
17 parking (ADAAG 4.1, et. seq.; CA Title 24, 1129.B, et. seq.).

18  
19 ZIPCAR is being sued herein for their violations of CA T24, at  
20 their location at 301-25th Avenue, San Francisco, CA, AND their  
21 violations at their other California locations where they are in  
22 violation of violating CA T24.

23  
24 Specifically, as to ZIPCAR's location at 301-25th Avenue, San  
25 Francisco, CA, ZIPCAR knowingly placed their 4 rental spaces  
26 directly in/on the spaces which had been previously designated as  
27 parking space(s) for the disabled. In fact, the CA T24 markings

1 and signage were obviously visible, and in place, when ZIPCAR  
2 placed their 4 spaces for their rental cars. ZIPCAR has maintained  
3 these spaces since 2009, to the exclusion of any other disabled  
4 parking space on the entire property.

5  
6 ZIPCAR is guilty of similar conduct in regard to their other  
7 California, and U.S. locations. At locations where they have not  
8 specifically usurped disabled accessible parking spaces, they have  
9 taken spaces at locations where there should be disabled accessible  
10 parking spaces.

11  
12 Based on the intentional conduct of ZIPCAR, as set forth above, and  
13 will be proven as this action progresses through discovery and  
14 trial, is guilty of oppression, fraud, or malice, and plaintiff(s)  
15 pray for maximum punitive damages as provided by law (California  
16 Civil Code, 3294).

17  
18 15. CONOCO, DOUBLE AA, and MANUEL'S AUTO REPAIR are believed to be  
19 the owners, and/or operators, and/or provide services, at the  
20 gasoline service station, or the real property, located at 301-25th  
21 Avenue, San Francisco, CA. The service station provides gasoline,  
22 automotive services, food, drinks and other to the general public.

23  
24 The service station provides parking spaces to customers, and the  
25 general public. There were/are approximately 4 marked parking  
26 spaces, and approximately 5-20 other unmarked spaces on the  
27 premises. Prior to 2009 there was 1 van accessible parking space

1 on the premises, which was subsequently usurped by ZIPCAR, as more  
2 fully set forth herein, and upon further discovery. Since ZIPCAR  
3 usurped said van accessible parking space there have been no  
4 disabled parking spaces whatsoever.

5  
6 The service station provides a bathroom for employees and the  
7 general public, which has been open and available for virtually all  
8 times stated herein, and certainly throughout the calendar year of  
9 2010. The bathroom is not accessible to disabled person seeking to  
10 use the restroom because there is no accessible parking.

11  
12 The service station provides a cashier, and food and drink, which  
13 are located in an enclosed area. This area is not accessible to  
14 disabled persons because there is no accessible parking.

15  
16 The service station provides gas pumps for the general public,  
17 which do not have the required signage, and notices, as provided by  
18 law.

19  
20 Based on the intentional conduct of CONOCO, DOUBLE AA, and MANUEL'S  
21 AUTO REPAIR, as set forth above, and will be proven as this action  
22 progresses through discovery and trial, they are guilty of  
23 oppression, fraud, or malice, and plaintiff(s) pray for maximum  
24 punitive damages as provided by law (California Civil Code, 3294).

25  
26 16. A&M PROPERTIES LP is believed to own the real property at 301-  
27 25th Avenue. Plaintiffs incorporate the allegations as set forth

1 herein, and incorporate those allegations by reference herein.

2  
3 17. The failure to provide one van accessible parking space is a  
4 violation of Title 24, CCR 1129 et. seq., which specifically  
5 provides as follows:

- 6 • Signage shall be installed at any handicap parking space.  
7 CBC 1129B.4.
- 8 • Warning signage shall state "Unauthorized vehicles parked in  
9 designated accessible spaces not displaying distinguishing  
10 placards or license plates issued for persons with  
11 disabilities may be towed away at owner's expense. Towed  
12 vehicles may be reclaimed at \_\_\_\_\_ or by  
13 telephoning \_\_\_\_\_."
- 14 • Van accessible parking spaces shall provide a sign mounted  
15 below symbol of accessibility that states "VAN ACCESSIBLE".  
16 CBC 1129B.5.
- 17 • There shall be a reflectorized sign permanently posted  
18 immediately adjacent to and visible from each stall or space,  
19 consisting of a profile view of a wheelchair with occupant in  
20 white on dark blue background. CBC 1129B.6.
- 21 • The word "NO PARKING" shall be painted on the ground within  
22 each access aisle. CBC 1129B.4.
- 23 • Designated handicap parking spaces shall not be located in  
24 areas that require persons to traverse traffic lanes. The DOJ  
25 Standards requires designated accessible spaces to be located  
26 on the shortest accessible route of travel from the parking  
27 lot to the entrance, and the California Standards require that

1 designated spaces be so located that persons with disabilities  
2 are not compelled to wheel behind parked cars other than their  
3 own. DOJ Standards Sec. 4.6.2, Cal Standards Sec. 1129B.4(3).  
4 • Designated handicap parking spaces and/or adjacent access  
5 aisles may not be too narrow to permit persons who use  
6 wheelchairs or scooters to unload from their van. Under both  
7 sets of Standards, the access aisle of van accessible space  
8 must be at least 96 inches wide. DOJ Standards Sec.  
9 4.1.2(5)(b), Cal Standards Sec. 1129B.4(2). Although both  
10 sets of Standards have requirements concerning the total width  
11 of the space and access aisle of a van accessible spot, the  
12 DOJ Standards (192 inches) is narrower than the California  
13 Standard (204 inches). DOJ Standards SECS. 4.1.2(5)(b),  
14 4.6.3, Cal Standards Sec. 1129(B).4(2).

15 Every parking lot where parking is provided for the public as  
16 clients, guests or employees shall provide the required number of  
17 accessible parking stalls. The failure to provide accessible  
18 parking is a violation of the law as more specifically set forth in  
19 Title 24, California Code of Regulations, Sections 1129B, et. seq.

20  
21 18. In addition, these facilities provide sanitary facilities to  
22 the public and defendant(s)' employees. These facilities are not  
23 accessible, and in violation of Title 24, CCR 1115B and 1118B, et.  
24 seq., and Health and Safety Code, Section 19955.

25  
26 19. Other unnamed plaintiff(s), and named plaintiff(s), reserve  
27 the right to amend this Complaint, and/or file additional

1 Complaints, to include violations and additional occurrences.

2  
3 20. Plaintiff(s) will seek to amend this Complaint to include all  
4 additional defendants, including real estate owners, lessors,  
5 lessees, shops, restaurants, contractors, architects, agents and  
6 employees when discovered.

7  
8 21. On information and belief, plaintiff(s) allege that  
9 defendant(s) were, and continue to be, in violation of state  
10 disability access codes and regulations.

11  
12 22. Said failures are in violation of state law, including, but  
13 not limited to, The California Disabled Rights Acts, Section 51, et  
14 seq. of the Civil Code of California. In addition, defendant(s)  
15 are in violation of each and every deviation from the California  
16 Accessibility Regulations and Interpretations for Public  
17 Accommodations, California Title 24. Specifically, but not limited  
18 to, violations that will be provided to defendant upon reasonable  
19 request, and upon formal site inspections.

20  
21 23. As a result, plaintiff(s) have suffered damages, and seek an  
22 injunction as required by law. Plaintiff(s) also seek recovery of  
23 statutory compensation for damages in the sum of \$4,000 each, per  
24 occurrence, general damages, including damages for humiliation,  
25 embarrassment, and emotional distress. Plaintiff(s) claim punitive  
26 damages. Plaintiff(s) further seek recovery for reasonable  
27 attorney fees, expenses, and costs.

1 24. The business as identified is a "public accommodation or  
2 facility" subject to the requirements of California Health & Safety  
3 Code, Section 19955 et. seq., and of the California Civil Code,  
4 Section 54, et. seq. The facility has, since July 1, 1970,  
5 undergone "alterations, structural repairs, or additions"  
6 subjecting the facility to disabled access requirements per  
7 Section 19959 of the Health & Safety Code.

8  
9 Plaintiff(s) allege, on information and belief, that said facility  
10 underwent alterations and changes in use after the July 1, 1982  
11 effective date of Title 24 of the California Code of Regulations,  
12 yet also failed to concurrently provide the access for disabled  
13 persons required by Title 24 and other provisions of California  
14 law.

15  
16 25. Plaintiff(s) are informed and believes that each of the  
17 defendant(s) herein, including DOES, inclusive, are the agent,  
18 ostensible agent, alter ego, master, servant, lessor, lessee,  
19 employer, employee, representative, trustor, trustee, landlord,  
20 tenant, franchiser, franchisee, joint venturer, parent, wholly  
21 owned subsidiary, related entity, partner, and/or associate, or  
22 such similar capacity, of each of the other defendant(s), and was  
23 at all times acting and performing, or failing to act or perform,  
24 within the course and scope of his/her/its authority in such  
25 similar aforementioned capacities, and with the authorization,  
26 consent, permission or ratification of each of the other  
27 defendants, and is legally responsible in some manner for the

1 events and happenings herein referred to, and in proximately  
2 causing the violations and damages to plaintiff complained of  
3 herein.

4  
5 26. Plaintiff(s) will seek leave to amend this Complaint when the  
6 true names and capacities, connections, and responsibilities of  
7 Defendant(s), and each of them, are ascertained. Plaintiff(s)  
8 further alleges that the acts and omissions of each defendant named  
9 herein were carried out pursuant to, and as a part of, a joint  
10 venture and common enterprise participated in by one or more of the  
11 other Defendant(s).

12  
13 27. Within the appropriate statute of limitations prior to the  
14 filing of this action, and on subsequent times thereafter, and at  
15 such times when such acts would have constituted a futile gesture,  
16 plaintiff(s) attempted to use the facilities, goods and services,  
17 but were unable to do so because of the barriers set forth and  
18 identified. Plaintiff(s) had an intention to return to the  
19 facility for any, or all, of the reasons as set forth above. There  
20 are other factual disclosures that will be provided upon reasonable  
21 discovery. Said denial by defendant(s) to allow plaintiff(s)  
22 reasonable access are in violation of law.

23  
24 28. Plaintiffs allege, on information and belief, that defendant(s)  
25 also denied "full and equal access" to disabled persons in other  
26 aspects at their facilities, and will amend this Complaint, if  
27 necessary, according to proof, and upon the opportunity for a full

1 site inspection and further discovery.

2  
3 **FIRST CAUSE OF ACTION**  
4 **DAMAGES FOR DENIAL OF FULL AND EQUAL ACCESS TO A**  
5 **PUBLIC ACCOMMODATION: INACCESSIBLE PUBLIC FACILITIES**  
6 **(19955 et. seq. Health & Safety Code, 51, et seq. Civil Code)**

7 29. Plaintiff(s) allege, and incorporate by reference, as if fully  
8 set forth again herein.

9  
10 30. Plaintiff(s) are a "person with a disability" or "physically  
11 handicapped person" (hereinafter, the words "physically  
12 handicapped" and "physically disabled" are used interchangeably as  
13 these words have similar or identical common usage and legal  
14 meaning, but the legislative scheme in Part 5.5 Health & Safety  
15 Code uses the term "physically handicapped persons", and the Unruh  
16 Civil Rights Act, Sections 51 and 52 of the California Civil Code  
17 and other statutory measures which refer to the protection of the  
18 rights of "individuals with disabilities").

19  
20 31. Plaintiff(s), and other similarly situated physically disabled  
21 persons who are disabled, were/are unable to use public facilities  
22 on a "full and equal" basis unless each such facility is in  
23 compliance with the provisions of the Health and Safety Code,  
24 Section 19955 et. seq. Plaintiff(s) are members of that portion  
25 of the public whose rights are protected by the provisions of 19955  
26 et. seq. Health and Safety Code. The acts and omissions of  
27 defendant(s) complained of herein were committed in the **COUNTY OF**

1 **SAN FRANCISCO**, State of California.

2  
3 32. Section 19955 of the Health and Safety Code was enacted "to  
4 ensure that public accommodations or facilities constructed in this  
5 state with private funds adhere to the provisions of Chapter 7  
6 (commencing with Section 4450) of Division 5 of Title 1 of the  
7 Government Code". Section 19955 also requires that, "when sanitary  
8 facilities are made available for the public, clients or employees  
9 in such accommodations or facilities, they shall be made available  
10 for the physically handicapped". Title 24, California Code of  
11 Regulations, formerly known as the California Administrative Code,  
12 was in effect at the time of each "alteration, structural repair or  
13 addition" which, on information and belief, occurred at such public  
14 facility since July 1, 1982, thus requiring access complying with  
15 the specifications of Title 24 whenever each such "alteration,  
16 structural repair or addition" is carried out, or a change in  
17 occupancy occurs. On information and belief, alterations which  
18 additionally triggered access requirements also occurred between  
19 July 1, 1970 and July 1, 1982, and required access pursuant to the  
20 A.S.A. (American Standards Association) Regulations then in effect.

21  
22 33. As a result of the denial of equal access to the facilities  
23 due to the acts and omissions of defendants in owning, operating,  
24 constructing, altering, and maintaining the subject facility,  
25 plaintiff(s) suffered a violation of Civil Rights, including, but  
26 not limited to, rights under Sections 51, et seq, of the Civil  
27 Code, and suffered physical injury, discomfort, pain, mental and

1 emotional shock, distress, embarrassment and humiliation, all to  
2 his/her/their damage as hereinafter stated. Defendant(s)' actions  
3 and omissions to act constituted discrimination against  
4 plaintiff(s) on the sole basis that they were physically disabled  
5 and unable, because of the violations created by the defendants,  
6 to use the facilities on a full and equal basis as other persons.  
7 Plaintiff(s) also seek trebling of all actual damages, general and  
8 special, as provided by Section 54.3 of the Civil Code. Claimed  
9 damages are not limited to treble damages, but include all damages  
10 allowable by law, including minimal statutory damages of \$4,000.00  
11 per occurrence, per person.

12  
13 34. As a result of defendant(s)' acts and omissions in this  
14 regard, plaintiff(s) have been required to incur litigation  
15 expenses, costs and attorney fees, as provided by statute, in order  
16 to enforce plaintiff(s)' rights and to enforce provisions of the  
17 law protecting access for disabled persons and prohibiting  
18 discrimination against disabled persons. Plaintiff(s) therefore  
19 seek recovery of all reasonable attorney's fees and costs,  
20 including multipliers, pursuant to the provisions of Section 54.3  
21 of the Civil Code and case law. Additionally, this lawsuit is  
22 intended not only to obtain compensation for damages to  
23 plaintiff(s), but also to require that those of the defendant(s)  
24 who own, operate or lease the premises, make their  
25 facilities accessible to all disabled members of the public,  
26 justifying an award of "public interest" attorney's fees,  
27 litigation expenses and costs pursuant to the provisions of Section

1 to require such defendant(s) to comply forthwith with the  
2 applicable statutory requirements relating to access for the  
3 disabled. Such injunctive relief is provided by Government Code,  
4 Section 4450 et seq.; Section 19953 of the Health and Safety Code;  
5 and, California Civil Code, Section 55, all as hereinafter prayed  
6 for.

7  
8 PRAYER

9 Wherefore, Plaintiff(s) Prays for Relief as hereinafter stated:  
10

11 37. Plaintiff(s) prays that this case be certified as a Class  
12 Action;

13  
14 38. Plaintiff(s) pray that they be appointed Representatives of  
15 the Class;

16  
17 39. Counsel for Plaintiff(s) be appointed as Designated Counsel  
18 for the Class;

19  
20 40. General and compensatory damages in an amount within the  
21 jurisdiction of the Superior Court, Unlimited Jurisdiction;

22  
23 41. General and Compensatory Damages according to proof;

24  
25 42. Statutory damages, including, but not limited to, minimum  
26 damages in the sum of \$4,000 per Plaintiff, per occurrence, as  
27

## IMPORTANT INFORMATION FOR BUILDING OWNERS AND TENANTS

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This form is available in English, Spanish, Chinese, Vietnamese, and Korean through the California Courts Web site. Persons with visual impairments can get assistance in viewing this form through the Web site. The Web site is located at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

Existing law requires that you receive this information because the demand for money or complaint you received with this document claims that your building or property does not comply with one or more existing construction-related accessibility laws or regulations protecting the civil rights of persons with disabilities to access public places.

### **You Have Important Legal Obligations.**

Compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open for business to the public. You may obtain information about your legal obligations and how to comply with disability access laws through the Division of the State Architect. (See [www.dsa.dgs.ca.gov/access/ud\\_accessmanual.htm](http://www.dsa.dgs.ca.gov/access/ud_accessmanual.htm).) Commencing September 1, 2009, information will also be available from the California Commission on Disability Access Web site.

### **You Have Important Legal Rights.**

You are not required to pay any money unless and until a court finds you liable. Moreover, receipt of this advisory does not necessarily mean you will be found liable for anything.

You may wish to promptly consult an attorney experienced in this area of the law to get helpful legal advice or representation in responding to the demand for money or complaint you received. You may contact the local bar association in your county for information on available attorneys in your area. If you have insurance, you may also wish to contact your insurance provider. You have the right to seek assistance or advice about this demand for money or complaint from any person of your choice, and no one may instruct you otherwise. Your best interest may be served by seeking legal advice or representation from an attorney.

If a complaint has been filed and served on you and your property has been inspected by a Certified Access Specialist (CASp; see [www.dsa.dgs.ca.gov/access/casp.htm](http://www.dsa.dgs.ca.gov/access/casp.htm)), you may have the right to a court stay (temporary stoppage) and early evaluation conference to evaluate the merits of the construction-related accessibility claim against you pursuant to Civil Code section 55.54. At your option, you may be, but need not be, represented by an attorney to file a reply and to file an application for a court stay and early evaluation conference. If you choose not to hire an attorney to represent you, you may obtain additional information about how to represent yourself and how to file a reply without hiring an attorney through the California Courts Web site at [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp). You may also obtain a form to file your reply to the lawsuit, as well as the form and information for filing an application to request the court stay and early evaluation conference, at that same Web site.

If you choose to hire an attorney to represent you, the attorney who sent you the demand for money or complaint is prohibited from contacting you further unless your attorney has given the other attorney permission to contact you. If the other attorney does try to contact you, you should immediately notify your attorney.