

The Law Offices of Nick V. Avtonomoff

Practice, Testimony
and Consultation
Exclusive to Federal
& State A. D. A. Law
State Bar No. 63713

San Francisco
Since 1975

Nick V. Avtonomoff, J.D.

Post Office Box 2471
Mill Valley, CA 94942
Phone (415) 380-0772
FAX (415) 388-2161
nicklaw1@comcast.net

December 14, 2010

U.S. PRIORITY MAIL WITH CONFIRMATION

Zipcar California, Inc.
Home Office Headquarters
25 First Street, 4th Floor
Cambridge, MA 02141
617-995-4231
Fax:995-4300

Zipcar San Francisco
191-2nd Street
San Francisco, CA 94105
415-495-7478
Fax:495-1161

ConocoPhillips Company
P.O. Box 2197
600 North Dairy Ashford
Houston, TX 77252-2197
281-293-1000

Double AA Corporation
301-25th Avenue
San Francisco, CA 94121

Manuel's Auto Repair
301-25th Avenue
San Francisco, CA 94121

A&M Properties, LP
1435 Huntington Avenue #230
South San Francisco, CA 94080

Re: Advocates Assisting Disabled Americans, et. al. vs. Zipcar, et. al.

Dear Proposed Defendants, and Their Representatives:

Enclosed please find claimants' Class Action Complaint [Proposed] and Civil Code 55.3, "Important Information for Building Owners and Tenants."

Please note that no party has, as yet, been formally sued regarding the matters raised in the Complaint. Formal prelitigation notice is not required for ADA actions filed in the Federal Court, and the California State Legislature has determined that only 55.3 Notice is required to be served *after* a lawsuit has been filed. However, in an attempt to encourage judicial economy, relieve the overcrowding of the court calendars, maximize the privacy of the parties, keep attorney fees and costs under control, and to minimize the anxiety that may be related to litigation, we are providing you with this prelitigation notice.

The factual and legal allegations are set forth in the Complaint, and will not be repeated in this cover letter. We are requesting full compliance, damages, attorney fees and costs. These cited violations have been going on for many months, and several of the parties, employees and agents have already been provided with notice of these continuing violations. In any event, the violations are blatant, and obvious.

Please do not contact any of the named plaintiffs. This office will only accept, and welcome, contacts by licensed attorneys. We will not speak with individual defendants, as such contact may be considered unethical, and the matters raised in the Complaint are legally complex. In addition, statements exchanged over telephone may be misunderstood, or misquoted. Furthermore, the matters raised necessarily involve potential joint and several liability, which may raise actual and potential conflicts of interest. We also encourage all contacts to be made by email so there is an accurate record of our communications.

The parties, and counsel, may review the California Supreme Court case, entitled *Kenneth Munson v. Del Taco, Inc.*, 46 Cal.4th 661 (decided, June 11, 2009). This may be located by utilizing your computer's search engine, and will provide a detailed discussion of the controlling California law. You may also refer to California Civil Code, section 51, and the sections that sequentially follow, which provide the letter of the law (Unruh Civil Rights Act).

We encourage the named parties, through their counsel, to identify and discuss the reasons why Zipcars have been, and continue to be, permanently parked in the space(s) designated for the disabled. Simply put, a disabled person has no place to park if they seek to use the facilities, including the cashier's/food mart premises, the bathroom, or other. Even the possible places to park closer to the bathroom are almost always occupied by cars (for service, owner/employee cars, other). We have numerous photos, taken over many months by counsel and investigators. In addition, comprehensive satellite photos are available.

We also request copies of your leases, contracts, emails and correspondence which relate to the Zipcar occupancy, and the agreements between the parties regarding tenancy and ownership. If not voluntarily provided, these documents should be discoverable if we file a lawsuit.

PLEASE BE ADVISED that time is of the essence. If we were to have served you with a lawsuit, you would be required to file a responsive pleading within 30 days. Therefore, we request that you have your counsel contact this office within 30 days of the postmark of this U.S. Priority Mail, with Confirmation. Your counsel should have a working knowledge of the factual and legal matters raised in the Complaint, and be prepared to discuss settlement. We expect all matters, including remedies, damages, attorney fees and costs, to be resolved within 60 days.

Very truly yours,

Nick Avtonomoff
Encl: Proposed Complaint; CC 55.3 Notice

Confidential: The contents herein are protected by the right to privacy and attorney-client privilege and are only intended for the person(s) whose name(s) are listed above. If you receive this transmittal in error, please do not continue to read and call (415) 380-0772 immediately and return the transmittal to the above offices, POB 2471, Mill Valley, CA 94942, or fax back to (415) 388-2161 with a short memo of explanation.