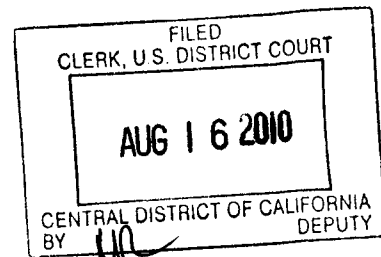


UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES



To: U.S. District Judge / U.S. Magistrate Judge Nagle
From: E. Carson, Deputy Clerk Date Received: 8/16/10
Case No.: CV 10-5604-GHK (MAN) Case Title: Pombrio v. City-County of Los Angeles, et al.
Document Entitled: Five-page unsigned and incomplete "Complaint Civil-ADA Rights"

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- Local Rule 11-3.1 Document not legible
- Local Rule 11-3.8 Lacking name, address, phone and facsimile numbers
- Local Rule 11-4.1 No copy provided for judge
- Local Rule 19-1 Complaint/Petition includes more than ten (10) Does or fictitiously named parties
- Local Rule 15-1 Proposed amended pleading not under separate cover
- Local Rule 11-6 Memorandum/brief exceeds 25 pages
- Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents
- Local Rule 7.1-1 No Certification of Interested Parties and/or no copies
- Local Rule 6.1 Written notice of motion lacking or timeliness of notice incorrect
- Local Rule 56-1 Statement of uncontroverted facts and/or proposed judgment lacking
- Local Rule 56-2 Statement of genuine issues of material fact lacking
- Local Rule 7-19.1 Notice to other parties of ex parte application lacking
- Local Rule 16-7 Pretrial conference order not signed by all counsel
- FRCvP Rule 5(d) No proof of service attached to document(s)
- General Order 08-02 Case is designated for electronic filing
- Other: Document, on its face, is incomplete, and is unsigned, in violation of Rule 11(a) of the Federal Rules of Civil Procedure.

Note: Please refer to the court's Internet website at www.cacd.uscourts.gov for local rules and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- The document is NOT to be filed, but instead REJECTED, and is ORDERED returned to *counsel. *Counsel shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

8/16/10

Date

Margaret A. Nagle
U.S. Magistrate Judge

*The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 - ORIGINAL-OFFICE

COPY 2 - JUDGE

COPY 3 - SIGNED & RETURNED TO FILER

COPY 4 - FILER RECEIPT

RECEIVED

1 Name: Scott E. Pombrio
2 Address: 2055 Vignes
3 Los Angeles, Ca 90012
4 Phone: None
5 Fax: 0

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2010 AUG -6 PM 4:07
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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

10 Scott E. Pombrio, et al,

11 Plaintiff

CASE NUMBER:
CV10-5604 (MAN)

To be supplied by the Clerk of
The United States District Court

12 v.

13
14 Mayor A. Villaraigosa, City-County
15 of LOS ANGELES, DOES TEN Inclusive
16 Defendant(s).

COMPLAINT
CIVIL-ADA RIGHTS

17 Plaintiff(s), Scott E. Pombrio, et al, complains of defendants, Security
18 Does, City-County of Los Angeles, a municipal corporation, alleges as follows:

19 JURISDICTION AND VENUE

20 1. This is an action for declaratory and injunctive relief, and dam-
21 ages brought pursuant to the Americans with Disabilities Act of 1990
22 (42 USC § 12101 et seq), specifically Title II and Title III of the ADA, as
23 well as California Civil Code § 54 et seq; (the Unruh Act); California
24 Civil Code § 54 et seq; and California Health & Safety Code § 19955 et seq,
25 including California Code of Regulations, Title 24 § 19959.

26 2. The Court has jurisdiction of this action pursuant to 28
27 10SC § 1331, and 1343; for violations of the Americans with Disabilit-
28 ies Act of 1990, (42 USC § 12101 et seq).

COMPLAINT

1 3. Under the doctrine of pendant and supplemental jurisdiction,
2 this Court has jurisdiction over Plaintiff's claims arising under Ca. state law.

3 4. Venue is proper in this Court pursuant to 28 USC § 1391(b),
4 and is founded on the fact that the real property which is the subject
5 of this action, is located in this district, at Los Angeles, Los Angeles
6 County, California, and that Plaintiff's causes of action arose in this
7 district.

8 INTRODUCTION

9 5. The Law Library, and Main Library of Los Angeles city & County
10 are a Public facility owned by the CITY AND COUNTY OF LOS ANGELES -
11 ES, and operated by city and county employees, including Security Gu-
12 ards under contract with supra city-county. The Law Library is located
13 at 301 W. 1st St., L.A., Ca 90012, the Main Library is located at 630 N. 5th St.,
14 L.A., Ca. 90012

15 6. Title II of the ADA Act of 1990 (42 USC § 12131 et seq) prohibits any
16 public entity from excluding persons with disabilities from participating
17 in, or denying the benefits of, the goods, services, programs & activities of
18 the entity, or otherwise discriminating against persons on the basis of
19 disability - or lack of housing. The regulations implementing Title II
20 of the ADA generally require that, when a public entity alters any exist-
21 ing facility in any manner that affects usability, the altered portions - or
22 "new rules allowing access" must be made accessible to, and usable by
23 individuals with disabilities. 28 CFR § 35.15

24 7. Title III of the ADA Act of 1990 (42 USC § 12182 et seq) prohibits any
25 private entity who owns, leases (or leases to), or operates a place of public ac-
26 commodation from excluding persons with disabilities from participating in or
27 denying the benefits of the goods, services, programs & activities of the entity
28 or otherwise discriminating against persons on the basis of disability;

28 CFR § 36.201

COMPLAINT

1 8. Defendants City-County of Los Angeles Main & Law Libraries, and
2 Does 1 to 10, Mayor A. Villarraigosa inclusive own & operate establishments
3 for services to the public, and at which Defendants failed to provide barrier
4 free access to said establishments, in conformity with both Federal & Califor-
5 nia legal requirements. Further, Defendants failed to provide compliance, as
6 follows:

7 a. No bags allowed in the libraries, as of July 28, 2010;

8 b. No "checked bags or property" were allowed as of 7-28-10;

9 c. No leaving of bags or property at front doors, as of 7-28-10

10 d. Security Supervisor refused all law library access with a "bag
11 as of July 28, 2010.

12 e. Plaintiff was forced one day, to leave said bag at 6th Hill St,
13 walk to the LL (law library) up hill, and return to 6th Hill for bag & Lunch.

14 f. No policies, procedures or rules stated "no bags allowed." Nor was
15 any alternative given, except "your bag will be thrown out!"

16 The above barriers interfered with Plaintiff's access, and continue to
17 deter Plaintiff from visiting said facilities, and otherwise denied legal &
18 safe: i.e. no increased pain thru excess walks up or down hills, barrier-free
19 handicapped access to Plaintiff. As a legal result, Plaintiff Scott E Bombard,
20 suffered violations to his Civil Rights, to full & equal enjoyment of goods, ser-
21 vices, facilities & privileges, thus suffered physical damage, humiliation &
22 embarrassment.

23 FACTUAL ALLEGATIONS

24 9. Plaintiff Scott E. Bombard, is, and at all times relevant to this Complaint
25 a "Physically Handicapped person," a "Physically Disabled person," and a "Person with
26 a Disability," as these terms are used under California and Federal Laws,
27 including, but not limited to, Title II and Title III of the ADA Act of 1990. The
28 terms "physically handicapped person," "physically disabled person," and a per-

COMPLAINT

1 son with a disability" will be used interchangeably throughout this Complaint.
2 Plaintiff is a "person with a disability" as defined by all applicable Laws of
3 California and the United States. Plaintiff Scott E Pombrio, is a Mobility
4 Impaired Person, as a result of 3 Assaults, and also suffers 2 Inguinal
5 Hernias, and a Severely Impaired Right Arm.

6 10. On or about July 28, 2010, Plaintiff visited the LA Co. Law Library
7 to continue a Motion for the USDC Eastern Fresno Court. Plaintiff was
8 halted at the Security desk by Supervisor J. Doe, who informed Plaintiff
9 "No bags are allowed." Whereupon Plaintiff asked why this issue was Not
10 raised on July 27, 2010, when plaintiff entered the LL and checked
11 at the security desk, where the guard allowed entry to plaintiff.
12 J. Doe stated "you (Plaintiff) did Not come before me, no bags are
13 allowed." Whereupon plaintiff inquired "I'll place the bag on the patio
14 as done in the past, due to wetness." J. Doe replied "the bag will BE
15 Thrown Out." Plaintiff then asked "what of my civil and ADA rights, and as
16 a Homeless Disadvantaged Person?" J. Doe replied "those don't matter,"
17 the rules state 'no bags'. you are not allowed into the LL."

18 On or about July 31, 2010, plaintiff visited the Main Library at 630
19 W. 5th St, to use the restroom, and as exited an guard Doe 2 stated "No
20 bags are allowed in the library." Plaintiff asks "when did this occur?" J.
21 Doe 2 stated "for 6 months now, it's in the rules." Plaintiff "let me see
22 them please?" Whereupon reading said rules again, no such stipulation
23 was stated in either the main or Law libraries rules. These are
24 a shallow attempt to exclude homeless, disadvantaged persons + ADA's
25 from access to these Public Facilities! As is noted supra, plaintiff
26 has been taking "plastic bags" into and out of Both Libraries for
27 Over 6 Months. Further discrimination to, and deprivation of the
28 Guaranteed Civil and ADA rights - Just at the 20 year anniversary.

1 On or about July 24, 2010, plaintiff entered the Main library grounds
 2 at 8:30 p.m. to refill his water bottle from the fountain on public property.
 3 A private party was being held at the restaurant there, when plaintiff had
 4 almost reached the fountain, 3 security guards, Doe's 3, 4 & 5, halted
 5 plaintiff, and attempted to usher him from public property, the female
 6 Doe 3, laid hands on plaintiff. Plaintiff then stated "Take your hands
 7 off, now, or see civil action." All 3 Does, stated "This is Private Property,
 8 you must exit by these stairs, now." Plaintiff stated: "This is Public Prop-
 9 erty as is the fountain. I came only to refill my water on Public land,
 10 and as an ADA mobility impaired, do not use stairs." Doe 4 took the
 11 bottle to refill, while Does 3 & 5 forced plaintiff in the dark down
 12 the steps. Whereupon plaintiff suffered a strain to the left foot, that
 13 continues to be painful to walk on, this August 6, 2010.

14 11. Defendants, Mayor A. Villaraigosa, City & County of Los Angeles,
 15 and Does 1-10 inclusive at all times relevant herein, were and are the
 16 owners and operators, lessors and/or lessees of public facilities known
 17 as the Law and Main Libraries, located at Los Angeles, California,
 18 subject to the requirements of California state law requiring full and
 19 equal access to public facilities pursuant to California Health & Safety
 20 Code § 19955 et seq, California Civil Code § 51, 51.5, 52(a), 54, 54.1, 54.3,
 21 55 & 56; and subject to Title II and Title III of the ADA Act of 1990, and to
 22 all other legal requirements referred to in this Complaint. Plaintiff does
 23 not know the relative responsibilities of defendants, in the operation
 24 of the facilities herein complained of, and alleges a joint venture
 25 and common enterprise by all such defendants.

26 12. Defendants A. Villaraigosa, City & County of L.A., Does 1 thru 10,
 27 inclusive herein after alternatively referred to collectively as "defendants",
 28 at all times relevant herein, were and are owners, possessors, builders & keepers