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 8 CONNIE ARNOLD

9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

12 CONNIE ARNOLD
 13
 14 Plaintiff,

15 vs.

16 COUNTY OF SACRAMENTO;
 17 SUNRISE RECREATION & PARK
 18 DISTRICT; and DOES 1 through 50,
 inclusive,
 19 Defendants.

) Case No.:
)
) **Civil Rights**
)
) **COMPLAINT FOR INJUNCTIVE**
) **RELIEF FOR DISABILITY**
) **DISCRIMINATION IN VIOLATION OF**
) **TITLE II OF THE AMERICANS WITH**
) **DISABILITIES ACT; SECTION 504 OF**
) **THE REHABILITATION ACT OF 1973;**
) **AND CALIFORNIA’S CIVIL RIGHTS**
) **STATUTES (Cal. Gov’t. Code §§ 4450 et**
) **seq. and 11135 et seq.; and Cal. Civ. Code**
) **§ 54 et seq.)**
)
) **DEMAND FOR JURY TRIAL**
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 25 Plaintiff CONNIE ARNOLD (“Plaintiff” or “Ms. Arnold”) complains of
 26 Defendants COUNTY OF SACRAMENTO (“County”); SUNRISE RECREATION
 27 & PARK DISTRICT (“SRPD”); and DOES 1 through 50, inclusive, and allege as
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1 follows:

2 **I. INTRODUCTION**

3 1. The Americans with Disabilities Act (“ADA”) was enacted over twenty
4 years ago, establishing the most important civil rights law for persons with
5 disabilities in our country’s history. One of the principal goals of the ADA is the
6 integration of people with disabilities into the country’s economic and social life. 42
7 U.S.C. § 12101(a).

8 2. The County of Sacramento and the Sunrise Recreation and Park District
9 are subject to federal and state accessibility standards that have been in place for over
10 the past two decades to ensure disabled persons’ ability to safely access and use their
11 programs, services, and activities, including the Sylvan Oaks Public Library and
12 neighboring Crosswoods Park, located at the corner of Auburn Boulevard and Van
13 Maren Lane in the City of Citrus Heights. Despite this long-standing mandate,
14 Defendants have failed to provide disabled persons with full and equal access to its
15 programs, services, and activities in violation of Title II of the ADA, and have failed
16 to modify their policies and procedures as necessary to ensure that persons with
17 disabilities are provided full and equal access to the goods and services offered to the
18 general public. Specifically, Defendants have constructed and/or have failed to
19 remove architectural barriers and modify discriminatory policies that prevent persons
20 who use wheelchairs from being able to use and enjoy their facilities to the same
21 extent as able-bodied persons. In so doing, Defendants have also violated Section
22 504 of the Rehabilitation Act of 1973 (“Section 504”), and California’s civil rights
23 laws, including Cal. Gov’t Code §§ 4450 *et seq.* and 11135 *et seq.*; Health & Safety
24 Code § 19955 *et seq.*; the California Disabled Persons Act, Cal. Civ. Code § 54 *et*
25 *seq.*; and the California Building Standards (Cal. Code of Reg., Tit. 24-2)
26 implemented to eliminate discrimination in the built environment.

27 3. As a result of Defendantss discriminatory acts and omissions, Plaintiff
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1 has suffered, and will continue to suffer, damages, and has been, and will continue to
2 be, prevented and deterred from accessing and using Defendants' programs, services,
3 and activities to the same extent as, and in a manner equal to, her able-bodied peers.
4 Through this lawsuit, Plaintiff seeks an injunction requiring Defendants to provide
5 "full and equal" access to their public facilities for disabled persons as required by
6 law and reasonable attorneys' fees, costs and litigation expenses for enforcing
7 Plaintiff's civil rights.

8 **II. JURISDICTION AND VENUE**

9 4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331
10 to hear and determine Plaintiff's ADA and Section 504 claims. This Court has
11 supplemental jurisdiction pursuant to 28 U.S.C. §1367 to hear and determine
12 Plaintiff's state law claims because they are related to Plaintiff's federal claims and
13 arise out of a common nucleus of operative facts.

14 5. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is
15 founded on the fact that the real property which is the subject of this action is located
16 in the Eastern District and that Plaintiff's causes of action arose in the Eastern
17 District.

18 **III. PARTIES**

19 6. Plaintiff CONNIE ARNOLD is, and at all times relevant herein was, a
20 qualified individual with a "disability" as defined by the ADA, 42 U.S.C. § 12131(2);
21 Section 504, 29 US.C. § 794 *et seq.*; Department of Justice regulation 28 C.F.R. §
22 35.104; and California Government Code § 12926. Ms. Arnold is a little person and
23 full time wheelchair user who is unable to independently stand or walk due to the
24 progressive effects of rheumatoid arthritis. As the result of her physical disabilities,
25 Ms. Arnold requires the use of a wheelchair for mobility and is unable to use public
26 facilities that are not designed, constructed or altered in compliance with applicable
27 accessibility standards for persons with mobility impairments.
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1 7. On information and belief, Defendant COUNTY OF SACRAMENTO
2 (“County”) encompasses cities in California, such as Citrus Heights, Sacramento, and
3 Elk Grove. The County is a “public entity” subject to the obligations and
4 requirements under Title II of the ADA, Section 504, and California state law,
5 requiring full and equal access to public facilities pursuant to Government Code §§
6 11135 and 4450 *et seq.*

7 8. On information and belief, Defendant COUNTY OF SACRAMENTO
8 and DOES 1 through 25, inclusive, have control and/or legal responsibility for the
9 design, construction, maintenance, ownership, and/or operation of the Sylvan Oaks
10 Library (“Library”), located at 6700 Auburn Boulevard, Citrus Heights, California
11 95621. Plaintiff will seek leave to amend when the true names, capacities,
12 connections, and responsibilities of Defendants DOES 1 through 25, inclusive are
13 ascertained.

14 9. On information and belief, Defendant SUNRISE RECREATION &
15 PARK DISTRICT (“SRPD”) is a “public entity” subject to the obligations and
16 requirements under Title II of the ADA, Section 504, and California state law,
17 requiring full and equal access to public facilities pursuant to Government Code §§
18 11135 and 4450 *et seq.*

19 10. On information and belief, Defendant SRPD and DOES 26 through 50,
20 inclusive, have control and/or legal responsibility for the design, construction,
21 maintenance, ownership, and/or operation of Crosswoods Park (“Park”), which is
22 located at 6742 Auburn Boulevard, Citrus Heights, California 95621 and shares a
23 common parking lot with the Library. Plaintiff will seek leave to amend when the
24 true names, capacities, connections, and responsibilities of Defendants DOES 26
25 through 50, inclusive are ascertained.

26 11. Plaintiff is informed and believes that each of the Defendants is the
27 agent, ostensible agent, alter ego, master, servant, trustor, trustee, employer,
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1 employee, representative, franchiser, franchisee, lessor, lessee, joint venturer, parent,
2 subsidiary, affiliate, related entity, partner, and/or associate, or such similar capacity,
3 of each of the other Defendants, and was at all times acting and performing, or failing
4 to act or perform, within the course and scope of such similar aforementioned
5 capacities, and with the authorization, consent, permission or ratification of each of
6 the other Defendants, and is personally responsible in some manner for the acts and
7 omissions of the other Defendants in proximately causing the violations and damages
8 complained of herein, and have participated, directed, and have ostensibly and/or
9 directly approved or ratified each of the acts or omissions of each of the other
10 Defendants, as herein described.

11 **IV. GOVERNMENT CLAIM**

12 *(Plaintiff is waiving claims for damages under California state law.)*

13 12. Plaintiff CONNIE ARNOLD is a person with a mobility disability and
14 requires the use of a wheelchair for mobility. Ms. Arnold completed graduate school
15 and has been using her graduate's degree and unique perspective to work as a
16 disabled activist for years to persuade and encourage private and public entities to
17 comply with their obligations under the ADA without requiring a lawsuit. However,
18 after years of asking business owners and public entities to remove physical barriers
19 and modify discriminatory policies without requiring a lawsuit (and in turn, having
20 them ignore her), she discovered that Congress was correct in passing the ADA to
21 provide clear, strong, and consistent standards to be enforced in federal courts.

22 13. Ms. Arnold seeks to live her life fully and model independence as part of
23 mainstream society without being deterred by unlawful access barriers in public
24 facilities, and therefore, she seeks to enforce her rights to readily accessible facilities
25 at the Library and Park for the benefit of herself and others similarly disabled.

26 14. Because of her advocacy and desire to catalyze greater disabled access
27 among public entities by focusing on comprehensive injunctive relief, Plaintiff is
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1 waiving all damages in this matter. Consequently, Plaintiff chose not to file a claim
2 for damages against Defendants pursuant to the California Tort Claims Act, Cal.
3 Gov't. Code § 910 *et seq.*

4 **V. FACTS UPON WHICH ALL CLAIMS ARE BASED**

5 15. The Sylvan Oaks Public Library is nestled in a grove of lush, mature oak
6 trees immediately adjacent to the Crosswoods Park, home to a variety of wildlife,
7 including a flock of wild turkeys. The Library's website welcomes the public to visit
8 this "scenic location," which "provides the perfect background for a busy community
9 library," where "[p]atrons of all ages enjoy the collections and the many scheduled
10 activities" at the Library. The Crosswoods Park includes fifteen (15) acres of
11 recreational space, including shaded picnic areas, tennis courts, a children's play area,
12 and a community center.

13 16. In an effort to be more social—to meet new friends and try new things—
14 Ms. Arnold joined an online service called, "MeetUp," which is designed to
15 encourage the formation of local community groups of persons with common
16 interests to pursue common goals. Ms. Arnold learned that a "MeetUp" group she
17 was interested in was meeting in the Library's Community Room, which the public is
18 allowed to reserve for free to hold any public meeting. Every few months, the
19 Library will post a list of various free events that are held at the Library, such as book
20 clubs, seminars, and movie nights.

21 17. On or about September 13, 2011, Ms. Arnold visited the Library to
22 attend the "MeetUp" group meeting. Plaintiff drives a modified van with a lift and
23 has state-issued disabled persons license plates that allow her to park her van in
24 designated accessible spaces. The Library and adjoining Park share common
25 facilities, including, *but not limited to*, common parking areas and paths of travel.
26 When Ms. Arnold arrived for the meeting in the Library, she parked in a designated
27 accessible space. On information and belief, designated accessible parking spaces in
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1 the parking lot do not provide the required access and do not comply with minimum
2 accessibility standards for accessible parking spaces.

3 18. Parking: Barriers relating to parking include, *but are not limited to*,
4 spaces that:

- 5 • are missing signage;
- 6 • are too short;
- 7 • have excessive slopes and cross slopes;
- 8 • are not properly located, marked, or configured for disabled use; and
- 9 • do not have accessible paths of travel from the parking spaces to the entrances
10 to the Library and Park.

11 19. Plaintiff found that it was difficult to park her van in the parking lot and
12 use her wheelchair to reach the Park areas and Library's entrances due to a lack of
13 safe pedestrian paths of travel. These barriers place Plaintiff and similarly disabled
14 persons at risk of physical injury, require her to navigate her wheelchair in parking
15 areas around and behind vehicles.

16 20. Because Ms. Arnold was early for the "MeetUp" meeting, she decided to
17 visit the Park to enjoy its beautiful grounds. Ms. Arnold thought about returning with
18 friends on a later date, but as Ms. Arnold made her way to the Park, she encountered
19 several areas along the walkway that had excessive slopes and cross slopes;
20 excessively high changes in elevation; and uneven, deteriorated surfaces. She also
21 observed that there was a lack of accessible seating in the picnic table and covered
22 seating areas. Further, Ms. Arnold noticed that the children's play area blocked
23 access for wheelchair users due to its surface and the raised curb that surrounded it.
24 She also observed that the entry gates that lead into the tennis courts were too narrow
25 for her wheelchair to go through. Ms. Arnold would like to return to the Park to meet
26 with friends and family, but she has been deterred from returning to the Park
27 whenever she is in the area because she is aware that barriers still exist there.
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1 21. Disheartened by her experience at the Park, Ms. Arnold made her way
2 back to the Library, where she again experienced barriers along the path of travel
3 leading from the parking to the Library (e.g. - excessive slopes and cross slopes;
4 excessively high changes in elevation; and uneven, deteriorated surfaces).

5 22. Before the “MeetUp” meeting, Ms. Arnold needed to use the women’s
6 public restroom in the Library. Plaintiff encountered a lot of difficulty while
7 attempting to use the Library’s restroom, including, *but not limited to*:

- 8 • an entry door that required excessive force (making it difficult to open the
9 door); and
- 10 • insufficient strike side clearance on the pull side of the door (making it nearly
11 impossible for Ms. Arnold to independently exit because the insufficient
12 clearance made it difficult to reach the door handle, open the door, and back
13 her wheelchair up far enough to clear the door. This makes it dangerous for
14 wheelchair users because they could be trapped in the restroom if no one else is
15 around to help them exit.).

16 23. Furthermore, although Ms. Arnold needed to use the toilet, she was
17 unable to reach or use the toilet because her wheelchair could not fit through the tight
18 stall space. On information and belief, this semi-ambulatory stall has a stall door that
19 opens inward into a narrow space, followed by a narrow right turn passage to enter
20 the stall. Even if Ms. Arnold could pull her wheelchair into the stall to approach the
21 toilet, there would be no way to close the stall door behind her due to the stall’s
22 configuration. Ms. Arnold could see the toilet, but could not reach it. She observed
23 that there was insufficient transfer space at the side of the toilet, which would make it
24 difficult for her to transfer from her wheelchair onto the toilet and back again; and
25 she also noticed that the toilet paper and seat cover dispensers were improperly
26 mounted and located, which would make it difficult and/or impossible for her to
27 reach either one. Ms. Arnold was highly distraught, stressed, and upset; and she
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1 experienced physical strain from being unable to use the Library's restroom.

2 24. On information and belief, the Library has the following barriers in the
3 public women's restroom that should also be removed as part of this action:

- 4 • incorrect and insufficient ISA signage; and
- 5 • lavatories and dispensers that are incorrectly mounted and located.

6 25. Additionally, on information and belief, the Library has similar barriers
7 in the public men's restroom that should be removed as part of this action rather than
8 requiring multiple lawsuits to bring both public restrooms into compliance with
9 federal and state accessibility standards.

10 26. Plaintiff plans to return to the Library in the future as she is interested in
11 many of the public events held there. Most recently, in May 2012, Ms. Arnold
12 wanted to go to the Library to attend an event entitled, "Recycle, Re-use, Re-
13 imagine" and an "E-Reader" workshop to continue to learn about new things. She
14 also wanted to enjoy the Library's "Donuts, Coffee, and a Classic Movie" event so
15 she could mingle with adults from a different part of town and possibly make new
16 friends. However, Plaintiff was deterred from visiting the Library because she knew
17 it did not have accessible features, such as the lack of accessible restrooms.

18 27. On information and belief, there are other access barriers that exclude
19 and deter Plaintiff from enjoying full and equal access to and use of the same
20 facilities, services, privileges, advantages, and accommodations offered by
21 Defendants to the general public, including, *but not limited to*: inaccessible pedestrian
22 paths of travel – including sidewalks, walkways, curb ramps, and curbs – from the
23 public right of way to Defendants' facilities; exterior bench seating available in
24 various areas that lack space for adjacent wheelchair seating; an exterior book return
25 counter and depository that is too high for wheelchair users to use; a lack of
26 accessible service counters; and a lack of accessible seating throughout the Library,
27 including, *but not limited to*, the computer stations.

1 **VII. CLAIMS FOR RELIEF**

2 **FIRST CAUSE OF ACTION:**
3 **VIOLATION OF THE**
4 **AMERICANS WITH DISABILITIES ACT – TITLE II**
5 **42 U.S.C. § 12101 *et seq.* and § 12131 *et seq.***

6 31. Plaintiff repleads and incorporates by reference, as if fully set forth again
7 herein, the allegations contained in Paragraphs 1 through 30 of this Complaint.

8 32. In 1990 the United States Congress found that laws were needed to more
9 fully protect some 43 million Americans with one or more physical or mental
10 disabilities; that “historically, society has tended to isolate and segregate individuals
11 with disabilities;” that “such forms of discrimination against individuals with
12 disabilities continue to be a serious and pervasive social problem;” that “the Nation’s
13 proper goals regarding individuals with disabilities are to assure equality of
14 opportunity, full participation, independent living and economic self-sufficiency for
15 such individuals;” and that “the continuing existence of unfair and unnecessary
16 discrimination and prejudice denies people with disabilities the opportunity to
17 compete on an equal basis and to pursue those opportunities for which our free
18 society is justifiably famous.” 42 U.S.C. § 12101.

19 33. Congress stated as its purpose in passing the Americans with Disabilities
20 Act, 42 U.S.C. § 12101(b):

21 “It is the purpose of this Act:

- 22 1) to provide a clear and comprehensive national mandate for the elimination
23 of discrimination against individuals with disabilities;
24 2) to provide clear, strong, consistent, enforceable standards addressing
25 discrimination against individuals with disabilities;
26 3) to ensure that the Federal government plays a central role in enforcing the
27 standards established in this act on behalf of individuals with disabilities;
28 and

1 4) to invoke the sweep of congressional authority, including the power to
2 enforce the fourteenth amendment and to regulate commerce, in order to
3 address the major areas of discrimination faced day-to-day by people with
4 disabilities.”

5 34. The Library and Park, owned and operated by Defendants County and
6 SRPD, have been, and continue to be, programs and/or activities of a public entity,
7 subject to the provisions of Title II of the ADA, 42 U.S.C. § 12131 *et seq.* Under
8 Title II, “no qualified individual with a disability shall, by reason of such disability,
9 be excluded from participation in or be denied the benefits of the services, programs
10 or activities of a public entity, or be subjected to discrimination by such entity.” 42
11 U.S.C. § 12132. Defendants County and SRPD were and are such public entities.

12 35. On information and belief, Defendants have failed in their
13 responsibilities under Title II to provide their services, programs and activities in a
14 full and equal manner to disabled persons as described hereinabove, including, but
15 not limited to:

- 16 a) Failing to ensure that all programs, services and activities offered at the
17 Library’s and Park’s public facilities are readily accessible to and usable
18 by persons with disabilities;
- 19 b) Failing to modify policies and procedures to ensure the Library and Park
20 were designed, constructed or maintained in a manner accessible to and
21 usable by physically disabled persons; and
- 22 c) Failing to remove architectural or programmatic barriers that Defendants
23 have been notified are in violation of Title 24-2, § 202 of the ADA; and
24 the following sections of 28 C.F.R. § 35.130:
- 25 i. (b)(1) A public entity, in providing any aid, benefit, or service, may
26 not, directly or through contractual, licensing, or other arrangements,
27 on the basis of disability –
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- 1. (ii) Afford a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- 2. (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- 3. (vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

- ii. (b)(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:
 - 1. (i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
 - 2. (ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities;
- iii. (b)(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

36. In acting as herein alleged, Defendants have discriminated against Plaintiff in violation of their obligations pursuant to Title II. As a result of such

1 discrimination in violation of 42 U.S.C. § 12132 of the ADA, Plaintiff is entitled to
2 the remedies, procedures and rights provided for in Title II. Plaintiff also seeks
3 injunctive relief to require Defendants to remove the architectural and programmatic
4 barriers to access complained of, and to provide all remedies, and statutory attorneys’
5 fees, litigation expenses and costs, including those remedies specified by 42 U.S.C.
6 §§ 12133 and 12205 of the ADA and by California Code of Civil Procedure § 1021.5,
7 according to proof.

8 Wherefore, Plaintiff prays for judgment as set forth below.

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10 **SECOND CAUSE OF ACTION:**
11 **VIOLATION OF SECTION 504 OF THE REHABILITATION ACT**
12 **29 U.S.C. § 794**

13 37. Plaintiff repleads and incorporates by reference, as if fully set forth again
14 herein, the allegations contained in Paragraphs 1 through 36 of this Complaint.

15 38. Section 504 of the Rehabilitation Act provides that “no otherwise
16 qualified individual with a disability in the United States . . . shall, solely by reason of
17 his or her disability, be excluded from the participation in, be denied the benefits of,
18 or be subjected to discrimination under any program or activity receiving federal
19 financial assistance.” 29 U.S.C. § 794(a); 34 C.F.R. § 104.4(a).

20 39. Defendants are governmental agencies existing under the laws of the
21 State of California with responsibility for operating each of their programs, services
22 and activities in any city-owned, operated, controlled, and/or managed public
23 facilities in a manner that is readily accessible to and usable by Plaintiff and other
24 persons with disabilities. Plaintiff is informed and believes and therefore alleges that
25 Defendants are recipients of Federal financial assistance and that part of that financial
26 assistance is used to fund the operation, construction, and/or maintenance of the
27 programs, services, and activities offered to the general public, but which are denied
28 to Plaintiff on the basis of disability.

1 40. Defendants' actions and/or inactions in excluding and/or denying
2 Plaintiff the benefit of and/or participation in the programs, services and activities
3 offered to the general public, including failing to enforce regulations for disabled
4 access at privately-owned and operated public accommodations licensed and
5 permitted by Defendants, have violated Plaintiff's rights under Section 504 and the
6 Department of Justice regulations.

7 41. By their actions and/or inactions in denying to Plaintiff her rights to have
8 equal access to and equal benefits of the programs, activities and services offered to
9 able-bodied persons, and by otherwise discriminating against Plaintiff solely by
10 reason of her physical disabilities, Defendants have violated Plaintiff's civil rights.
11 Plaintiff seeks: 1) an injunctive relief order requiring Defendants to correct the access
12 deficiencies and modify policies and practices to ensure that all of Defendants'
13 programs, services and activities are readily accessible to and usable by persons with
14 disabilities so that Plaintiff will not continue to be discriminated against and/or
15 deterred from accessing and safely using the many public accommodations offered at
16 the Library Park; and 2) recovery of reasonable attorneys' fees, litigation expenses
17 and costs.

18 42. As described herein, although Plaintiff is entitled to the remedies,
19 procedures, and rights provided for in Section 504, including damages for
20 discrimination, Plaintiff is waiving damages in the interest of furthering her goals of
21 effecting comprehensive injunctive relief.

22 43. Plaintiff has no adequate remedy at law, and unless the relief requested
23 herein is granted, Plaintiff will continue to suffer irreparable injury by the deprivation
24 of her rights as described herein.

25 Wherefore, Plaintiff prays the court grant relief as requested herein below.

26 **THIRD CAUSE OF ACTION:**
27 **Cal. Gov't Codes §§ 11135 and 4450 *et seq.***

1 44. Plaintiff repleads and incorporates by reference, as if fully set forth again
2 herein, the allegations contained in Paragraphs 1 through 43 of this Complaint.

3 45. Plaintiff is informed and believes and thereupon alleges that Defendants
4 discriminate against persons with disabilities in the operation of the programs and/or
5 activities complained of herein, in violation of California Government Code § 11135,
6 and that the above-cited programs and activities receive funds from the State of
7 California.

8 46. Plaintiff is informed and believes, and therefore alleges, that the
9 specified public facilities (the Library and Park) and the related facilities are owned,
10 maintained or controlled by Defendants. Plaintiff is further informed and believes,
11 and therefore alleges, that Defendants have designed, constructed, altered or repaired
12 the Library and Park and their related facilities since 1968 within the meaning of
13 California Government Code § 4450 *et seq.*, thereby requiring safe and independent
14 access to persons with disabilities to all public portions of the Library and Park, and
15 are responsible for statutory attorneys' fees, litigation expenses and costs for bringing
16 this action, including but not limited to public interest attorneys' fees pursuant to
17 California Code of Civil Procedure § 1021.5.

18 47. As a proximate result of County's acts and omissions, Defendants have
19 violated California Government Code § 4450 *et seq.*, as well as Title 24-2 regulations
20 enacted to carry out the intent of § 4450 *et seq.*, and have discriminated against
21 Plaintiff on the basis of her disability.

22 48. Plaintiff has no adequate remedies at law, and unless the relief requested
23 herein is granted, Plaintiff will continue to suffer irreparable harm as a result of the
24 Defendants' willful and knowing failure to fulfill their obligations to operate its
25 programs, services and activities in a readily accessible manner, and by failing to
26 remove barriers to disabled access at the Library and Park.

27 Wherefore, Plaintiff prays the Court grant relief as requested herein.
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**FOURTH CAUSE OF ACTION:
CALIFORNIA DISABLED PERSONS ACT (“CDPA”)
Cal. Civ. Code § 54 *et seq.***

49. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1 through 48 of this Complaint as if fully set forth herein.

50. The Library and Park are public places and as such must comply with the provisions of the CDPA, Cal. Civ. Code § 54 *et seq.*

51. The CDPA provides that “[i]ndividuals with disabilities or medical conditions have the same right as the general public to the full and free use of ... public buildings ... public facilities, and other public places.” Cal. Civ. Code § 54(a). The CDPA further provides that “[i]ndividuals with disabilities shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, ... places of public accommodation, amusement, or resort, and other places to which the general public is invited....” Cal. Civ. Code § 54.1(a)(1).

52. A violation of the ADA is a per se violation of the CDPA. Cal. Civ. Code, § 54.1(d).

53. Defendants have violated the CDPA by failing to provide Plaintiff full and equal access to and use of the Library and Park and their related facilities.

54. Pursuant to the remedies, procedures, and rights set forth in Cal. Civ. Code § 54.3(a).

Wherefore, Plaintiff prays for judgment as set forth below.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

1. That this Court issue an injunction pursuant to the ADA and Plaintiff’s related state law claims:

- a) Ordering Defendants to alter their facilities to make such facilities readily accessible to and usable by individuals with disabilities; and

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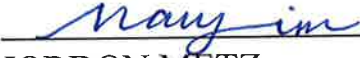
- b) Prohibiting operation of Defendants’ public accommodations and facilities until they provide full and equal access to physically disabled persons, and requiring that such access be immediately provided.
- c) Requiring Defendants to modify their policies, practices and procedures to ensure the full and equal access of their goods and services by persons with disabilities offered by Defendants at the Library and Park to the general public.

2. That this Court award attorneys’ fees, litigation expenses and costs of suit, pursuant to Title II of the ADA, 42 U.S.C. § 12205; Cal. Civ. Code § 55; Cal. Health & Saf. Code § 19953; and Cal. Code of Civ. Proc. § 1021.5; and

3. Such other and further relief as the Court may deem just and proper.

Dated: July 31, 2012

BARBOSA, METZ & HARRISON, LLP

By: 
 JORDON METZ
 MARY J. LIM
 Attorneys for Plaintiff, CONNIE ARNOLD

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all claims for which a jury is permitted.

Dated: July 31, 2012

BARBOSA, METZ & HARRISON, LLP

By: *Maryim*
JORDON METZ
MARY J. LIM
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