

1 **P O R T E R | S C O T T**

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11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**

13 CONNIE ARNOLD

Case No. 2:12-CV-01998-LKK-EFB

14 Plaintiff,  
15 v.

**ANSWER TO COMPLAINT; DEMAND  
FOR JURY TRIAL**

16 COUNTY OF SACRAMENTO;  
17 SACRAMENTO PUBLIC LIBRARY  
18 AUTHORITY; SUNRISE RECREATION &  
19 PARK DISTRICT; and DOES 1 through 50,  
20 inclusive,

Complaint Filed: July 31, 2012  
First Amended: August 27, 2012

21 Defendants.

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23 Defendant SACRAMENTO PUBLIC LIBRARY AUTHORITY (“LIBRARY”) answers the  
24 amended complaint on file in this action as follows:

25 Defendant LIBRARY reserves the right to raise additional affirmative defenses and/or submit  
26 such at trial, which are subsequently discovered through the discovery process. Defendant  
27 LIBRARY denies any allegations of the Complaint not specifically admitted herein.

28 **I.**

**INTRODUCTION**

29 1. Answering paragraph 1, Defendant LIBRARY admits the Americans With  
30 Disabilities Act (“ADA”) was enacted in 1990. Answering the remaining allegations contained in  
31 paragraph 1, Defendant LIBRARY contends the remaining allegations do not constitute averments  
32 of fact to which an answer may be required, but insofar as an answer may be deemed required, this  
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1 answering Defendant generally and specifically denies each and every remaining allegation contained  
2 in said paragraph.

3 2. Answering paragraph 2, Defendant LIBRARY admits Title II of the ADA applies to  
4 public facilities. Defendant lacks information and knowledge sufficient to answer the allegation that  
5 Title II of the ADA applies, without qualification or definition, to “Sylvan Oaks Public Library” or  
6 “Crosswoods Park”, and basing its denial on this ground, denies. Defendant LIBRARY generally  
7 and specifically denies each and every remaining allegation contained in paragraph 2.

8 3. Answering paragraph 3, Defendant LIBRARY generally and specifically denies each  
9 and every allegation contained in paragraph 3, and on that basis, denies paragraph 3 in its entirety.

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11 **II.**

12 **JURISDICTION AND VENUE**

13 4. Answering paragraphs 4 and 5, Defendant LIBRARY contends that said paragraphs  
14 contain conclusions of law and not averments of fact to which an answer may be required, but  
15 insofar as an answer may be deemed required, Defendant LIBRARY generally and specifically  
16 denies each and every allegation contained in said paragraphs.

17 **III.**

18 **PARTIES**

19 5. Answering paragraphs 6 and 7, Defendant LIBRARY lacks information and  
20 knowledge sufficient to answer the allegations in paragraphs 6 and 7, and basing its denial on this  
21 ground, denies each and every allegation thereof.

22 6. Answering paragraph 8, Defendant LIBRARY admits that the County of Sacramento  
23 and the cities of Citrus Heights, Elk Grove and Sacramento are member entities of the LIBRARY.  
24 Defendant LIBRARY further admits the LIBRARY website states “[t]he purpose of the Sacramento  
25 Public Library Authority is to provide public library services that provide open access to diverse  
26 resources and ideas that inspire learning, promote reading and enhance community life to all citizens  
27 in our member jurisdictions.” Defendant LIBRARY generally and specifically denies each and every  
28 remaining allegation contained in paragraph 8.



1 and every allegation contained in said paragraphs. Additionally, Defendant LIBRARY lacks  
2 information and knowledge sufficient to answer the allegations in paragraphs 16, 17 and 18, and  
3 basing its denial on this additional ground, denies each and every allegation thereof. Additionally,  
4 Defendant LIBRARY generally and specifically denies the allegation contained in paragraph 18 that  
5 “designated accessible parking spaces in the parking lot do not provide the required access and do  
6 not comply with minimum accessibility standards for accessible parking spaces.”

7 13. Answering paragraph 19, Defendant LIBRARY generally and specifically denies each  
8 and every allegation contained in paragraph 19, and on that basis, denies paragraph 19 in its entirety.

9 14. Answering paragraph 20, Defendant LIBRARY lacks information and knowledge  
10 sufficient to answer the allegations in paragraph 20 that “Plaintiff found that it was difficult to park  
11 her van in the parking lot and use her wheelchair to reach the Park areas and Library’s entrances”,  
12 and basing its denial on this ground, generally and specifically denies said allegations. Additionally,  
13 Defendant LIBRARY generally and specifically denies the allegation that such difficulty was “due  
14 to a lack of safe pedestrian paths of travel.” Defendant LIBRARY also generally and specifically  
15 denies the allegation contained in paragraph 20 that “[t]hese barriers place Plaintiff and similarly  
16 disabled persons at risk of physical injury, require [sic] her to navigate her wheelchair in parking  
17 areas around and behind vehicles.” Defendant LIBRARY generally and specifically denies each and  
18 every remaining allegation contained in paragraph 20.

19 15. Answering paragraphs 21, 22, 23, 24, 25 and 26, Defendant LIBRARY generally and  
20 specifically denies each and every allegation contained in paragraphs 21, 22, 23, 24, 25 and 26, and  
21 on that basis, denies paragraphs 21, 22, 23, 24, 25 and 26 in their entirety.

22 16. Answering paragraph 27, Defendant LIBRARY lacks information and knowledge  
23 sufficient to answer the allegations in paragraph 27, and basing its denial on this ground, denies each  
24 and every allegation thereof.

25 17. Answering paragraphs 28, 29 and 30, Defendant LIBRARY generally and specifically  
26 denies each and every allegation contained in paragraphs 28, 29 and 30, and on that basis, denies  
27 paragraphs 28, 29 and 30 in their entirety.

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**VI.**

**NOTICE**

18. Answering paragraph 31, Defendant LIBRARY generally and specifically denies each and every allegation contained in Paragraph 31, and on that basis, denies Paragraph 31 in its entirety.

**VII.**

**CLAIMS FOR RELIEF**

**FIRST CAUSE OF ACTION (AMERICANS WITH DISABILITIES ACT)**

19. Answering paragraph 32, this answering Defendant incorporates by reference its responses to paragraphs 1 through 31 above, as though fully restated herein.

20. Answering paragraphs 33 and 34, Defendant LIBRARY contends said paragraphs contain conclusions of law and not averments of fact to which an answer may be required, but insofar as an answer may be deemed required, Defendant LIBRARY generally and specifically denies each and every allegation contained in said paragraphs.

21. Answering paragraphs 35, 36 and 37, Defendant LIBRARY generally and specifically denies each and every allegation contained in paragraphs 35, 36 and 37, and on that basis, denies paragraphs 35, 36 and 37 in their entirety.

**SECOND CAUSE OF ACTION (REHAB ACT)**

22. Answering paragraph 38, this answering Defendant incorporates by reference its responses to paragraphs 1 through 37 above, as though fully restated herein.

23. Answering paragraph 39, Defendant LIBRARY contends that said paragraph does not constitute averments of fact to which an answer may be required, but insofar as an answer may be deemed required, this answering Defendant generally and specifically denies each and every allegation contained in said paragraph.

24. Answering paragraphs 40, 41, 42, 43, and 44, Defendant LIBRARY generally and specifically denies each and every allegation contained in Paragraphs 40, 41, 42, 43, and 44, and on that basis, denies Paragraphs 40, 41, 42, 43, and 44 in their entirety.

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**THIRD AFFIRMATIVE DEFENSE**

This answering Defendant alleges all actions taken were undertaken in good faith and with reasonable belief that said actions were valid, necessary and constitutionally proper, thus the answering Defendant is entitled to qualified immunity.

**FOURTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that this claim is barred by the privileges, immunities and limitations set forth in Government Code §800, et seq., Government Code §900, et seq. and C.C.P. §338, et seq.

**FIFTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that Defendant’s acts were privileged under applicable statutes and case law.

**SIXTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that state law claims are subject to a 90-day stay of proceedings under California Civil Code §§ 55.51-55.54.

**SEVENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges Plaintiff knew, or in the exercise of ordinary care, should have known of the risks, hazards, illnesses and injuries involved in the undertaking in which Plaintiff was engaged, but nevertheless and with full knowledge of these things did fully and voluntarily consent to assume the risks, hazards, illnesses and injuries involved in the undertaking.

**EIGHTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges Plaintiff failed to exercise ordinary care for her own safety and well-being, and that failure to exercise ordinary care proximately caused and/or contributed to the alleged illness and injury plead in the Complaint; consequently, Defendant is entitled to the full protection of the law.

**NINTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges Plaintiff faces no threat of future irreparable harm; therefore, injunctive relief is not available.

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**TENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that this claim is barred by the equitable doctrines of estoppel, waiver, unclean hands, and laches.

**ELEVENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that if Plaintiff sustained the damages alleged in the Complaint, which Defendant denies, Plaintiff's damages were caused in whole or in part by the conduct of third parties for whom Defendant is not responsible, by forces over which Defendant has no control or through acts or omissions on the part of Plaintiff, and therefore, an act or omission on the part of Defendant was not the proximate cause and/or legal cause of the Plaintiff's alleged damages.

**TWELFTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that the injuries and damages Plaintiff complains of, if any, resulted from the acts and or omissions of others, and without any fault on the part of this answering Defendant.

**THIRTEENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that the Complaint is barred in that the relief sought would place an undue financial and administrative burden on this answering Defendant.

**FOURTEENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that the Complaint is barred in that the relief sought would require unreasonable modifications to programs and services.

**FIFTEENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that Plaintiff failed to exhaust his administrative and other state remedies.

**SIXTEENTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that the Complaint is barred because Defendant is not required to make structural changes in existing facilities where other methods are or would be effective to achieve compliance with applicable law.

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**DEMAND FOR JURY TRIAL**

Defendant LIBRARY hereby demands a trial by jury in the above-entitled action as provided by the Seventh Amendment to the United States Constitution and Rule 38 of the Federal Rules of Civil Procedure.

Dated: September 26, 2012

Respectfully submitted,

PORTER SCOTT  
A PROFESSIONAL CORPORATION

By /s/ Lindsay A. Goulding  
Lindsay A. Goulding  
Kevin M. Kreutz  
Attorneys for Defendant SACRAMENTO  
PUBLIC LIBRARY AUTHORITY