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LOS ANGELES  
SUPERIOR COURT

Attorneys for Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 **JIM COHAN;**

11 **Plaintiff,**

12 **v.**

13 **CENTRAL AVE. PHARMACY, INC.;**  
14 **CAUSEY INVESTMENTS; And DOES**  
15 **1 THROUGH 10, Inclusive**

16 **Defendants.**

Case No.

EC 045610

**CIVIL COMPLAINT:**  
**DISCRIMINATORY PRACTICES IN**  
**PUBLIC ACCOMMODATIONS**  
[42 U.S.C. 12182(a) ET. SEQ; CIVIL  
CODE 51, 52, 54, 54.1]

17 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

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19  
20 1. Defendants are, and, at all times mentioned herein, were, a business or  
21 corporation or franchise organized and existing and/or doing business under the laws of  
22 the State of California.

23 2. Plaintiffs are informed and believe and thereon allege that Defendants CENTRAL  
24 AVE. PHARMACY, INC.; and CAUSEY INVESTMENTS are the owners, operators,  
25 and/or lessors of the real property, as well as the business operated thereon.

26 CENTRAL AVE. PHARMACY, INC.

27 MAILING ADDRESS:

1 540 N. CENTRAL AVE.

2 GLENDALE, CA 91203

3 REGISTERED AGENT: HRACH YOUSEFIAN

4 REGISTERED OFFICE:

5 540 N. CENTRAL AVE.

6 GLENDALE, CA 91203

7 PROPERTY OWNER: CAUSEY INVESTMENTS (COMPANY/CORPORATION)

8 PROPERTY ADDRESS: 540 N CENTRAL AVE, GLENDALE, CA 91203

9 COMPANY NAME: CAUSEY INVESTMENTS, A CALIFORNIA LIMITED

10 PARTNERSHIP

11 REGISTERED AGENT: JUNE H. CAUSEY

12 REGISTERED OFFICE:

13 1401 AVOCADO, #901

14 NEWPORT BEACH, CA 92660

15  
16 3. The words "Plaintiffs" and "Plaintiff's Member" as used herein specifically  
17 include the organization and TRIPPLE AAA ASSOCIATION FOR CHILDREN AND  
18 ADULTS WITH DEVELOPMENTAL DISABILITIES, SUING ON BEHALF OF ITS  
19 MEMBERS, JIM COHAN; and persons associated with its Members who accompanied  
20 Members to Defendants' facilities.

21 4. Defendants Does 1 through 10, were at all times relevant herein subsidiaries,  
22 employers, employees, agents, of Defendants CENTRAL AVE. PHARMACY, INC.; and  
23 CAUSEY INVESTMENTS. Plaintiffs are ignorant of the true names and capacities of  
24 Defendants sued herein as Does 1 through 10, inclusive, and therefore sues these  
25 Defendants by such fictitious names. Plaintiffs will pray leave of the court to amend this  
26 complaint to allege the true names and capacities of the Does when ascertained.

27 5. Plaintiffs are informed and believe, and thereon allege, that Defendants and each  
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1 of them herein were, at all times relevant to the action, the owner, lessor, lessee,  
2 franchiser, franchisee, general partner, limited partner, agent, employee, representing  
3 partner, or joint venturer of the remaining Defendants and were acting within the course  
4 and scope of that relationship. Plaintiffs are further informed and believe, and thereon  
5 allege, that each of the Defendants herein gave consent to, ratified, and/or authorized the  
6 acts alleged herein to each of the remaining Defendants.

### 7 CONCISE SET OF FACTS

8 6. Plaintiff's Members JIM COHAN visited the Defendants' facility. Plaintiff has  
9 an impairment.

10 7. Defendants failed to provide auxiliary aids and services that are necessary to  
11 ensure equal access to the goods, services, privileges, or accommodations that it offers.

12 Title 28, part 36.303 of Code of Federal Regulations states:

13 (a) General. A public accommodation shall take those steps that may be  
14 necessary to ensure that no individual with a disability is excluded, denied  
15 services, segregated or otherwise treated differently than other individuals  
16 because of the absence of auxiliary aids and services, unless the public  
17 accommodation can demonstrate that taking those steps would  
18 fundamentally alter the nature of the goods, services, facilities, privileges,  
19 advantages, or accommodations being offered or would result in an undue  
20 burden, i.e., significant difficulty or expense.

21 (b) Examples. The term "auxiliary aids and services" includes:

22 (1) Qualified interpreters, notetakers, computer-aided transcription  
23 services, written materials, telephone handset amplifiers, assistive  
24 listening devices, assistive listening systems, telephones compatible with  
25 hearing aids, closed caption decoders, open and closed captioning,  
26 telecommunications devices for deaf persons (TDD's), videotext displays,  
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1 or other effective methods of making aurally delivered materials available  
2 to individuals with hearing impairments;

3 (2) Qualified readers, taped texts, audio recordings, Brailled materials,  
4 large print materials, or other effective methods of making visually  
5 delivered materials available to individuals with visual impairments;

6 (3) Acquisition or modification of equipment or devices; and

7 (4) Other similar services and actions.

8 (c) Effective communication. A public accommodation shall furnish  
9 appropriate auxiliary aids and services where necessary to ensure effective  
10 communication with individuals with disabilities.

11 Defendants failed to comply with Title 28, part 36.303 of Code of Federal Regulations as  
12 it failed to provide Qualified readers, taped texts, audio recordings, Brailled materials, or  
13 large print materials. Further, Defendants failed to remove architectural barriers as  
14 attached as Exhibit A.

15 8. Plaintiff's Member and Plaintiff(s) have physical impairments because their  
16 conditions affect one or more of the following body systems: neurological,  
17 musculoskeletal, special sense organs, and/or cardiovascular. Further, Plaintiff's  
18 Member and Plaintiff(s) said physical impairments substantially limits one or more of the  
19 following major life activities: seeing and mobility. In addition, Plaintiff's Member and  
20 Plaintiff(s) cannot perform one or more of the said major life activities in the manner,  
21 speed, and duration when compared to the average person. Moreover, Plaintiff's  
22 Member and Plaintiff(s) has a history of or has been classified as having a physical  
23 impairment as required by 42 U.S.C. § 12102(2)(A).

24 9. Plaintiff's Members expressly intend to patronize the establishment and the  
25 property that is the subject of this Complaint in the immediate future.

26 10. Plaintiff's Member was deterred from patronizing the facility.  
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1 **WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST EACH NAMED**  
2 **DEFENDANT**

3 11. Defendants CENTRAL AVE. PHARMACY, INC.; CAUSEY INVESTMENTS;  
4 and Does 1 through 10 will be referred to collectively hereinafter as "Defendants."

5 12. Plaintiffs aver that the Defendants are liable for the following claims as alleged  
6 below:

7 **DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**

8 FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- **Claims Under The**  
9 **Americans With Disabilities Act Of 1990**

10 Claim I

11 13. Based on the facts stated above, Defendants discriminated against Plaintiffs on the  
12 basis of disability in the full and equal enjoyment of the goods, services, facilities,  
13 privileges, advantages, or accommodations of any place of public accommodation as  
14 Defendants own, lease (or lease to), or operate a place of public accommodation in  
15 violation of 42 U.S.C. §12182.

16 Claim II

17 14. Based on the facts stated above, Defendants discriminated against Plaintiffs  
18 directly, or through contractual, licensing, or other arrangements, to a denial of the  
19 opportunity of the individual or class to participate in or benefit from the goods, services,  
20 facilities, privileges, advantages, or accommodations of an entity in violation of 42  
21 U.S.C. §12182.

22 Claim III

23 15. Based on the facts stated above, Defendants discriminated against Plaintiffs as it  
24 is discriminatory to afford an individual or class of individuals, on the basis of a disability  
25 or disabilities of such individual or class, directly, or through contractual, licensing, or  
26 other arrangements with the opportunity to participate in or benefit from a good, service,  
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1 facility, privilege, advantage, or accommodation that is not equal to that afforded to other  
2 individuals in violation of 42 U.S.C. §12182.

3 Claim IV

4 16. Based on the facts stated above, Defendants discriminated against Plaintiffs as it  
5 is discriminatory to provide an individual or class of individuals, on the basis of a  
6 disability or disabilities of such individual or class, directly, or through contractual,  
7 licensing, or other arrangements with a good, service, facility, privilege, advantage, or  
8 accommodation that is different or separate from that provided to other individuals.

9 Claim V

10 17. Based on the facts stated above, Defendants discriminated against Plaintiffs as  
11 Defendants failed to afford to an individual with a disability in the most integrated  
12 setting appropriate to the needs of the individual in violation of 42 U.S.C. §12182.

13 Claim VI

14 18. Based on the facts stated above, Defendants discriminated against Plaintiffs as  
15 Defendants utilized standards or criteria or methods of administration that have the effect  
16 of discriminating on the basis of disability; or that perpetuate the discrimination of others  
17 who are subject to common administrative control in violation of 42 U.S.C. §12182.

18 Claim VII

19 19. Based on the facts stated above, Defendants discriminated against Plaintiffs as it  
20 is discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges,  
21 advantages, accommodations, or other opportunities to an individual or entity because of  
22 the known disability of an individual with whom the individual or entity is known to have  
23 a relationship or association in violation of 42 U.S.C. §12182. See *Niece v. Fitzner* 922 F.  
24 Supp. 1208 (1996)

25 Claim VIII

26 20. Based on the facts stated above, Defendants discriminated against Plaintiffs as  
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