

1 **PINNOCK & WAKEFIELD**

2 A Professional Corporation

3 Theodore A. Pinnock, Esq.

Bar #: 153434

4 David C. Wakefield, Esq.

Bar #: 185736

5 3033 Fifth Avenue, Suite 410

6 San Diego, CA 92103

7 Telephone: 619.858.3671

8 Facsimile: 619.858.3646

9 Attorneys for Plaintiff

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAY 15 2008

John A. Clarke, Executive Officer/Clerk

By: *[Signature]* Deputy
H.M. SWAIN

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

BC391044

12 **JON CARPENTER,**

Case No.

13 **Plaintiff,**

CIVIL COMPLAINT:

DISCRIMINATORY PRACTICES IN

PUBLIC ACCOMMODATIONS

[42 U.S.C. 12182(a) ET. SEQ; CIVIL

CODE 51, 52, 54, 54.1, 54.3]

14 v.

15 **CARMENCITA CHUATECO; 1663**

16 **PHARMACY, INC.; And DOES 1**

17 **THROUGH 10, Inclusive**

UNLIMITED CIVIL CASE -

PERMANENT INJUNCTIVE RELIEF

18 **Defendants.**

19 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

20 1. Plaintiff is informed, believes and thereon alleges that Defendants are, and, at all times
21 mentioned herein, were, a business or corporation or franchise organized and existing and/or
22 doing business under the laws of the State of California. Plaintiff is informed and believes and
23 thereon alleges that Defendants CARMENCITA CHUATECO; 1663 PHARMACY, INC. are the
24 owner, operator, and/or lessor/lessee of the real property and the public accommodation located
25 thereon at the Property Address: 1663 BEVERLY BLVD, LOS ANGELES, CA 90026;
26 Assessor's Parcel Number: 5159-012-030. Defendant CARMENCITA CHUATECO is located at
27 913 BRIGHTON WAY, MONTEBELLO, CA 90640. Defendant 1663 PHARMACY, INC. c/o
28 Registered Agent: ZENAIDA S. SANTOS, located at 1663 BEVERLY BLVD., LOS ANGELES,
CA 90026.

1 2. The words Plaintiff and Plaintiffs as used herein specifically include JON CARPENTER.

2 3. Defendants Does 1 through 10, were at all times relevant herein subsidiaries, employers,
3 employees, agents, of Defendants CARMENCITA CHUATECO; 1663 PHARMACY, INC..

4 Plaintiff is ignorant of the true names and capacities of Defendants sued herein as Does 1 through
5 10, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will pray
6 leave of the court to amend this complaint to allege the true names and capacities of the Does
7 when ascertained.

8 4. Plaintiff is informed and believes, and thereon alleges, that Defendants and each of them
9 herein were, at all times relevant to the action, the owner, lessor, lessee, franchiser, franchisee,
10 general partner, limited partner, agent, employee, representing partner, or joint venturer of the
11 remaining Defendants and were acting within the course and scope of that relationship. Plaintiff
12 is further informed and believe, and thereon allege, that each of the Defendants herein gave
13 consent to, ratified, and/or authorized the acts alleged herein to each of the remaining Defendants.

14 **CONCISE SET OF FACTS**

15 5. Plaintiff JON CARPENTER (hereinafter "Plaintiff") has physical impairments and due to
16 these impairments he has learned to successfully operate a wheelchair for mobility. Plaintiff said
17 physical impairments substantially limit one or more of the following major life activities
18 including but not limited to: walking.

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

26 7. On December 12, 2007, Plaintiff JON CARPENTER wanted to visit Defendants' public
27 accommodation facilities located at Property Address: 1663 BEVERLY BLVD, LOS ANGELES,
28 CA 90026; Assessor's Parcel Number: 5159-012-030 to utilize their goods and/or services. When
Plaintiff JON CARPENTER patronized Defendants' public accommodation facilities, he was

