

FEE WAIVER *pending MAY 15 2008*

FILED IN FORMA PAUPERIS (CRC 985)
PER ORDER DATED _____
AMOUNT RECOVERABLE PURSUANT
TO 68511.3 GC \$ _____
PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGMENT
IF THE PARTY BECOMES A JUDGMENT CREDITOR.

FILED

LOS ANGELES SUPERIOR COURT

MAY 15 2008

JOHN A. CLARKE, CLERK
[Signature]
BY D.M. SWAIN, DEPUTY

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Attorneys for Plaintiff

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

JON CARPENTER,

Plaintiff,

v.

**JONATHAN Y. WU; GRACE J. WU;
CHEERFUL HEART MEDICINE
CORPORATION; And DOES 1
THROUGH 10, Inclusive**

Defendants.

Case No. **BC390794**

CIVIL COMPLAINT:
DISCRIMINATORY PRACTICES IN
PUBLIC ACCOMMODATIONS
[42 U.S.C. 12182(a) ET. SEQ; CIVIL
CODE 51, 52, 54, 54.1, 54.3]

**UNLIMITED CIVIL CASE -
PERMANENT INJUNCTIVE RELIEF**

NAMED DEFENDANTS AND NAMED PLAINTIFF

1. Plaintiff is informed, believes and thereon alleges that Defendants are, and, at all times mentioned herein, were, a business or corporation or franchise organized and existing and/or doing business under the laws of the State of California. Plaintiff is informed and believes and thereon alleges that Defendants JONATHAN Y. WU; GRACE J. WU; CHEERFUL HEART MEDICINE CORPORATION are the owner, operator, and/or lessor/lessee of the real property and the public accommodation located thereon at the Property Address: 3309 N EASTERN AVE, LOS ANGELES, CA 90032; Assessor's Parcel Number: 5213-015-027. Defendant JONATHAN Y. WU; and GRACE J. WU are located at 1455 WEMBLEY RD, SAN MARINO, CA 91108. Defendant CHEERFUL HEART MEDICINE CORPORATION c/o Registered Agent:

William J. Fehey
to Judge

1 CHRISTINE P DENG, located at 3309 N EASTERN AVE, LOS ANGELES, CA 90032.

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

3 3. Defendants Does 1 through 10, were at all times relevant herein subsidiaries, employers,
4 employees, agents, of Defendants JONATHAN Y. WU; GRACE J. WU; CHEERFUL HEART
5 MEDICINE CORPORATION. Plaintiff is ignorant of the true names and capacities of
6 Defendants sued herein as Does 1 through 10, inclusive, and therefore sues these Defendants by
7 such fictitious names. Plaintiff will pray leave of the court to amend this complaint to allege the
8 true names and capacities of the Does when ascertained.

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

15 **CONCISE SET OF FACTS**

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

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

27 7. On December 13, 2007, Plaintiff JON CARPENTER wanted to visit Defendants' public
28

