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LOS ANGELES
SUPERIOR COURT

7 Attorneys for Plaintiff

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

10 **JIM COHAN;**

Case No.

11 **Plaintiff,**

EC 045613

12 v.

CIVIL COMPLAINT:
DISCRIMINATORY PRACTICES IN
PUBLIC ACCOMMODATIONS

13
14 **GLENDALE HAN KUK PHARMACY;**
15 **PACIFIC ENTERPRISES LLC; And**
16 **DOES 1 THROUGH 10, Inclusive**

[42 U.S.C. 12182(a) ET. SEQ; CIVIL
CODE 51, 52, 54, 54.1]

17 **Defendants.**

18
19 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

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 further informed and believe and thereon allege that Defendants
24 **GLENDALE HAN KUK PHARMACY;** and **PACIFIC ENTERPRISES LLC** are the
25 owners, operators, and/or lessors of the real property, as well as the business operated
26 thereon. **GLENDALE HAN KUK PHARMACY, INC.**

27 **MAILING ADDRESS:**

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1 831 NORTH PACIFIC AVENUE #G

2 GLENDALE, CA 91203

3 TYPE: ARTICLES OF INCORPORATION (DOMESTIC)

4 REGISTERED AGENT: SOON H CHOI

5 REGISTERED OFFICE:

6 831 NORTH PACIFIC AVENUE #G

7 GLENDALE, CA 91203

8 PROPERTY OWNER: PACIFIC ENTERPRISES LLC (COMPANY/CORPORATION)

9 PROPERTY ADDRESS: 831 N PACIFIC AVE, GLENDALE, CA 91203

10 COMPANY NAME: PACIFIC ENTERPRISES, LLC

11 REGISTERED AGENT: SOSIK M. KHATCHATURIAN

12 REGISTERED OFFICE:

13 1007 SOUTH CENTRAL AVENUE #100

14 GLENDALE, CA 91204

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 GLENDALE HAN KUK PHARMACY;
23 and PACIFIC ENTERPRISES LLC. Plaintiffs are ignorant of the true names and
24 capacities of Defendants sued herein as Does 1 through 10, inclusive, and therefore sues
25 these Defendants by such fictitious names. Plaintiffs will pray leave of the court to
26 amend this complaint to allege the true names and capacities of the Does when
27 ascertained.

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1 5. Plaintiffs are informed and believe, and thereon allege, that Defendants and each
2 of them herein were, at all times relevant to the action, the owner, lessor, lessee,
3 franchiser, franchisee, general partner, limited partner, agent, employee, representing
4 partner, or joint venturer of the remaining Defendants and were acting within the course
5 and scope of that relationship. Plaintiffs are further informed and believe, and thereon
6 allege, that each of the Defendants herein gave consent to, ratified, and/or authorized the
7 acts alleged herein to each of the remaining Defendants.
8

9 **CONCISE SET OF FACTS**

10 6. Plaintiff's Members JIM COHAN visited the Defendants' facility. Plaintiff has an
11 impairment.

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

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

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

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

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

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

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

9 (4) Other similar services and actions.

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

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

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

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

2 10. Plaintiff's Member was deterred from patronizing the facility.

3 **WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST EACH NAMED**
4 **DEFENDANT**

5 11. Defendants GLENDALE HAN KUK PHARMACY; PACIFIC ENTERPRISES
6 LLC; and Does 1 through 10 will be referred to collectively hereinafter as "Defendants."

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

9 **DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**

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

12 **Claim I**

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

18 **Claim II**

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

24 **Claim III**

25 15. Based on the facts stated above, Defendants discriminated against Plaintiffs as it
26 is discriminatory to afford an individual or class of individuals, on the basis of a disability
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