

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
SOLO PARA USO DE LA CORTE

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

ORIGINAL FILED

GLENDALE HAN KUK PHARMACY; PACIFIC ENTERPRISES LLC; And DOES 1 THROUGH 10, Inclusive

SEP 28 2007

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**LOS ANGELES
SUPERIOR COURT**

JIM COHAN;

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California, County of Los Angeles
North Central District, Glendale Courthouse
600 East Broadway, Glendale, CA 91206

CASE NUMBER **EC 045613**
(Número del Caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Theodore A. Pinnock, Esq., SBN: 153434, PINNOCK & WAKEFIELD, A.P.C.
3033 Fifth Avenue, Suite 410, San Diego, CA 92103, Telephone: (619) 858-3671, Facsimile: (619) 858-3646

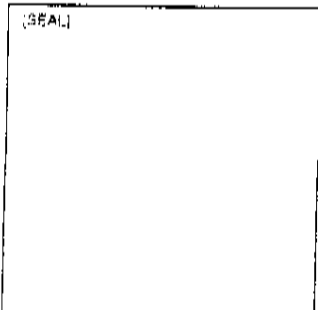
DATE: **SEP 28 2007** JOHN A. CLARKE, CLERK Clerk, by **JENNIFER YOUNG DEPUTY CLERK** Deputy Clerk
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

- 3. on behalf of (specify): **GLENDALE HAN KUK PHARMACY**
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- 4. by personal delivery on (date):



SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		ORIGINAL FILED <small>Reserved for Clerk's Office Use</small>
COURTHOUSE ADDRESS: Glendale Superior Court 600 East Broadway, Glendale, CA 911206		SEP 28 2007
PLAINTIFF:	JIM COITAN	LOS ANGELES SUPERIOR COURT
DEFENDANT:	GLENDALE HAN KUK PHARMACY, et al.	
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: EC 045613

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

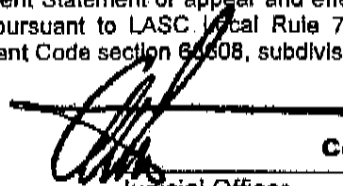
Date: 2-14-06	Time: 8:30 a.m.	Div./Dept.: D E
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Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order dismissing fictitious/unnamed defendants; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68008, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: **SEP 28 2007**


Coleman A. Swart
 Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

- by depositing in the United States mail at the courthouse in _____, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- by personally giving the party notice upon filing of the complaint.

JOHN A. CLARKE, Executive/Officer Clerk

JENNIFER YOUNG DEPUTY CLERK

By _____
Deputy Clerk

Dated: **SEP 28 2007**

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		RESERVED FOR CLERK'S FILE STAMP ORIGINAL FILED
North Central District 600 East Broadway Glendale, CA 91205		SEP 28 2007 LOS ANGELES SUPERIOR COURT
NOTICE OF ORDER TO SHOW CAUSE RE FAILURE TO COMPLY WITH TRIAL COURT DELAY REDUCTION ACT		CASE NUMBER: EC 045613

TO THE PLAINTIFF(S) AND/OR THEIR ATTORNEY(S) OF RECORD:

Pursuant to California Rules of Court, Rule 3.110, all complaints shall be served and a proof of service thereof shall be filed within 60 days of the date the complaint is filed, unless the defendant makes an appearance within that 60 days. Plaintiff's failure to meet this deadline may result in sanctions.

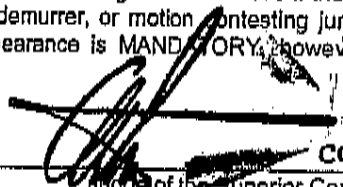
PLEASE TAKE NOTE that this matter is set for an order to show cause why the plaintiff should not be sanctioned for failure to comply with the rules described above on:

Date: 12-12-07	Time: 8:30 a.m.	Dept. NC-D NC-E
Address: 600 East Broadway, Glendale, CA 91205		

At such time and place, the Court may (1) impose such sanctions as are authorized by law, including dismissal for failure to prosecute (Code of Civil Procedure Section 583.150 and Government Code Section 68608(b)) and (2) make further appropriate orders regarding the preparation of the case for trial.

PLEASE TAKE FURTHER NOTICE that no appearance is necessary at the hearing set forth above if there is (1) a proof of service filed and/or (2) an appearance in the action (i.e. by answer, demurrer, or motion contesting jurisdiction) by each named defendant BEFORE the date set for hearing. Plaintiff's appearance is MANDATORY, however, if any named defendant remains unserved at the date set for the hearing.

Date: **SEP 28 2007**


COLEMAN A. SWART
Judge of the Superior Court

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the NOTICE OF ORDER TO SHOW CAUSE RE FAILURE TO COMPLY WITH TRIAL COURT DELAY REDUCTION ACT upon each party or counsel named below:

- By depositing in the United States mail at the courthouse in _____, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- by personally giving the party a copy of this notice upon filing of the complaint.

[]]
[]]

SEP 23 2007

Date: _____

John A. Clarke, Executive /Officer Clerk
JENNIFER YOUNG DEPUTY CLERK
By _____, Deputy Clerk

THE SUPERIOR COURT
NORTH CENTRAL DISTRICT

CASE NO. EC 045613

TO ATTORNEY OF RECORD

ASSIGNED TO JUDGE CHARLES W. STOLL / LAURA A. MATZ
FOR ALL PROCEEDINGS, IN DEPT. NCD / NCE
600 EAST BROADWAY, GLENDALE, CALIFORNIA 91205

Your case has been assigned to the Trial Delay Reduction Program in Los Angeles County Superior Court. It is your responsibility as an attorney to immediately familiarize yourself with the detailed provisions of Chapter 7, Los Angeles Superior Court Rules. A reading of this notice does not relieve you of these rules. The following critical provisions are summarized for your assistance in avoiding immediate and severe rule violations.

APPLICATION

The Chapter 7 Rules shall apply to all civil cases filed in or transferred to the North Central District.

PRIORITY OVER OTHER RULES

All Court policy statements and policy manuals will be applicable, if appropriate, except to the extent that they are inconsistent with Chapter 7 Rules or any orders made hereunder.

TIME STANDARDS

Cases filed in or transferred to the North Central District will be subject to processing under the following standards:

- | | |
|--------------------------|---|
| Complaints: | All complaints shall be served and a proof of service shall be filed within 60 days of filing. |
| Cross-Complaints: | Without leave of Court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaint and a proof of service shall be filed within 30 days of filing date. |

LOS ANGELES SUPERIOR COURT
CIVIL ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAMS
[CRC 3.221 Information about Alternative Dispute Resolution]

The plaintiff shall serve a copy of the ADR Information package on each defendant along with the complaint.

ADR PROGRAMS

"Alternative Dispute Resolution (ADR)" is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes such as arbitration, mediation, early neutral evaluation (ENE), and settlement conferences, are less formal than court and provide opportunities for litigants to reach an agreement using a problem-solving approach rather than the more adversarial approach of litigation.

MEDIATION A neutral third party called a "mediator" helps participants in the dispute create their own resolution. The mediator helps facilitate a discussion in which the parties reach a mutually agreed upon settlement. Therefore, mediation allows for more creative resolutions to disputes than other ADR processes.

The Court Mediation Program is governed by Code of Civil Procedure sections 1775-1775.15, California Rules of Court, Rules 3.850-3.868 and 3.870-3.878; Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, Chapter 12.

ARBITRATION A neutral third party called an "arbitrator" listens to each side in the dispute present its case. The arbitrator, who is an attorney, issues a decision based on the evidence. Although evidence is presented, arbitration is a less formal process than litigation. The decision is non-binding unless the parties agree in writing to binding arbitration.

The Court Arbitration Program is governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, Rules 3.810-3.830, and Los Angeles Superior Court Rules, Chapter 12.

ENE A neutral third party called an "evaluator" will provide the parties and their counsel, on a voluntary basis and in a confidential session, the opportunity to make summary presentations of their claims and defenses, including key evidence. After hearing the presentations, the evaluator, who is an experienced lawyer with subject-matter expertise, offers a non-binding evaluation.

The evaluator will also help clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions, and, if requested by parties, settlement assistance. Although settlement is not the primary goal of ENE, the ENE process can reduce litigation time and costs and promote settlement.

The Court ENE Program is governed by Los Angeles Superior Court Rules, Chapter 12.

SETTLEMENT CONFERENCE A neutral third party called a "settlement officer," who is also a retired judge, assists the parties in negotiating their own settlement and may evaluate the strengths and weaknesses of the case.

JURISDICTIONAL LIMITATIONS

MEDIATION, ARBITRATION & ENE Any case in which the amount in dispute is between \$25,000-\$50,000 per plaintiff, and was not previously referred to the Court ADR Program, can be sent to the Court ADR Program for mediation, arbitration, or ENE by stipulation, election by plaintiff or order of the court.

Parties may *voluntarily* request or initiate a mediation or arbitration proceeding, regardless of the amount in dispute.

SETTLEMENT CONFERENCE Any case, regardless of the amount in dispute, may be ordered to a settlement conference. There is no monetary limit.

REFERRAL INFORMATION

After the Court determines the suitability of a case for ADR, the Court directs the parties to the ADR Department to initiate the ADR process. Once the parties have completed the ADR intake forms, a Neutral may be selected.

**LOS ANGELES COUNTY
DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS**

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

**Asian-Pacific American Dispute Resolution Center
(213) 250-8190
(Spanish & Asian languages capability)**

**California Academy of Mediation Professionals
(818) 377-7250**

**Center for Conflict Resolution
(818) 380-1840**

**Inland Valleys Justice Center
(909) 397-5780
(Spanish language capability)**

**Office of the Los Angeles City Attorney Dispute Resolution Program
(213) 485-8324
(Spanish language capability)**

**Los Angeles County Bar Association Dispute Resolution Services
toll free number 1-877-4Resolve (737-6583) or (213) 896-6533
(Spanish language capability)**

**Los Angeles County Department of Consumer Affairs
(213) 974-0825
(Spanish language capability)**

**The Loyola Law School Center for Conflict Resolution
(213) 736-1145
(Spanish language capability)**

**Martin Luther King Legacy Association Dispute Resolution Center
(323) 290-4132
(Spanish language capability)**

**City of Norwalk
(562) 929-5603**

DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.

THIS IS A TWO-SIDED DOCUMENT.

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	<i>Reserved for Clerk's File Stamp</i>
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)		CASE NUMBER:

The undersigned parties stipulate to participate in an Alternative Dispute Resolution (ADR) process in the above-entitled action, as follows:

- Mediation
- Non-Binding Arbitration
- Binding Arbitration
- Early Neutral Evaluation
- Settlement Conference
- Other ADR Process (*describe*): _____

Dated: _____

 Name of Stipulating Party
 Plaintiff Defendant Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

 Name of Stipulating Party
 Plaintiff Defendant Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

 Name of Stipulating Party
 Plaintiff Defendant Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

 Name of Stipulating Party
 Plaintiff Defendant Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

Additional signature(s) on reverse

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Theodore A. Pinnock, Esq. SBN:153434
PINNOCK & WAKEFIELD, A.P.C.
3033 Fifth Avenue, Suite 410
San Diego, CA 92103
TELEPHONE NO. (619) 858-3671 FAX NO.: (619) 858-3646
ATTORNEY FOR (Name) Plaintiff

FOR COURT USE ONLY
ORIGINAL FILED
SEP 28 2007
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 600 East Broadway
MAILING ADDRESS: 600 East Broadway
CITY AND ZIP CODE: Glendale, CA 91206
BRANCH NAME: Glendale Courthouse

CASE NAME: JIM COHAN; v. GLENDALE HAN KUK PHARMACY;
PACIFIC ENTERPRISES LLC; AND DOES 1 THROUGH 10, Inclusive

CIVIL CASE COVER SHEET
 Unlimited
(Amount demanded exceeds \$25,000)
 Limited
(Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
EC 045613
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input checked="" type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 2
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 09/24/2007
Theodore A. Pinnock, Esq. (TYPE OR PRINT NAME)  (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract *(not unlawful detainer or wrongful eviction)*
 - Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment *(non-domestic relations)*
 - Sister State Judgment
 - Administrative Agency Award *(not unpaid taxes)*
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint *(not specified above)* (42)
- Declaratory Relief Only
- Injunctive Relief Only *(non-harassment)*
- Mechanics Lien
- Other Commercial Complaint Case *(non-tort/non-complex)*
- Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

SHORT TITLE

JIM COHAN; v. GLENDALE HAN KUK PHARMACY

CASE NUMBER

EC 045613

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 3 HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – if you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 2, 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 2, 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 2, 3, 4, 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 2, 4. 1, 2, 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 2, 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 2, 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1, 2, 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1, 2, 4.	
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3.	
Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, ③	
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3.	
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3.	
Non-Personal Injury/Property Damage/Wrongful Death Tort			

Non-Personal Injury/Property Damage/
 Wrongful Death Tort (Cont'd.)
 Employment
 Contract
 Real Property
 Unlawful Detainer
 Judicial Review

SHORT TITLE JIM COHAN; v. GLENDALE HAN KUK PHARMACY	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A8025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negllgence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negllgence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: JIM COHAN, v. GLENDALE HAN KUK PHARMACY	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

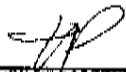
SHORT TITLE: <u>JIM COHAN, v. GLENDALE HAN KUK PHARMACY</u>	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON. CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: <u>831 N. PACIFIC AVENUE</u>
CITY: <u>GLENDALE</u>	STATE: <u>CA</u>	ZIP CODE: <u>91203</u>	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Glendale courthouse in the North Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 09/24/2007



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

1 **PINNOCK & WAKEFIELD**

2 A Professional Corporation
3 Theodore A. Pinnock, Esq.
4 David C. Wakefield, Esq.
5 Michelle L. Wakefield, Esq.
6 3033 Fifth Avenue, Suite 410
7 San Diego, CA 92103
8 Telephone: 619.858.3671
9 Facsimile: 619.858.3646

Bar #: 153434
Bar #: 185736
Bar #: 200424

ORIGINAL FILED

SEP 28 2007

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

16 **Defendants.**

Case No.

EC 045613

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

17
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:**

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

20 4. Defendants Does 1 through 10, were at all times relevant herein subsidiaries,
21 employers, employees, agents, of Defendants GLENDALE HAN KUK PHARMACY;
22 and PACIFIC ENTERPRISES LLC. Plaintiffs are ignorant of the true names and
23 capacities of Defendants sued herein as Does 1 through 10, inclusive, and therefore sues
24 these Defendants by such fictitious names. Plaintiffs will pray leave of the court to
25 amend this complaint to allege the true names and capacities of the Does when
26 ascertained.
27
28

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
27

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
27
28

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
27

1 or disabilities of such individual or class, directly, or through contractual, licensing, or
2 other arrangements with the opportunity to participate in or benefit from a good, service,
3 facility, privilege, advantage, or accommodation that is not equal to that afforded to other
4 individuals in violation of 42 U.S.C. §12182.

5 Claim IV

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

11 Claim V

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

15 Claim VI

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

20 Claim VII

21 19. Based on the facts stated above, Defendants discriminated against Plaintiffs as it
22 is discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges,
23 advantages, accommodations, or other opportunities to an individual or entity because of
24 the known disability of an individual with whom the individual or entity is known to have
25 a relationship or association in violation of 42 U.S.C. §12182. See Niece v. Fitzner 922 F.
26 Supp. 1208 (1996)
27

1 Claim VIII

2 20. Based on the facts stated above, Defendants discriminated against Plaintiffs as
3 Defendants engaged in the specific prohibitions as stated in 42 U.S.C. §12182.

4 Claim IX

5 21. Based on the facts stated above, Defendants discriminated against Plaintiffs as
6 Defendant failed to demonstrate that the removal of a barrier is not readily achievable,
7 and made such goods, services, facilities, privileges, advantages, or accommodations
8 available through alternative methods in a segregated manner in violation of 42 U.S.C.
9 §12182.

10 Claim X

11 22. Based on the facts stated above, Defendants discriminated against Plaintiffs as
12 Defendants altered the use of their establishment in a manner that affected or could have
13 affected the usability of the facility or part thereof and failed to make alterations in such a
14 manner that, to the maximum extent feasible, the altered portions of the facility are
15 readily accessible to and usable by individuals with disabilities, including individuals
16 who use wheelchairs in violation of 42 U.S.C. §12183.

17 23. WHEREFORE, Plaintiffs pray for judgment and relief as hereinafter set forth.

18
19 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER**
20 **CALIFORNIA ACCESSIBILITY LAWS**

21 **CLAIM I: Denial Of Full And Equal Access**

22 24. Based on the facts plead above and elsewhere in this complaint, Plaintiff's
23 Member and Plaintiff(s) was denied full and equal access to Defendants' goods, services,
24 facilities, privileges, advantages, or accommodations within a public accommodation
25 owned, leased, and/or operated by Defendants as required by Civil Code Sections 54 and
26 54.1.

27 **CLAIM II: Failure To Modify Practices, Policies And Procedures**

1 25. Based on the facts plead at ¶¶ 6-16 above and elsewhere herein this complaint,
2 Defendants failed and refused to provide a reasonable alternative by modifying its
3 practices, policies, and procedures in that they failed to have a scheme, plan, or design to
4 assist Plaintiffs and/or others similarly situated in entering and utilizing Defendants'
5 services as required by Civil Code § 54.1. Thus, Plaintiff's Member and Plaintiff(s) were
6 subjected to discrimination in violation of Civil Code § 54.1.

7
8 **CLAIM III: Violation Of The Unruh Act**

9 26. Based on the facts plead above and elsewhere herein this complaint and because
10 Defendants violated the Civil Code § 51 by failing to comply with 42 United States Code
11 § 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and continue to
12 knowingly discriminate against Plaintiffs and persons similarly situated in violation of
13 Civil Code §§ 51, 52, and 54.1. Plaintiffs allege the access violations alleged here are so
14 obvious as to implicate at least a prima facie case of discriminatory intent.

15 27. Based on the facts plead above, Claims I, II, and III of Plaintiffs' Second Cause
16 Of Action above, and the facts elsewhere herein this complaint, Plaintiffs will suffer
17 irreparable harm unless Defendants are ordered to remove architectural, non-
18 architectural, and communication barriers at Defendants' public accommodation.
19 Plaintiffs allege that Defendants' discriminatory conduct is capable of repetition, and this
20 discriminatory repetition adversely impacts Plaintiffs and a substantial segment of the
21 disability community. Plaintiffs allege there is a state and national public interest in
22 requiring accessibility in places of public accommodation. Plaintiffs have no adequate
23 remedy at law to redress the discriminatory conduct of Defendants. Plaintiffs desire to
24 return to Defendants' places of business in the immediate future. Accordingly, the
25 Plaintiffs allege that a structural or mandatory injunction is necessary to enjoin
26 compliance with state civil rights laws enacted for the benefit of individuals with
27 disabilities.

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28. Wherefore, Plaintiffs pray for damages and relief as hereinafter stated.


DEMAND FOR JUDGMENT FOR RELIEF:

- A. For injunctive relief pursuant to 42 U.S.C. § 12188(a).
- B. For damages pursuant to Cal. Civil Code § 52 or 54.3
- C. For attorneys fees pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, and Cal. Civil Code § 51, 52; 54.3;
- D. A Jury Trial and;
- E. For such other further relief as the court deems proper.

Respectfully submitted:

PINNOCK & WAKEFIELD, A.P.C.

Dated: September 6, 2007

By: 

THEODORE A. PINNOCK, ESQ.
MICHELLE L. WAKEFIELD, ESQ.
Attorneys for Plaintiffs

**ACCESSIBILITY SURVEY
ADA TITLE III**

Disability Compliance Documentation

Reported August 6, 2007

GLENDALE HAN KUK PHARMACY
831 PACIFIC AVE.
GLENDALE 91203

Report of Findings

I. IN GENERAL

This report focuses on architectural barriers and the provision of auxiliary aids which may challenge access to goods or services. This is only a preliminary report conducted to comply with Rule 11 of the Federal Rules of Civil Procedure.

- II. AUXILIARY AIDS: The pharmacy provides written information to customers without offering large print, Braille or taped text. Written information in the form of medicine instructions is given to customers to take home.

A pharmacy must provide the Auxiliary Aids as follows:

- a. Purchase Braille Translation Software: The industry leading multi-platform, multi-language Braille translator for anyone from the casual user to the power user. **Approximate Cost Price: \$580.00. The purpose of the device is to translate current word documents to be printed as Braille.**
- b. Purchase or provide Digital Dictating Machine/Voice. **Approximate Cost Price: \$15.00. The purpose of this machine is to provide taped text to**

Exhibit A

customers that are blind that do not read Braille.

c. Provide large Print by using Microsoft Word.

Large Print is 16 point or greater upon customer request.

d. Provide Qualified Reader - A trained employee who reads the prescriptions. Costs -none.

e. Provide signage as to the availability of auxiliary aids;

f. Provide staff training as to how to provide auxiliary aids and to provide staff training to recognize customers with sight impairments to offer available auxiliary aids.

III. ARCHITECTURAL BARRIERS

A. VIOLATIONS

At the parking entrance there is no disabled parking tow away sign
Public places are not on an accessible route of travel
The accessible route in public spaces is 28''
There is not a 5-foot or T-shape space for turning a wheelchair around completely

This report contains a number of serious violations to the accessibility Standards as outlined in the ADA Act of 1990 Title III, and the California Accessibility Standards Title 24. However, more violations could, and perhaps do exist. A more detailed study must be conducted to identify all violations. Such a study is beyond the scope of the violations noted in this survey.