

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PINNOCK & WAKEFIELD

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DEPUTY

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**TRIPPLE AAA
ASSOCIATION FOR
CHILDREN AND ADULTS
WITH DEVELOPMENTAL
DISABILITIES, SUING ON
BEHALF OF ITS MEMBERS
AND LISSA DOE;**

Plaintiffs,

v.

**PARK MEDICAL
PHARMACY, INC. d.b.a.
MEDICAL CENTER
PHARMACY; CENTRE
MEDICAL PLAZA, A
California Limited
Partnership, d.b.a. MEDICAL
CENTER PHARMACY;
CENTRE MEDICAL
PLAZA; CHULA VISTA**

Case No. '07 CV 0940IEG **CAB**

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

**DEMAND FOR JURY
TRIAL
[F.R.Civ.P. rule 38(b)]**

1 **MOB, LLC; CHULA VISTA**
2 **DOCTORS PARK, LTD., A**
3 **California Limited**
4 **Partnership; SANCHEZ**
5 **FAMILY, LP; And DOES 1**
6 **THROUGH 10, Inclusive**

7 **Defendants.**

8
9 **INTRODUCTION**

10 Plaintiffs herein complain, by filing this Civil Complaint in
11 accordance with rule 8 of the Federal Rules of Civil Procedure in
12 the Judicial District of the United States District Court of the
13 Southern District of California, that Defendants have in the past,
14 and presently are, engaging in discriminatory practices against
15 individuals with disabilities. Therefore, Plaintiffs make the
16 following allegations in this federal civil rights action:
17

18 **JURISDICTION AND VENUE**

19 1. The federal jurisdiction of this action is based on the
20 Americans with Disabilities Act, 42 United States Code 12101-
21 12102, 12181-12183 and 12201, et seq. Venue in the Judicial
22 District of the United States District Court of the Southern District
23 of California is in accordance with 28 U.S.C. § 1391(b) because a
24 substantial part of Plaintiffs' claims arose within the Judicial
25 District of the United States District Court of the Southern District
26 of California.

27 **SUPPLEMENTAL JURISDICTION**

28 2. The Judicial District of the United States District Court of the

1 Southern District of California has supplemental jurisdiction over
2 the state claims as alleged in this Complaint pursuant to 28 U.S.C.
3 § 1367(a). The reason supplemental jurisdiction is proper in this
4 action is because all the causes of action or claims derived from
5 federal law and those arising under state law, as herein alleged,
6 arose from common nucleus of operative facts. The common
7 nucleus of operative facts, include, but are not limited to, the
8 incidents where Plaintiffs were denied full and equal access to
9 Defendants' facilities, goods, and/or services in violation of both
10 federal and state laws when they attempted to enter, use, and/or
11 exit Defendants' facilities as described below within this
12 Complaint. Further, due to this denial of full and equal access,
13 **TRIPPLE AAA ASSOCIATION FOR CHILDREN AND**
14 **ADULTS WITH DEVELOPMENTAL DISABILITIES, SUING**
15 **ON BEHALF OF ITS MEMBERS** and other persons with
16 disabilities were injured. Based upon the said allegations, the state
17 actions, as stated herein, are so related to the federal actions that
18 they form part of the same case or controversy and the actions
19 would ordinarily be expected to be tried in one judicial proceeding.

20 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

21 3. Defendants are, and, at all times mentioned herein, were, a
22 business or corporation or franchise organized and existing and/or
23 doing business under the laws of the State of California. Plaintiffs
24 are further informed and believe and thereon allege that
25 Defendants, as attached as Exhibit A, are the owners, operators,
26 and/or lessors of the real property, as well as the business operated
27 thereon.
28

1 4. The words "Plaintiffs" and "Plaintiff's Member" as used
2 herein specifically include the organization and TRIPPLE AAA
3 ASSOCIATION FOR CHILDREN AND ADULTS WITH
4 DEVELOPMENTAL DISABILITIES , SUING ON BEHALF OF
5 ITS MEMBERS, LISSA DOE; and persons associated with its
6 Members who accompanied Members to Defendants' facilities.
7 Defendants Does 1 through 10, were at all times relevant herein
8 subsidiaries, employers, employees, agents, of Defendants in
9 attached as Exhibit A. Plaintiffs are ignorant of the true names and
10 capacities of Defendants sued herein as Does 1 through 10,
11 inclusive, and therefore sues these Defendants by such fictitious
12 names. Plaintiffs will pray leave of the court to amend this
13 complaint to allege the true names and capacities of the Does when
14 ascertained.

15 5. Plaintiffs are informed and believe, and thereon allege, that
16 Defendants and each of them herein were, at all times relevant to
17 the action, the owner, lessor, lessee, franchiser, franchisee, general
18 partner, limited partner, agent, employee, representing partner, or
19 joint venturer of the remaining Defendants and were acting within
20 the course and scope of that relationship. Plaintiffs are further
21 informed and believe, and thereon allege, that each of the
22 Defendants herein gave consent to, ratified, and/or authorized the
23 acts alleged herein to each of the remaining Defendants.
24

25
26 **CONCISE SET OF FACTS**

27 6. Plaintiff's Members Lissa Doe contacted the Defendants.
28 Plaintiff Doe has cerebral palsy and a sight impairment. Plaintiff

1 Doe contacted Defendant with the intent of buying medicine if
2 auxiliary aids were provided and she was informed such aids were
3 not provided.

4 7. Defendants failed to provide auxiliary aids and services that
5 are necessary to ensure equal access to the goods, services,
6 privileges, or accommodations that it offers. Title 28, part 36.303
7 of Code of Federal Regulations states:

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

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

21 (1) Qualified interpreters, notetakers, computer-aided
22 transcription services, written materials, telephone
23 handset amplifiers, assistive listening devices, assistive
24 listening systems, telephones compatible with hearing
25 aids, closed caption decoders, open and closed
26 captioning, telecommunications devices for deaf
27 persons (TDD's), videotext displays, or other effective
28

1 methods of making aurally delivered materials available
2 to individuals with hearing impairments;

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

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

10 (4) Other similar services and actions.

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

15 Defendants failed to comply with Title 28, part 36.303 of Code of
16 Federal Regulations as it failed to provide Qualified readers, taped
17 texts, audio recordings, Brailled materials, or large print materials.

18 Further, Defendants failed to remove architectural barriers as
19 attached as attached as Exhibit B.

20 8. Plaintiff's Member and Plaintiff(s) have physical
21 impairments because their conditions affect one or more of the
22 following body systems: neurological, musculoskeletal, special
23 sense organs, and/or cardiovascular. Further, Plaintiff's Member
24 and Plaintiff(s) said physical impairments substantially limits one
25 or more of the following major life activities: walking and sight.
26 In addition, Plaintiff's Member and Plaintiff(s) cannot perform one
27 or more of the said major life activities in the manner, speed, and
28

1 duration when compared to the average person. Moreover,
2 Plaintiff's Member and Plaintiff(s) has a history of or has been
3 classified as having a physical impairment as required by 42
4 U.S.C. § 12102(2)(A).

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

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

10
11 **WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST**
12 **EACH NAMED DEFENDANT**

13 10. Defendants as attached as Exhibit A and Does 1 through 10
14 will be referred to collectively hereinafter as "Defendants."

15 11. Plaintiffs aver that the Defendants are liable for the following
16 claims as alleged below:

17
18 **DISCRIMINATORY PRACTICES IN PUBLIC**
19 **ACCOMMODATIONS**

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

22 **Claim I**

23 12. Based on the facts stated above, Defendants discriminated
24 against Plaintiffs on the basis of disability in the full and equal
25 enjoyment of the goods, services, facilities, privileges, advantages,
26 or accommodations of any place of public accommodation as
27 Defendants own, lease (or lease to), or operate a place of public
28

1 accommodation in violation of 42 U.S.C. §12182.

2 Claim II

3 13. Based on the facts stated above, Defendants discriminated
4 against Plaintiffs directly, or through contractual, licensing, or
5 other arrangements, to a denial of the opportunity of the individual
6 or class to participate in or benefit from the goods, services,
7 facilities, privileges, advantages, or accommodations of an entity
8 in violation of 42 U.S.C. §12182.

9 Claim III

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

18 Claim IV

19 15. Based on the facts stated above, Defendants discriminated
20 against Plaintiffs as it is discriminatory to provide an individual or
21 class of individuals, on the basis of a disability or disabilities of
22 such individual or class, directly, or through contractual, licensing,
23 or other arrangements with a good, service, facility, privilege,
24 advantage, or accommodation that is different or separate from that
25 provided to other individuals.

26 Claim V

27 16. Based on the facts stated above, Defendants discriminated
28

1 against Plaintiffs as Defendants failed to afforded to an individual
2 with a disability in the most integrated setting appropriate to the
3 needs of the individual in violation of 42 U.S.C. §12182.

4 Claim VI

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

11 Claim VII

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

20 Claim VIII

21 19. Based on the facts stated above, Defendants discriminated
22 against Plaintiffs as Defendants engaged in the specific
23 prohibitions as stated in 42 U.S.C. §12182.

24 Claim IX

25 20. Based on the facts stated above, Defendants discriminated
26 against Plaintiffs as Defendant failed to demonstrate that the
27 removal of a barrier is not readily achievable, and made such
28

1 goods, services, facilities, privileges, advantages, or
2 accommodations available through alternative methods in a
3 segregated manner in violation of 42 U.S.C. §12182.

4 **Claim X**

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

13 22. WHEREFORE, Plaintiffs pray for judgment and relief as
14 hereinafter set forth.
15

16 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS**
17 **- CLAIMS UNDER CALIFORNIA ACCESSIBILITY LAWS**

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

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

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

27 24. Based on the facts plead at ¶¶ 6-16 above and elsewhere
28 herein this complaint, Defendants failed and refused to provide a

1 reasonable alternative by modifying its practices, policies, and
2 procedures in that they failed to have a scheme, plan, or design to
3 assist Plaintiffs and/or others similarly situated in entering and
4 utilizing Defendants' services as required by Civil Code § 54.1.
5 Thus, Plaintiff's Member and Plaintiff(s) were subjected to
6 discrimination in violation of Civil Code § 54.1.

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

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

16 26. Based on the facts plead above, Claims I, II, and III of
17 Plaintiffs' Second Cause Of Action above, and the facts elsewhere
18 herein this complaint, Plaintiffs will suffer irreparable harm unless
19 Defendants are ordered to remove architectural, non-architectural,
20 and communication barriers at Defendants' public accommodation.
21 Plaintiffs allege that Defendants' discriminatory conduct is capable
22 of repetition, and this discriminatory repetition adversely impacts
23 Plaintiffs and a substantial segment of the disability community.
24 Plaintiffs allege there is a state and national public interest in
25 requiring accessibility in places of public accommodation.
26 Plaintiffs have no adequate remedy at law to redress the
27 discriminatory conduct of Defendants. Plaintiffs desire to return to
28

1 Defendants' places of business in the immediate future.
2 Accordingly, the Plaintiffs allege that a structural or mandatory
3 injunction is necessary to enjoin compliance with state civil rights
4 laws enacted for the benefit of individuals with disabilities.

5 27. Wherefore, Plaintiffs pray for damages and relief as
6 hereinafter stated.

7
8
9 DEMAND FOR JUDGMENT FOR RELIEF:

- 10 A. For injunctive relief pursuant to 42 U.S.C. § 12188(a).
- 11
- 12 B. For damages pursuant to Cal. Civil Code § 52 or 54.3
- 13
- 14 C. For attorneys fees pursuant to 42 U.S.C. § 1988, 42 U.S.C.
15 § 12205, and Cal. Civil Code § 51, 52; 54.3;
- 16 D. A Jury Trial and;
- 17
- 18 E. For such other further relief as the court deems proper.

19 Respectfully submitted:

20
21 PINNOCK & WAKEFIELD, A.P.C.

22 Dated: May 23, 2007

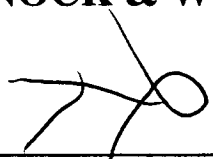
23 By: 
24 THEODORE A. PINNOCK, ESQ.
25 Attorneys for Plaintiffs
26
27
28

EXHIBIT A**A. BUSINESS LOCATIONS**

1. **Medical Center Pharmacy**
1635 Third Ave., Ste. A
Chula Vista, CA
(619) 585-8818
2. **Medical Center Pharmacy**
855 Third Ave., Ste. 1102
Chula Vista, CA
(619) 585-0665
3. **Medical Center Pharmacy**
480 Fourth Ave.
Chula Vista, CA 91910
(619) 427-1444
4. **Medical Center Pharmacy**
340 Fourth Ave., Ste. 1
Chula Vista, CA 91910
(619) 422-9291

B. OWNER OF MEDICAL CENTER PHARMACY

1. **PARK MEDICAL PHARMACY INC.; CENTRE MEDICAL PLAZA, A CALIFORNIA LIMITED PARTNERSHIP**
 - a. **PARK MEDICAL PHARMACY INC**
Business Address:
12395 EL CAMINO REAL
SAN DIEGO, CA 92130-3082
 - b. **Company Name: CENTRE MEDICAL PLAZA, A CALIFORNIA LIMITED PARTNERSHIP**
Business Address:
1875 THIRD AVENUE

EXHIBIT A

SAN DIEGO, CA 92101

2. TO BE SERVED

Registered Agent: JAMES V. PIERI

Registered Office:

765 THIRD AVE., STE. 212

CHULA VISTA, CA 91910

C. LANDLORD OF Property Address: 480 4TH AVE, CHULA VISTA, CA 91910-4410, Assessor's Parcel Number: 568-370-45

1. CHULA VISTA MOB, LLC

2. TO BE SERVED

Registered Agent: CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA AS CSC-LAWYERS INCORPORATING SERVICE

D. LANDLORD OF Property Address: 340-342 4TH AVE, CHULA VISTA, CA 91910-3802, Assessor's Parcel Number: 568-181-42

1. CHULA VISTA DOCTORS PARK, LTD., A CALIFORNIA LIMITED PARTNERSHIP

2. TO BE SERVED

Registered Agent: GORDON G. BROWNING

Registered Office:

340 FOURTH AVE., STE. 16

CHULA VISTA, CA 92010

E. LANDLORD OF Property Address: 855-65 3RD AVE, CHULA VISTA, CA 91910, Assessor's Parcel Number: 573-460-64

1. Owner: CENTRE MEDICAL PLAZA; CENTRE MEDICAL PLAZA

Mailing Address: 303 H ST #300, CHULA VISTA, CA 91910

EXHIBIT A

F. LANDLORD OF Property Address: 1635-1637 3RD
AVE, CHULA VISTA, CA Assessor's Parcel Number
623-201-55

Buyer: SANCHEZ FAMILY LP (Partnership)

Buyer Mailing Address: C/O CARLOS J SANCHEZ, 1635
3RD AVE, UNIT J, CHULA VISTA, CA 91911

Company Name: SANCHEZ FAMILY LIMITED
PARTNERSHIP

Business Address:
640 ARBORCREEK LANE
BONITA, CA 92002

Type: DOMESTIC FILING

Status: ACTIVE

Filing Date: 1/2/1991

Registered Agent: CARLOS J. SANCHEZ

Registered Office:
640 ARBORCREEK LANE
BONITA, CA 92002

**ACCESSIBILITY SURVEY
ADA TITLE III**

Disability Compliance Documentation

Reported May 16, 22, 2007

BUSINESS LOCATIONS

1. Medical Center Pharmacy

1635 Third Ave., Ste. A

Chula Vista, CA

(619) 585-8818

2. Medical Center Pharmacy

855 Third Ave., Ste. 1102

Chula Vista, CA

(619) 585-0665

3. Medical Center Pharmacy

480 Fourth Ave.

Chula Vista, CA 91910

(619) 427-1444

4. Medical Center Pharmacy

340 Fourth Ave., Ste. 1

Chula Vista, CA 91910

Exhibit B

(619) 422-9291**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 customers that are blind that do not read Braille.
- c. Provide large Print by using Microsoft Word.

Exhibit B

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

1. Medical Center Pharmacy

1635 Third Ave., Ste. A

Chula Vista, CA

(619) 585-8818

- a. The parking for the facility is across the street from the facility. It contains 36 parking spaces with non-compliant accessible space
- b. Non-compliant accessible space has the access aisle on the left side without any ISA signs
- c. There is no van parking
- d. There is no tow away ADA signs
- e. There is no safe path of travel
- f. The door knobs are not the lever type

Exhibit B

- g. The doors lack kickplates
- h. The customer counter exceeded 36 inches

2. Medical Center Pharmacy**355 Third Ave., Ste. 1102****Chula Vista, CA****(619) 585-0665**

- a. The stall door to mens restroom requires great force to open
- b. The stall door does not have the lever knob
- c. The stall door is not self-closing

3. Medical Center Pharmacy**480 Fourth Ave.****Chula Vista, CA 91910****(619) 427-1444**

- a. The steps are not slip resistant and constrastring
- b. The counter is too high

4. Medical Center Pharmacy**340 Fourth Ave., Ste. 1****Chula Vista, CA 91910****(619) 422-9291**

- a. The steps are not slip resistant and constrastring
- b. There are 2 ramps which appear steep without handrails

Exhibit B

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.

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

TRIPPLE AAA ASSOCIATION FOR CHILDREN AND ADULTS WITH DEVELOPMENTAL DISABILITIES, SUING ON BEHALF OF ITS MEMBERS AND LISSA DOE;

DEFENDANTS

PARK MEDICAL PHARMACY, INC. d.b.a. MEDICAL CENTER PHARMACY; CENTRE MEDICAL PLAZA, A California Limited Partnership, d.b.a. MEDICAL CENTER PHARMACY; CENTRE MEDICAL PLAZA, A California Limited Partnership; SANCHEZ FAMILY, LP; AND DOES 1 THROUGH 10, Inclusive SOUTHERN DISTRICT OF CALIFORNIA

FILED 07 MAY 24 AM 8:05

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) San Diego

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF PROPERTY INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Theodore A. Pinnock, Esq. SBN: 153434
David C. Wakefield, Esq. SBN: 185736
PINNOCK & WAKEFIELD, A.P.C.
3033 Fifth Ave., Suite 410, San Diego, CA 92103
Telephone: (619) 858-3671; Facsimile: (619) 858-3646

ATTORNEYS (IF KNOWN)

'07 CV 0940 IEG CAB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PT DEF 1 Incorporated or Principal Place of Business in This State
PT DEF 2 Incorporated and Principal Place of Business in Another State
PT DEF 3 Foreign Nation

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. Sections 12101-12102, 12181-12183, and 12201, Et. Seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
2 Removal from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

To Be Determined At Trial

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE May 23, 2007

SIGNATURE OF ATTORNEY OF RECORD

PAID \$350 5/24/07 BY RCPT#138539

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

138539 - BH

**May 24, 2007
08:39:46**

Civ Fil Non-Pris

USAO #: 07CV0940 CIV. FIL.

Judge.: IRMA E GONZALEZ

Amount.: \$350.00 CC

Total-> \$350.00

FROM: TRIPLE AAA ASSOC. V. PARK
MEDICAL PHARMACY ET AL
VISA AUTH# 008394
CIVIL FILING