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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DEBORAH A. LANE)	Case No.
and)	COMPLAINT
JOSHUA E. LOYA,)	
Plaintiffs,)	
v.)	
SANTA CRUZ METROPOLITAN)	
TRANSIT DISTRICT,)	
a political subdivision of the)	
State of California,)	
Defendant.)	

Plaintiffs Deborah A. Lane and Joshua E. Loya, by and through their attorneys Fox & Robertson, P.C., and the Disability Rights Education & Defense Fund, Inc., hereby submit their Complaint for violations of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq., the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., the Unruh Civil Rights Act, Cal. Civ. Code, § 51, et seq., the Public Accommodations Law, Cal. Civ. Code, § 54, et

COMPLAINT

1 seq., California Government Code § 11135, et seq., and the Unfair Competition Statute, Cal.
2 Bus. & Prof. Code, § 17200, et seq.

3 4 INTRODUCTION

5 1. This civil rights Complaint is filed by individuals with disabilities who have
6 been, are being or will be denied nondiscriminatory, safe access to bus service operated by
7 Defendant Santa Cruz Metropolitan Transit District (“Metro”) as a result of the acts and
8 omissions alleged herein.

9 2. Defendant has been and is in violation of federal and state disability civil rights
10 laws, in that it has failed to comply with federal nondiscrimination statutes, including the
11 Americans with Disabilities Act (“ADA”) of 1990, 42 U.S.C. § 12101, et seq., and Section 504
12 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as well as numerous provisions of
13 California civil rights statutes and other legislation affording protection against discrimination,
14 unfair and deceptive business practices to persons with disabilities.

15 3. Defendant has discriminated and continues to discriminate against Plaintiffs in
16 many ways, including but not limited to failing to ensure that bus operators announce bus stops
17 and route numbers so that individuals with disabilities have nondiscriminatory, safe access to
18 bus services.

19 20 JURISDICTION AND VENUE

21 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
22 §§ 1331 and 1343, 42 U.S.C. § 12133, 29 U.S.C. § 794a, and pursuant to its supplemental
23 jurisdiction over claims brought under the laws of the State of California. The Court may
24 grant declaratory and other relief pursuant to 28 U.S.C. §§ 2201 and 2202. Money damages
25 alone are inadequate, and Plaintiffs have been suffering and will continue to suffer great and

1 irreparable injury.

2 5. Venue is proper within this District pursuant to 28 U.S.C. § 1391(b).

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4 **INTRADISTRICT ASSIGNMENT**

5 6. This action arises in the county of Santa Cruz and thus should be assigned to the
6 San Jose Division.

7
8 **PARTIES**

9 7. Plaintiff Deborah A. Lane is and was at all times material hereto a resident of
10 Santa Cruz, California. Ms. Lane has multiple sclerosis, and multiple, congenital foot, leg, and
11 spinal deformities. She also has end-stage, traumatic arthritis in both feet, requiring adaptive
12 shoes with braces. In addition, her right ankle has been amputated, and she requires the use of
13 a Canadian crutch for mobility. As a result of her multiple sclerosis, she has, among other
14 difficulties, periodic bouts of double vision.

15 8. Ms. Lane has physical impairments that substantially limit several major life
16 activities. She has a record of physical impairments that substantially limit several major life
17 activities and is regarded as having physical impairments that substantially limit several major
18 life activities. Ms. Lane has a disability within the meaning of the ADA and the Rehabilitation
19 Act, 42 U.S.C. § 12102(2)(A); 29 U.S.C. § 794; 49 C.F.R. § 37.3; 28 C.F.R. § 35.104. She is
20 also a “handicapped person” within the meaning of 49 C.F.R. § 27.5.

21 9. In addition, Ms. Lane has a physiological disease, disorder or condition that
22 affects her neurological, musculoskeletal, and/or special sense organs, and that limits major
23 life activities. Ms. Lane is a person with a disability as defined in applicable California law,
24 including Cal. Gov’t Code § 12926, Cal. Civ. Code § 1761(g), and Cal. Bus. & Prof. Code
25 § 17206.1(b)(2).

26 COMPLAINT

1 principal means of transportation. Neither Plaintiff can drive an automobile because of their
2 respective disabilities, and one of the primary ways in which they have gained independence is
3 through their ability to use the public transportation system.

4 15. Plaintiffs Lane and Loya have encountered discrimination on the basis of
5 disability throughout Metro's public transportation system, including but not limited to the
6 violations alleged in this Complaint.

7 16. Because of their disabilities, Plaintiffs need operators to announce bus stops. In
8 addition, when they are waiting at bus stops serving more than one route, Ms. Lane and Mr.
9 Loya need bus operators to announce which route they are driving.

10 17. Federal regulations require Metro to announce bus stops at transfer points with
11 other fixed routes, other major intersections and destination points, and intervals along a route
12 sufficient to permit individuals with visual impairments or other disabilities to be oriented to
13 their location.

14 18. Where buses for more than one route serve the same stop, federal regulations
15 require Metro to provide a means by which an individual with a visual impairment or other
16 disability can identify the proper vehicle to enter or be identified to the vehicle operator as a
17 person seeking a ride on a particular route.

18 19. The requirements of federal law, including without limitation the requirements
19 set forth in Paragraphs 17 and 18, are mandatory.

20 20. Plaintiffs Lane and Loya have ridden numerous buses on which operators did
21 not properly announce stops, including, but not limited to the following incidents:

- 22 a. On or about April 9, 2002, Ms. Lane was riding a Route 71 bus, and the
23 operator failed to announce the stop she needed to get off at (Water and
24 Poplar). As a result, she missed her stop and had to get off at the next
25 bus stop.

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- b. On or about March 13, 2002, Ms. Lane took a Route 69 bus from Capitola Mall to one stop beyond the Santa Cruz Senior Center. The bus operator did not announce any stops.
- c. On or about February 26, 2002, Ms. Lane took the Route 71 from Metro Transit Center to Cabrillo Community College, and later took the Route 70 from Cabrillo Community College back to the Metro Transit Center. On both trips, the bus operators failed to call out any stops.
- d. On or about February 11, 2002, Ms. Lane was a passenger on a Route 69W bus. She boarded the bus at the Metro Transit Center and traveled to Cabrillo Community College. The bus operator did not announce any stops.
- e. Ms. Lane traveled on a Route 69W inbound bus from Cabrillo Community College to the Metro Transit Center on or about February 6, 2002. The bus operator failed to announce any stops.
- f. On or about January 17, 2002, Ms. Lane was a passenger on a Route 7 outbound bus, traveling from the Metro Transit Center to the stop at Second and Main Streets. The bus operator failed to announce any stops.
- g. Ms. Lane was a passenger on a Route 7 outbound bus from the Metro Transit Center to the stop at Second and Main Streets on or about January 6, 2002, and the bus operator did not announce any stops.
- h. On or about December 6, 2001, a bus operator failed to announce any stops on a Route 7 outbound bus on which Ms. Lane was riding. She had boarded the bus at the Metro Transit Center and got off the bus at the stop at Second and Main Streets.

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- i. Ms. Lane traveled on a Route 66 outbound bus from the Metro Transit Center to the River Street Extension stop on or about December 4, 2001, and the bus operator did not announce any stops.
- j. On or about November 28, 2001, Ms. Lane was a passenger on a Route 54 inbound bus from Cabrillo Community College to the stop before the Capitola mall, and the bus operator announced no stops.
- k. Ms. Lane was a passenger on a Route 65 inbound bus from the Capitola Mall to the Metro Transit Center on or about October 23, 2001. The bus operator failed to announce any stops.
- l. On or about October 23, 2001, Mr. Loya was traveling on a Route 71 bus from the Metro Transit Center heading east toward the Soquel Avenue and Frederick bus stop, waiting to hear that stop announced. The bus operator did not announce that stop or others that Mr. Loya had heard other operators announce on that route. The operator stopped the bus at a stop that Mr. Loya thought might be near his destination, although the operator did not announce the stop. Mr. Loya asked a passenger sitting near him the identity of the stop. Upon hearing her response, he realized that he had reached his destination, and he got off the bus.
- m. Ms. Lane traveled on a Route 7 outbound bus from the Metro Transit Center to the stop at Second and Main Streets on or about September 28, 2001, and the bus operator did not announce any stops.
- n. On or about September 27, 2001, Ms. Lane rode a Route 69A inbound bus from the Capitola Mall to the Metro Transit Center, and the bus operator failed to announce any stops.

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- o. Ms. Lane was a passenger on a Route 67 inbound bus from the Capitola Mall to the Metro Transit Center on or about September 26, 2001, and the bus operator did not announce any stops.
- p. On or about September 22, 2001, Ms. Lane was traveling on a Route 65 outbound bus from the Metro Transit Center, and the bus operator failed to announce any stops.
- q. A Metro bus operator failed to announce any stops on or about September 16, 2001, on a Route 7 outbound bus in which Ms. Lane was a passenger from the Metro Transit Center to the stop at Second and Main Streets.
- r. On or about August 21, 2001, Ms. Lane was traveling on a Route 67 outbound bus from the Metro Transit Center to the Capitola Mall. The bus operator failed to announce any stops.
- s. Ms. Lane traveled on a Route 7 outbound bus from the Metro Transit Center to the stop at Second and Main Streets on or about August 16, 2001, and the bus operator did not announce any stops.
- t. Ms. Lane was a passenger on a Route 69L outbound bus from the Metro Transit Center to the Capitola Mall on or about June 11, 2001. The bus operator failed to announce any stops.
- u. Mr. Loya took classes at Cabrillo Community College in 1998, 1999, 2000, and 2001, and he used Metro to travel to and from Cabrillo Community College. Bus operators often did not announce the Cabrillo Community College stop.
- v. Even when Mr. Loya asked operators to announce the Cabrillo Community College stop, operators frequently failed to do so.

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- w. For example, in approximately February of 2001, Mr. Loya was attempting to travel on Metro to Cabrillo Community College. He was traveling on the Route 71 bus from the Metro Transit Center, and the bus operator failed to announce the bus stop for Mr. Loya. As a result, he had to travel past Cabrillo Community College to Watsonville, California and wait there until the bus back to Cabrillo Community College could leave for the college from Watsonville. He was more than 45 minutes late for class.
- x. On or about August 16, 2000, Mr. Loya boarded a Metro bus at the Metro Transit Center and told the bus operator that he needed to get off at the Crown-Merril stop. The bus operator failed to announce any stops, resulting in Mr. Loya being late for his performance on a radio station. When Mr. Loya noted that he had missed his stop, the bus operator yelled at Mr. Loya, stating that it was not the bus operator's responsibility to call out stops.
- y. On or about April 26, 2000, Ms. Lane rode on a Route 67 outbound bus from the Metro Transit Center to the Jade Street stop in Capitola, and the bus operator failed to announce any stops.
- z. Ms. Lane was a passenger on or about April 24, 2000, on a Route 67 outbound bus from the Metro Transit Center to the Begonia Plaza stop, and the bus operator did not announce any stops.
- aa. Plaintiffs Lane and Loya have ridden many other buses on which operators did not properly announce stops.
- bb. On numerous occasions, bus operators have failed to announce stops in a volume and/or manner that could be understood by passengers.

1 21. Metro has long been aware of the failure of its operators to announce stops. For
2 example:

- 3 a. On or about September 15, 1989, the Metro Board of Directors received
4 a document prepared by the Metro Accessible Services Task Force, now
5 known as Metro Accessible Services Transit Forum (“MASTF”) -- a
6 committee officially approved by the Metro Board as an advisory group
7 on issues relating to persons with disabilities -- stating that operators
8 should “announce all stops on their routes.”
- 9 b. According to the minutes of a meeting between MASTF and Metro in
10 February 1995, MASTF informed Metro’s General Manager that
11 operators often were not calling out stops and that this was a serious
12 problem that needed to be addressed.
- 13 c. According to a document entitled “Report for Santa Cruz Metropolitan
14 Transit District (SCMTD)” prepared in January 1999 by a consultant
15 hired by Metro to evaluate Metro’s compliance with the ADA, only two
16 operators called out stops, and neither of those two operators used the
17 public address system.

18 22. Bus operators have repeatedly failed to announce their route numbers at stops
19 serving more than one route. For example:

- 20 a. On or about January 6, 2002, a bus operator failed to announce the route
21 number of the Route 66 bus he was driving. Although the bus operator
22 had ample time to announce the route number of the bus to enable Mr.
23 Loya to know if it was the bus for which he had been waiting, he had to
24 ask the operator to identify the route number. At the time of this
25 incident, Mr. Loya was on Front Street at the Soquel Avenue and Front

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Street bus stop.

b. A bus operator, on or about December 23, 2001, failed to announce the route number of the bus the operator was driving. Mr. Loya, who had been waiting for the Route 71 bus at the Metro Transit Center, heard the bus operator start up the bus. As Mr. Loya started walking toward it, the bus pulled away, prompting Mr. Loya to yell for the bus operator to wait for him. Shortly after the bus operator drove away, another bus operator, who was driving a Route 69 bus, told Mr. Loya that the bus operator who had pulled away was driving a Route 71 bus. The operator of the Route 69 bus also said that he had talked to other operators about the incident and that they planned to talk about it with the Route 71 bus operator, who had left without allowing Mr. Loya aboard.

c. On or about December 4, 2001, a bus operator failed to announce the route number of the Route 71 bus that he was driving, despite having more than 10 seconds to do so before Mr. Loya reached the door of the bus to ask the operator the route the bus was traveling. Mr. Loya was on Front Street at the Soquel Avenue and Front Street bus stop at the time of this incident.

d. Mr. Loya missed the Route 70 bus he was trying to ride on or about September 19, 2000, because the bus operator failed to call out the route number of the bus he or she was driving. Mr. Loya was waiting in Lane 4 of the Metro Transit Center at the time.

e. On or about September 18, 2000, the bus operator of a Route 70 bus that Mr. Loya was trying to ride failed to call out the route number of the bus. When Mr. Loya, who was at the Metro Transit Center at the time,

1 heard the bus being started a minute earlier than it was scheduled to
2 depart, he ran to try to catch it. In the process, he ran into a concrete,
3 support wall. After the bus departed, Mr. Loya asked another passenger
4 the identity of the bus that had departed, and he learned that it was the
5 bus that he was trying to ride.

6 f. On numerous other occasions, bus operators have failed to announce
7 their route numbers at stops serving more than one route.

8 23. In addition to the specific examples set forth herein, Defendant has otherwise
9 denied Plaintiffs the benefits of its services, programs, and activities.

10 24. Plaintiff Lane has met with Metro officials to attempt to address some of the
11 deficiencies in Defendant's system of public transportation, to no avail.

12 25. In addition, Plaintiffs have registered complaints, both verbally and in writing.
13 with Defendant concerning deficiencies in Defendant's system.

14 26. Defendant has not adequately responded to Plaintiffs' complaints and continues
15 to violate the ADA, the Rehabilitation Act, and California statutes.

16 27. Upon information and belief, many of the accessibility deficiencies in
17 Defendant's public transportation system are due to Defendant's failure to train, monitor,
18 reward and/or discipline bus operators properly.

19 28. In engaging in the conduct described above, Defendant has either intentionally
20 discriminated against Plaintiffs or been deliberately indifferent to the strong likelihood that
21 pursuit of its policies would result in violations of federally protected rights.

22 29. Plaintiffs Lane and Loya have been and continue to be injured by the
23 inaccessibility of Metro's public transportation system, including without limitation those
24 injuries set forth above.

25 30. As a result of the accessibility barriers to Metro's public transportation system,
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1 Plaintiffs have suffered injuries, including without limitation emotional distress, apprehension
2 of danger, embarrassment, anguish, pain, exhaustion, inconvenience, delay, and the inability to
3 travel to appointments in a timely manner.

4 31. Plaintiffs Lane and Loya intend to -- and are ready, willing and able to -- utilize
5 Defendant's services, programs, and activities when the discriminatory barriers are removed or
6 cured.

7
8 **FIRST CLAIM FOR RELIEF**
9 **(Americans with Disabilities Act)**

10 32. Plaintiffs reallege and incorporate by reference the remainder of the allegations
11 set forth in this Complaint as if fully set forth herein.

12 33. Title II of the ADA provides that no qualified individual with a disability shall,
13 by reason of such disability, be excluded from participation in or be denied the benefits of the
14 services, programs, or activities of a public entity, or be subjected to discrimination by any
15 such entity. 42 U.S.C. § 12132, et seq.; 28 C.F.R. pt. 35; 49 C.F.R. pts. 37 and 38.

16 34. Plaintiffs are qualified individuals with disabilities within the meaning of 42
17 U.S.C. § 12131(2).

18 35. Defendant is a public entity within the meaning of 42 U.S.C. § 12131(1).

19 36. Defendant has violated the ADA by denying Plaintiffs the benefits of its
20 services, programs, and activities, as more fully set forth above.

21 37. Defendant's violations of the ADA have harmed and will continue to harm
22 Plaintiffs in the future.

23 38. Pursuant to the remedies, procedures, and rights set forth in 42 U.S.C. § 12133,
24 Plaintiffs pray for judgment as set forth below.

25 39. In doing the acts and omissions alleged herein, Defendant knew or should have
26 known that its conduct was directed to persons with disabilities, thereby entitling Plaintiffs to

1 recover treble damages, penalties and/or other such remedies pursuant to Cal. Civ. Code
2 § 3345.

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4 **SECOND CLAIM FOR RELIEF**
(Section 504 of the Rehabilitation Act)

5 40. Plaintiffs reallege and incorporate by reference the remainder of the allegations
6 set forth in this Complaint as if fully set forth herein.

7 41. Section 504 of the Rehabilitation Act prohibits recipients of federal funding
8 from denying to persons with disabilities, on the basis of disability, the benefits provided by
9 the recipient, or from subjecting persons with disabilities to discrimination. 29 U.S.C. § 794;
10 49 C.F.R. pt. 27.

11 42. Defendant receives federal funding.

12 43. Defendant has violated Section 504 of the Rehabilitation Act by denying
13 Plaintiffs Lane and Loya its benefits, including access to its public transportation system, as
14 more fully set forth above.

15 44. Defendant's violations of Section 504 of the Rehabilitation Act have harmed
16 and will continue to harm Plaintiffs in the future.

17 45. Pursuant to the remedies, procedures, and rights set forth in 29 U.S.C. § 794a,
18 Plaintiffs pray for judgment as set forth below.

19 46. In doing the acts and omissions alleged herein, Defendant knew or should have
20 known that its conduct was directed to persons with disabilities, thereby entitling Plaintiffs to
21 recover treble damages, penalties and/or other such remedies pursuant to Cal. Civ. Code
22 § 3345.

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1 **THIRD CLAIM FOR RELIEF**
2 **(Unruh Civil Rights Act)**

3 47. Plaintiffs reallege and incorporate by reference the remainder of the allegations
4 set forth in this Complaint as if fully set forth herein.

5 48. Defendant operates a business establishment within the jurisdiction of the State
6 of California and, as such, is obligated to comply with the provisions of the California Unruh
7 Civil Rights Act, Cal. Civ. Code, § 51, et seq. (“the Unruh Act”).

8 49. The conduct alleged herein violates the Unruh Act, including Cal. Civ. Code,
9 § 51, et seq.

10 50. The Unruh Act guarantees, inter alia, that persons with disabilities are entitled
11 to full and equal accommodations, advantages, facilities, privileges, or services in all business
12 establishments of every kind whatsoever within the jurisdiction of the State of California. The
13 Unruh Act also provides that a violation of the ADA is a violation of the Unruh Act.

14 51. Defendant has violated the Unruh Act by, inter alia, denying Plaintiffs, as
15 persons with disabilities, full and equal accommodations, advantages, facilities, privileges, or
16 services offered by Defendant. Defendant has also violated the Unruh Act by violating the
17 ADA, as set forth above.

18 52. Defendant has violated the Unruh Act by, inter alia, failing to operate its
19 services on a nondiscriminatory basis; failing to ensure that persons with disabilities have
20 nondiscriminatory, safe access to public transportation services; and failing to ensure that
21 personnel providing transportation services are trained to proficiency regarding their
22 obligations to carry persons with disabilities, pursuant to California law.

23 53. Pursuant to the remedies, procedures, and rights set forth in Cal. Civ. Code §
24 52, Plaintiffs pray for judgment as set forth below.

25 54. In doing the acts and omissions alleged herein, Defendant knew or should have
26 known that its conduct was directed to persons with disabilities, thereby entitling Plaintiffs to

1 recover treble damages, penalties and/or other such remedies pursuant to Cal. Civ. Code
2 § 3345.

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4 **FOURTH CLAIM FOR RELIEF**
5 **(California Public Accommodations Law)**

6 55. Plaintiffs reallege and incorporate by reference the remainder of the allegations
7 set forth in this Complaint as if fully set forth herein.

8 56. Defendant operates transportation made available to the general public within
9 the jurisdiction of the State of California and, as such, is obligated to comply with the
10 provisions of Cal. Civ. Code, § 54, et seq. (“the Public Accommodations Law”).

11 57. The conduct alleged herein violates the Public Accommodations Law, including
12 Cal. Civ. Code, § 54 et seq.

13 58. The Public Accommodations Law guarantees, inter alia, that persons with
14 disabilities are entitled to full and equal access, as other members of the general public, to
15 accommodations, advantages, facilities, and privileges of modes of transportation within the
16 jurisdiction of the State of California.

17 59. Defendant has violated the Public Accommodations Law by, inter alia, denying
18 persons with disabilities full and equal access, as other members of the general public, to
19 accommodations, advantages, facilities, and privileges offered by Defendant.

20 60. The conduct previously alleged violates the Public Accommodations Law,
21 including Cal. Civ. Code § 54.1(a).

22 61. Defendant has violated the Public Accommodations Law by, inter alia, failing
23 to ensure that personnel providing transportation services are trained to proficiency regarding
24 their obligations to carry passengers with disabilities, pursuant to California law.

25 62. Pursuant to the remedies, procedures, and rights set forth in Cal. Civ. Code §
26 54.3, Plaintiffs pray for judgment as set forth below.

1 63. In doing the acts and omissions alleged herein, Defendant knew or should have
2 known that its conduct was directed to persons with disabilities, thereby entitling Plaintiffs to
3 recover treble damages, penalties, and/or other such remedies pursuant to Cal. Civ. Code
4 § 3345.

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6 **FIFTH CLAIM FOR RELIEF**
7 **(Discrimination by State-Funded Program or Activity)**

8 64. Plaintiffs reallege and incorporate by reference the remainder of the allegations
9 set forth in this Complaint as if fully set forth herein.

10 65. Cal. Gov't Code § 11135(a) prohibits unlawful discrimination and the denial of
11 full and equal access, on the basis of disability, to any program or activity that is funded
12 directly by the State of California, or receives any financial assistance from the State of
13 California.

14 66. Metro conducts, operates, or administers a program or activity, within the
15 meaning of Cal. Gov't Code § 11135(a).

16 67. Upon information and belief, Metro is funded directly by or receives financial
17 assistance from the State of California.

18 68. The conduct alleged herein violates Cal. Gov't Code § 11135(a), as Metro has,
19 on the basis of disability, unlawfully discriminated against Plaintiffs and denied them full and
20 equal access to its program or activity.

21 69. Cal. Gov't Code § 11135(b) provides, with respect to discrimination on the
22 basis of disability, programs and activities subject to Cal. Gov't Code § 11135(a) shall meet
23 the protections and prohibitions contained in Section 202 of the ADA, 42 U.S.C. § 12132, and
24 the federal rules and regulations that have been adopted to implement it.

25 70. Cal. Gov't Code § 11135(b) also provides that, if the laws of the State of
26 California prescribe stronger protections and prohibitions than the ADA, the programs and

1 activities subject to Cal. Gov't Code § 11135(a) shall be subject to the stronger protections and
2 prohibitions.

3 71. The conduct of Defendant violates Cal. Gov't Code § 11135(b) by reason of
4 Defendant's failure to comply with its legal obligations under federal disability civil rights
5 statutes and state disability civil rights statutes as alleged herein in Plaintiffs' First, Second,
6 Third, and Fourth Claims for Relief above, and by Defendant's failure to comply with
7 California public policy favoring the protection of the civil rights of people with disabilities.

8 72. Pursuant to the remedies, procedures, and rights set forth in Cal. Gov't. Code
9 § 11139, Plaintiffs pray for judgment as set forth below.

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11 **SIXTH CLAIM FOR RELIEF**
12 **(Unfair Competition)**

13 73. Plaintiffs reallege and incorporate by reference the remainder of the allegations
14 set forth in this Complaint as if fully set forth herein.

15 74. Defendant engages in business practices, offers transportation services for sale,
16 and advertises its transportation services within the jurisdiction of the State of California. As
17 such, Defendant is obligated to comply with the provisions of the Cal. Bus. & Prof. Code
18 § 17200, et seq. (the "Unfair Competition Statute").

19 75. The conduct alleged herein violates the Unfair Competition Statute,
20 including Cal. Bus. & Prof. Code § 17200.

21 76. The Unfair Competition Statute prohibits, inter alia, unlawful, unfair, or
22 fraudulent business acts or practices and unfair, deceptive, untrue, or misleading advertising by
23 any person, firm, corporation, or association within the jurisdiction of the State of California.

24 77. The conduct of Defendant violates this statute, inter alia, in that Defendant's
25 services are not accessible to individuals with disabilities by reason of Defendant's failure to
26 comply with its legal obligations under federal disability civil rights statutes and state

1 disability civil rights and consumer protection statutes as alleged herein in Plaintiffs' First,
2 Second, Third, Fourth, and Fifth Claims for Relief above, and by Defendant's failure to
3 comply with California public policy favoring the protection of the civil rights of people with
4 disabilities.

5 78. Pursuant to the remedies, procedures, and rights set forth in Cal. Bus. &
6 Prof. Code § 17203, Plaintiffs pray for judgment as set forth below.

7 79. In doing the acts and omissions alleged herein, Defendant knew or should have
8 known that its conduct was directed to persons with disabilities, thereby entitling Plaintiffs to
9 recover treble damages, penalties, and/or other such remedies pursuant to Cal. Civ. Code
10 § 3345.

11
12 **RELIEF**

13 WHEREFORE, Plaintiffs respectfully request that this Court:

14 1. That this Court assume jurisdiction.

15 2. That this Court declare Defendant to be in violation of Title II of the Americans
16 with Disabilities Act, 42 U.S.C. § 12131, et seq., the Rehabilitation Act of 1973, 29 U.S.C.
17 § 701, et seq., the Unruh Civil Rights Act, Cal. Civ. Code § 51, et seq., the Public
18 Accommodations Law, Cal. Civ. Code § 54, et seq., California Government Code § 11135, et
19 seq., and the Unfair Competition Statute, Cal. Bus. & Prof. Code § 17200, et seq.

20 3. That this Court issue an injunction ordering Defendant to comply with the
21 statutes set forth herein.

22 4. That this Court award actual, compensatory, and statutory damages to Plaintiffs
23 for violations of their civil rights under state and federal law, and a trebling of these damages
24 pursuant to Cal. Civ. Code § 3345. In addition, Plaintiffs seek punitive damages under federal
25 law.

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5. That this Court award Plaintiffs' reasonable attorneys' fees and costs pursuant to federal and California law.

6. That this Court award such additional or alternative relief as may be just, proper and equitable.

RESPECTFULLY SUBMITTED,
FOX & ROBERTSON, P.C.

By: _____
Timothy P. Fox

DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND, INC.

By: Linda D. Kilb

April 12, 2002

Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury on all issues which can be heard by a jury.

Dated: April 12, 2002

FOX & ROBERTSON, P.C.

By: _____
Timothy P. Fox

DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND, INC.

By: Linda D. Kilb
Attorneys for Plaintiffs

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