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17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE EASTERN DISTRICT OF CALIFORNIA

<p>19 ROBERT HECKER,</p> <p>20 Plaintiff, on behalf of himself and</p> <p>21 others similarly situated,</p> <p>22 v.</p> <p>23 CALIFORNIA DEPARTMENT OF</p> <p>24 CORRECTIONS AND</p> <p>25 REHABILITATION, ARNOLD</p> <p>26 SCHWARZENEGGER, Governor of</p> <p>27 the State of California, in his official</p> <p>28 capacity, RODERICK Q. HICKMAN,</p> <p>Secretary of the California Department</p> <p>of Corrections and Rehabilitation, in his</p> <p>official capacity, JEANNE S.</p> <p>WOODFORD, Undersecretary of the</p> <p>California Department of Corrections</p> <p>and Rehabilitation, in her official</p> <p>capacity, JOHN DOVEY, Director,</p> <p>Division of Adult Institutions, in his</p> <p>official capacity, and TERESA A.</p> <p>SCHWARTZ, Warden of the California</p> <p>Medical Facility, in her official</p> <p>capacity,</p> <p>Defendants.</p>	<p>) No.:</p> <p>) CLASS ACTION COMPLAINT FOR</p> <p>) DECLARATORY AND INJUNCTIVE</p> <p>) RELIEF</p> <p>) [Civil Rights – Disability</p> <p>) Discrimination]</p>
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1 Plaintiff ROBERT HECKER alleges as follows:
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3 INTRODUCTION

4 1. This is an action for relief from Defendants' violation of Plaintiff's civil
5 rights under the Rehabilitation Act of 1973, the Americans with Disabilities Act of
6 1990, and California Government Code section 11135.

7 2. Plaintiff ROBERT HECKER ("HECKER") is an individual with a
8 psychiatric disability, and an inmate incarcerated at the California Medical Facility
9 ("CMF"). The Defendants CALIFORNIA DEPARTMENT OF CORRECTIONS
10 AND REHABILITATION ("CDCR"), GOVERNOR ARNOLD
11 SCHWARZENEGGER ("SCHWARZENEGGER"), RODERICK Q. HICKMAN
12 ("HICKMAN"), JEANNE S. WOODFORD ("WOODFORD"), JOHN DOVEY
13 ("DOVEY") and TERESA A. SCHWARTZ ("SCHWARTZ"), and each of them,
14 have denied Plaintiff HECKER access to basic CDCR programs, services, and
15 activities on the basis of HECKER's disability.

16 3. Plaintiff seeks declaratory and injunctive relief, and reasonable attorneys'
17 fees and costs, for defendants' violations of his rights.

18 JURISDICTION AND VENUE

19 4. This court has jurisdiction over the subject matter and the parties pursuant
20 to 28 U.S.C. §§ 1331, 2201, and 2202. Plaintiff brings this suit under Title II of
21 the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12132, and
22 Section 504 of the Rehabilitation Act of 1973 ("Rehabilitation Act"), 29 U.S.C. §
23 794.

24 5. Venue is proper in the Eastern District of California pursuant to 28 U.S.C.
25 § 1391(b), because the events giving rise to Plaintiff's claims occurred in this
26 District.

27 PARTIES

28 6. Plaintiff HECKER is a person with a disability within the meaning of all

1 applicable statutes, and is a qualified person with a disability within the meaning
2 of Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. Plaintiff
3 HECKER is a resident of California, and an inmate incarcerated at CMF.

4 7. Defendant CDCR administers and operates the California prison system,
5 including CMF, and is legally responsible for ensuring compliance with state and
6 federal disability nondiscrimination laws at all correctional facilities, including
7 CMF. Defendant CDCR is a public entity within the meaning of Title II of the
8 ADA. Defendant CDCR receives federal financial assistance and is covered by
9 the Rehabilitation Act.

10 8. Defendant SCHWARZENEGGER is the Governor of the State of
11 California, and oversees all state agencies, including the CDCR. Defendant
12 SCHWARZENEGGER is legally responsible for ensuring compliance with state
13 and federal disability nondiscrimination laws at all state facilities, including state
14 correctional facilities. Defendant SCHWARZENEGGER is legally responsible
15 for the unlawful policies, practices, and procedures challenged herein, and has the
16 authority and legal obligation to eliminate disability discrimination by abolishing
17 these policies, practices, and procedures. Defendant SCHWARZENEGGER is
18 sued in his official capacity.

19 9. Defendant HICKMAN is the Secretary of the CDCR, and is legally
20 responsible for ensuring compliance with state and federal disability
21 nondiscrimination laws at all correctional facilities, including CMF. Defendant
22 HICKMAN is legally responsible for the unlawful policies, practices, and
23 procedures challenged herein, and has the authority and legal obligation to
24 eliminate disability discrimination by abolishing these policies, practices, and
25 procedures. Defendant HICKMAN is sued in his official capacity.

26 10. Defendant WOODFORD is the Undersecretary of the CDCR, and is
27 legally responsible for ensuring compliance with state and federal disability
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1 nondiscrimination laws at all correctional facilities, including CMF. Defendant
2 WOODFORD is responsible for the unlawful policies, practices, and procedures
3 challenged herein, and has the authority and legal obligation to eliminate disability
4 discrimination by abolishing these policies, practices, and procedures. Defendant
5 WOODFORD is sued in her official capacity.

6 11. Defendant DOVEY is the Director of the Division of Adult Institutions,
7 and is legally responsible for ensuring compliance with state and federal disability
8 nondiscrimination laws at all adult correctional facilities, including CMF.
9 Defendant DOVEY is responsible for the unlawful policies, practices, and
10 procedures challenged herein, and has the authority and legal obligation to
11 eliminate disability discrimination by abolishing these policies, practices, and
12 procedures. Defendant DOVEY is sued in his official capacity.

13 12. Defendant SCHWARTZ is the Warden of CMF. She is responsible for the
14 administration of programs, services, and activities offered to inmates at the CMF,
15 and is in charge of supervision and discipline of all correctional officials and
16 employees at CMF. Defendant SCHWARTZ is sued in her official capacity.

17 **STATEMENT OF FACTS**

18 13. Plaintiff HECKER is an inmate incarcerated at the CMF. He is assigned to
19 a program for inmates with serious psychiatric disabilities called the Enhanced
20 Outpatient Program ("EOP").

21 14. The Defendants CDCR, SCHWARZENEGGER, HICKMAN,
22 WOODFORD, DOVEY, and SCHWARTZ, and each of them, have adopted,
23 implemented, ratified, and/or failed to abolish numerous unnecessary and
24 discriminatory policies, practices, and procedures affecting the inmates assigned to
25 the EOP. These policies, practices and procedures bar and function to bar Plaintiff
26 HECKER and other similarly situated EOP participants from basic educational,
27 vocational, employment, and recreational programs that are provided to other,
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1 nondisabled inmates. For example, while inmates assigned to the EOP are
2 required to participate in ten hours of mental health programming such as support
3 groups, the remaining hours of their weeks – 30 to 40 hours each week – are
4 unscheduled and available for participation in the broad range of educational,
5 vocational, employment, and recreational programs available to the non-disabled,
6 non-EOP population. Nevertheless, by express policy and without basis, inmates
7 in the EOP are deemed to be “booked” from 8:00 a.m. to 4:00 p.m. Monday
8 through Friday, and are entirely precluded from participating in any non-EOP
9 prison programs, including vocational, employment, and educational programs,
10 during those times. *See, e.g.*, December 30, 2002 Memorandum from L.H.
11 Dizmang, M.D., Chief Psychiatrist, California Medical Facility. Additional
12 policies, practices, and procedures similarly function to discriminate against
13 inmates with severe psychiatric disabilities, exclude them from programs, services,
14 and activities, and segregate them unnecessarily.

15 15. As a result of the unnecessary and discriminatory policies, practices, and
16 procedures challenged herein, and on the basis of disability, Plaintiff HECKER
17 and others similarly situated have been denied equal access to a broad range of
18 prison programs, services, and activities for which they are qualified, and have
19 been subjected to unlawful segregation. These denials include, but are not limited
20 to, the following:

- 21 (a) disability-based denial of access to educational opportunities,
22 including the electronics program, computer classes, the Art in
23 Corrections program, and other school programs;
 - 24 (b) disability-based denial of access to employment and vocational
25 opportunities;
 - 26 (c) disability-based denial of access to recreational programs and
27 facilities;
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- 1 (d) disability-based denial of access to religious programs, including
2 church services and bible study; and
3 (e) disability-based denial of access to other programs, services, and
4 activities.

5 16. The exclusion of EOP inmates from programs and services cause them to
6 lose benefits attendant to work, education, or vocational programs.

7 17. These denials and exclusions are unnecessary, discriminatory, and
8 unlawful. Further, the inmates in the EOP are excluded and segregated despite the
9 fact that participation in educational, vocational, employment, and recreational
10 programs is therapeutic for persons with serious psychiatric disabilities, and
11 promotes mental health and wellness. By contrast, exclusion and segregation,
12 particularly from educational, vocational, and employment opportunities,
13 undermines mental health, wellness, and rehabilitation. The Defendants' actions
14 and inactions function to aggravate and worsen the mental health status of
15 Plaintiff HECKER and the other, similarly situated EOP inmates.

16 **ADMINISTRATIVE EXHAUSTION**

17 18. Plaintiff HECKER has repeatedly attempted to appeal the issues raised in
18 this lawsuit. However, his appeals have been repeatedly screened out by the CMF
19 Appeals Office, in violation of the CDC policies and procedures as set forth in
20 California Code of Regulations, Title 15.

21 19. On December 28, 2004, Plaintiff HECKER filed a timely 1824 appeal
22 challenging the policies, practices, and procedures complained of herein, and
23 requesting that "the Electronics program be made available to me" and seeking
24 "modifications to CDC policies, practices, and procedures to avoid discrimination
25 on the basis of disability[.]" Plaintiff HECKER noted that he was "being forced to
26 choose between an EOP level of care that I require to maintain mental health, and
27 a vocation that would further and enhance improvements in my mental health[.]"
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1 20. On December 29, 2004, Plaintiff HECKER's appeal was screened out,
2 purportedly because the "[a]ppeal cannot be understood" and because the
3 "wording is too small."

4 21. On January 3, 2005, Plaintiff HECKER resubmitted a timely 1824 appeal;
5 this time typed so that it could not be rejected as "too small." Plaintiff HECKER
6 sought "access to the Electronics Program" and "[m]odification to CDC policies,
7 practices or procedures to avoid discrimination by denial of access to Electronics
8 Program on the basis of my disability[.]"

9 22. On January 5, 2005, Plaintiff HECKER's appeal was again summarily
10 screened out, purportedly because his appeal was a "duplicate issue." By
11 "duplicate issue," the appeals coordinator was referencing a group appeal filed by
12 another inmate, Christopher Jenkins, on January 29, 2003. The issues complained
13 of by Plaintiff HECKER were ongoing and had not been resolved by the Jenkins
14 appeal. Further, under governing procedures, only inmate Jenkins could appeal
15 the January 2003 group appeal. Jenkins' appeal was rejected at the Second Level
16 on April 10, 2003.

17 23. On August 5, 2005, Plaintiff HECKER filed a timely 1824 appeal
18 challenging the policies, practices and procedures complained of herein, and
19 seeking "[m]eaningful and nondiscriminatory access to all prison programs[.]"
20 "including the Electronics Program, the Arts in Corrections Program, computer
21 classes, and bible study." In his August 5, 2005 appeal, Plaintiff HECKER
22 explicitly noted that he was challenging "an ongoing problem and . . . an ongoing
23 need for the reasonable accommodation and modification requested herein," and
24 that his appeal should not be barred as a "duplicate issue."

25 24. On August 8, 2005, Plaintiff HECKER's appeal was summarily screened
26 out, purportedly as a "duplicate issue."

27 25. On August 15, 2005, Plaintiff HECKER sought Second Level review of
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1 the screened-out appeal.

2 26. On August 19, 2005, Plaintiff HECKER's request for Second Level review
3 was denied.

4 27. On August 23, 2005, Plaintiff HECKER sought Director's Level review of
5 the screened-out appeal from the Inmate Appeals Branch.

6 28. On October 22, 2005, the Inmate Appeals Branch returned Plaintiff
7 HECKER's documents to him, purportedly because the appeal was "rejected,
8 withdrawn or cancelled."

9 29. Because Defendants have repeatedly screened out Plaintiff HECKER's
10 administrative appeals, the grievance procedure has been rendered unavailable to
11 him, and the defendants cannot now claim that Plaintiff HECKER has failed to
12 exhaust his administrative remedies. *See Hall v. Alameida*, No. S-03-1595 DFL
13 KJM P, 2005 WL 2030728, at *3 (E.D. Cal. Aug. 23, 2005). Plaintiff HECKER
14 has been repeatedly and "reliably informed by an administrator that no remedies
15 are available" to him. *See Brown v. Valoff*, 422 F.3d 926, 935 (9th Cir. 2005).

16 30. It is the policy of the CDCR not to accept appeals that have been screened
17 out as a "duplicate issue." Accordingly, Plaintiff HECKER's efforts to appeal his
18 "screened out" 1824 to the Second Level and to the Third Level (Director's Level)
19 have been unavailing. At no time has the CDCR or its agents attempted to
20 consider, much less resolve, Plaintiff HECKER's complaints. It would be futile
21 for Plaintiff HECKER to attempt to further avail himself of the internal CDCR
22 appeals process.

23 31. By providing prison officials with timely grievances describing the
24 problems alleged herein, Plaintiff HECKER has satisfied the exhaustion
25 requirement. *See Holcomb v. High Desert State Prison*, No. CIVS022417LKK
26 KJM P, 2005 WL 2089849, at *2 (E.D. Cal. Aug. 30, 2005) (citing *Ngo v.*
27 *Woodford*, 403 F.3d 620, 631 (9th Cir. 2005)). Plaintiff HECKER's appeals
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1 placed the defendant prison officials on notice of the issues raised in this lawsuit.
2 *See Massie v. Early*, No. 1:00CV5248OWW LJO P, 2005 WL 2105304, at *3
3 (E.D. Cal. Aug. 31, 2005).

4 32. Prior efforts by other inmates to challenge the EOP policies at issue herein
5 using the internal grievance procedures have similarly placed the defendant prison
6 officials on notice, and have been similarly fruitless:

- 7 (a) Inmate Peter Taylor, Inmate No. T-19666, filed a 602 appeal on
8 December 17, 2002, requesting that EOP inmates “not be
9 discriminated against because of EOP mental health disabilities” and
10 seeking to “reverse the [extreme] bias and discrimination toward all
11 EOP inmates with mental illness ... by not allowing ... off wing
12 authorized access during the hours of 8:00 a.m. – 4:00 p.m.” This
13 appeal was denied at the First and Second Levels in February 2003,
14 and at the Director’s Level on May 15, 2003.
- 15 (b) Inmate Christopher Jenkins, Inmate No. P-73828, has filed an 1824
16 appeal in January 2003 regarding the policies that exclude EOP
17 inmates. By April 10, 2003, Jenkins’ appeal was rejected at the
18 Second Level.
- 19 (c) Inmate David W. Wilson, Inmate No. K-66474, has filed 602 appeals
20 in 2004 and 2005 regarding the policies that exclude EOP inmates
21 from prison programs available to non-EOP inmates. These 602
22 appeals were repeatedly screened out. In fact, on March 15, 2005,
23 inmate Wilson received from the appeals office all of his
24 documentation with the notation “REJECTED – DO NOT
25 RESUBMIT.”

26 33. The CDCR and its agents have had repeated and ample notice of the issues
27 raised by this lawsuit, and have had many opportunities over several years to
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1 consider these issues through the administrative process. There can be no dispute
2 that further administrative efforts would be futile, and that judicial consideration is
3 appropriate.

4 **CLASS ACTION ALLEGATIONS**

5 34. Plaintiff HECKER brings this action on behalf of himself and on behalf of
6 a class of all those similarly situated pursuant to Rule 23(a) and (b)(2) of the
7 Federal Rules of Civil Procedure.

8 35. Plaintiff HECKER seeks to represent a class of all present and future
9 California inmates of the CDCR with psychiatric conditions that are disabilities as
10 defined by the ADA and the Rehabilitation Act who are excluded and/or screened
11 out from any prison program, service, or activity on the basis of their assignment
12 to or participation in the EOP program.

13 36. The class is so numerous that joinder of all members is impractical. There
14 are thousands of present and future inmates assigned to EOP programs throughout
15 California who are subject to the policies, practices, and procedures complained of
16 herein. Moreover, putative class members are not capable of being identified at
17 this time, as the proposed class includes future inmates assigned to the EOP. The
18 class is constantly in flux, with inmates being paroled and new inmates being
19 incarcerated.

20 37. Common questions of law and fact predominate, and include whether
21 inmates assigned to the EOP are being excluded and/or screened out from any
22 prison program, service, or activity on the basis of disability.

23 38. The claims of Plaintiff HECKER are typical of the claims of the other
24 putative class members. Plaintiff HECKER has been unnecessarily excluded from
25 core CDCR educational, vocational, and employment activities and programs on
26 the basis of his assignment to the EOP. This is the same injury that members of
27 the proposed class have suffered, are suffering and, unless this Court grants relief,
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1 will continue to suffer. Plaintiff HECKER is a member of the proposed class in
2 that he is a current CDCR inmate assigned to the EOP who has been subjected to
3 disability-based discrimination.

4 39. Plaintiff HECKER will fairly and adequately represent and protect the
5 interests of the class. Plaintiff HECKER intends to prosecute this action
6 rigorously in order to secure remedies for the entire class. Counsel of record for
7 Plaintiff HECKER are experienced in state and federal civil rights litigation and
8 class actions, including systemic litigation challenging prison conditions and
9 disability discrimination.

10 40. Defendants have acted or refused to act on grounds generally applicable to
11 the class, thereby making appropriate final declaratory and injunctive relief with
12 respect to the class as a whole under Federal Rule of Civil Procedure 23(b)(2).

13 **FIRST CAUSE OF ACTION**

14 Disability-Based Discrimination in Violation of
15 Title II of the Americans with Disabilities Act of 1990
16 Against All Defendants

17 41. Plaintiff HECKER incorporates by reference as though fully set forth
18 herein paragraphs 1 through 40 of this Complaint.

19 42. Title II of the ADA provides that “no qualified individual with a disability
20 shall, by reason of such disability, be excluded from participation in or be denied
21 the benefits of the services, programs, or activities of a public entity, or be
22 subjected to discrimination by any such entity.” 42 U.S.C. § 12132. By no later
23 than July 26, 1992, public entities were required to complete an evaluation of its
24 services, policies, and practices, and the effects thereof on persons with
25 disabilities, and to make any modifications necessary to ensure that the
26 requirements of Title II are met. 28 C.F.R. § 35.105.

27 43. In providing any aid, benefit or service, a public entity “may not . . . [d]eny
28 a qualified individual with a disability the opportunity to participate in or benefit
from the aid, benefit or service,” “[a]fford a qualified individual with a disability

1 an opportunity to participate in or benefit from the aid, benefit, or service that is
2 not equal to that afforded others,” “[p]rovide a qualified individual with a
3 disability with an aid, benefit, or service that is not as effective in affording equal
4 opportunity . . . as those provided to others,” or “[o]therwise limit a qualified
5 individual with a disability in the enjoyment of any right, privilege, advantage, or
6 opportunity enjoyed by others[.]” 28 C.F.R. § 35.130(b)(1)(i), (ii), (iii), (vi). A
7 public entity may not “[d]eny a qualified individual with a disability the
8 opportunity to participate as a member of planning or advisory boards.” 28 C.F.R.
9 § 35.130(b)(1)(vi).

10 44. Further, “[a] public entity may not . . . utilize criteria or methods of
11 administration . . . [t]hat have the effect of subjecting qualified individuals with
12 disabilities to discrimination on the basis of disability[.]” 28 C.F.R.
13 § 35.130(b)(3)(i). Nor may a public entity “impose or apply eligibility criteria that
14 screen out or tend to screen out an individual with a disability or any class of
15 individuals with disabilities from fully and equally enjoying any service, program,
16 or activity, unless such criteria can be shown to be necessary[.]” 28 C.F.R.
17 § 35.130(b)(8). Finally, “[a] public entity shall administer services, programs, and
18 activities in the most integrated setting appropriate to the needs of qualified
19 individuals with disabilities.” 28 C.F.R. § 35.130(d).

20 45. Defendants have violated the ADA and its regulations by, *inter alia*: (a)
21 denying Plaintiff HECKER and other inmates similarly situated the opportunities
22 and benefits of the programs, services, and activities offered by the Defendants to
23 other, nondisabled inmates; (b) denying Plaintiff HECKER and other inmates
24 similarly situated equal and/or equally effective access to vocational, educational,
25 employment, recreational, and other opportunities on the basis of his disability; (c)
26 utilizing policies and practices that have a disparate impact on, and which screen
27 out or tend to screen out, inmates with psychiatric disabilities, including Plaintiff
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1 HECKER; (d) utilizing methods of administration that have the effect of
2 discriminating against inmates with psychiatric disabilities, including Plaintiff
3 HECKER; (f) failing to complete and implement an adequate self-evaluation plan
4 with respect to inmates with psychiatric disabilities; (g) failing to take prompt and
5 equitable steps to remedy their discriminatory conduct; and (h) by otherwise
6 segregating, excluding, and discriminating against inmates with psychiatric
7 disabilities, including Plaintiff HECKER.

8 46. Defendants' unlawful actions were and continue to be intentional, willful,
9 malicious, and/or done with reckless disregard to the right of Plaintiff HECKER
10 and other inmates similarly situated to be free from discrimination based on
11 disability.

12 47. Plaintiff HECKER is entitled to declaratory relief, injunctive relief, and
13 attorneys' fees and costs.

14 **SECOND CAUSE OF ACTION**
15 Disability-Based Discrimination in Violation of
16 Section 504 of the Rehabilitation Act of 1973
Against All Defendants

17 48. Plaintiff HECKER incorporates by reference as though fully set forth
18 herein paragraphs 1 through 47 of this Complaint.

19 49. Section 504 of the Rehabilitation Act states that "[n]o otherwise qualified
20 individual with a disability . . . shall, solely by reason of her or his disability, be
21 excluded from the participation in, be denied the benefits of, or be subjected to
22 discrimination under any program or activity receiving Federal financial
23 assistance." 29 U.S.C. § 794(a). Nearly 30 years ago, recipients of federal
24 financial assistance were required to complete a self-evaluation of their programs
25 and activities, and make necessary changes to ensure that such programs and
26 activities were accessible to and usable by persons with disabilities. *See, e.g.*, 28
C.F.R. § 42.521; 45 C.F.R. § 84.22.

27 50. As detailed herein, the Defendants have violated Section 504 and its
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1 regulations by unnecessarily segregating and discriminating against inmates with
2 psychiatric disabilities, including Plaintiff HECKER, and by excluding such
3 inmates from a broad range of basic vocational, educational, employment,
4 recreational, and other programs. The Defendants have failed to complete and
5 implement an adequate self-evaluation plan with respect to inmates with
6 psychiatric disabilities.

7 51. Defendants' unlawful actions were and continue to be intentional, willful,
8 malicious, and/or done with reckless disregard to the right of Plaintiff HECKER
9 and other inmates similarly situated to be free from discrimination based on
10 disability.

11 52. Plaintiff HECKER is entitled to declaratory relief, injunctive relief, and
12 attorneys' fees and costs.

13 **DECLARATORY RELIEF ALLEGATIONS**

14 53. Plaintiff HECKER incorporates by reference the allegations in paragraphs
15 1 through 52, as though fully set forth herein.

16 54. A present and actual controversy exists between Plaintiff HECKER and
17 Defendants concerning their rights and respective duties. Plaintiff HECKER
18 contends that the Defendants have violated and continue to violate his rights, and
19 the rights of other inmates similarly situated, under the ADA, Section 504, and
20 Section 11135 of the California Government Code. Plaintiff is informed and
21 believes, and thereon alleges, that the Defendants deny these allegations.
22 Declaratory relief is therefore necessary and appropriate.

23 55. Plaintiff HECKER seeks a judicial declaration of the rights and duties of
24 the respective parties.

25 **INJUNCTIVE RELIEF ALLEGATIONS**

26 56. Plaintiff HECKER incorporates by reference the allegations in paragraphs
27 1 through 55, as though fully set forth herein.

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1 57.No plain adequate, or complete remedy at law is available to Plaintiff
2 HECKER to redress the wrongs alleged herein.

3 58.If the court does not grant the injunctive relief sought herein, Plaintiff
4 HECKER will be irreparably harmed.

5 **PRAYER FOR RELIEF**

6 1. For an order enjoining the Defendants from engaging in the unlawful
7 discrimination complained of herein;

8 2. For an order granting such other injunctive relief as may be appropriate;

9 3. For declaratory relief;

10 4. For reasonable attorneys' fees and costs of suit, including expert fees,
11 pursuant to 42 U.S.C. § 12205, 29 U.S.C § 2617(a)(3), Cal. Civil Code §§ 52(a),
12 54.3(a), 55, Cal. Code of Civ. Proc. § 1021.5, and other laws;

13 5. For such other and further relief as the Court deems just and proper.

14 Dated: December 1, 2005

15
16
17 By: 
18 CLAUDIA CENTER