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12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 RAUL URIARTE-LIMON,

16 Plaintiff,

17 vs.

18 S & J CAPITAL GROUP LLC, a  
19 limited liability company; KENT D.  
20 SINGLETON as an individual and as a  
21 trustee of the SINGLETON KENT D  
22 1998 REV TRUST; and DOES 1-10,

23 Defendants.  
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Case No.:

COMPLAINT FOR:

DENIAL OF CIVIL RIGHTS AND  
ACCESS TO PUBLIC FACILITIES  
TO PHYSICALLY DISABLED  
PERSONS IN VIOLATION OF THE  
AMERICANS WITH DISABILITIES  
ACT OF 1990, (42 U.S.C. §12101, *et*  
*seq.*) AND THE UNRUH CIVIL  
RIGHTS ACT, (CALIFORNIA CIVIL  
CODE §51, *et seq.*)

DEMAND FOR JURY TRIAL



1 4. Defendants own and owned the property located at 10782 S Central  
2 Ave, Ontario, CA (“Subject Property”) at all relevant times.

3 5. Defendants operate and operated a car tint shop doing business as Tint  
4 Masters (“tint shop”), located at the Subject Property, at all relevant times.

5 6. Plaintiff alleges that the Defendants have been and are the owners,  
6 franchisees, lessees, general partners, limited partners, agents, trustees, employees,  
7 subsidiaries, partner companies and/or joint ventures of each of the other  
8 Defendants, and performed all acts and omissions stated herein within the course  
9 and scope of such relationships causing the damages complained of herein.

## 10 **II. JURISDICTION AND VENUE**

11 7. This Court has subject matter jurisdiction over this action pursuant to  
12 28 U.S.C. §1331 and §1343(a)(3) and (a)(4) for violations of the Americans with  
13 Disabilities Act of 1990, U.S.C. §12101, *et seq.*

14 8. Pursuant to supplemental jurisdiction, an attendant and related cause  
15 of action, arising out of the same nucleus of operative facts and arising out of the  
16 same transactions, is also brought under California’s Unruh Civil Rights Act,  
17 which expressly incorporates the Americans with Disabilities Act.

18 9. Venue is proper in this court pursuant to 28 U.S.C. U.S.C. §1391(b)  
19 and is founded on the fact that the real property which is the subject of this action  
20 is located in this district and that Plaintiff’s causes of action arose in this district.

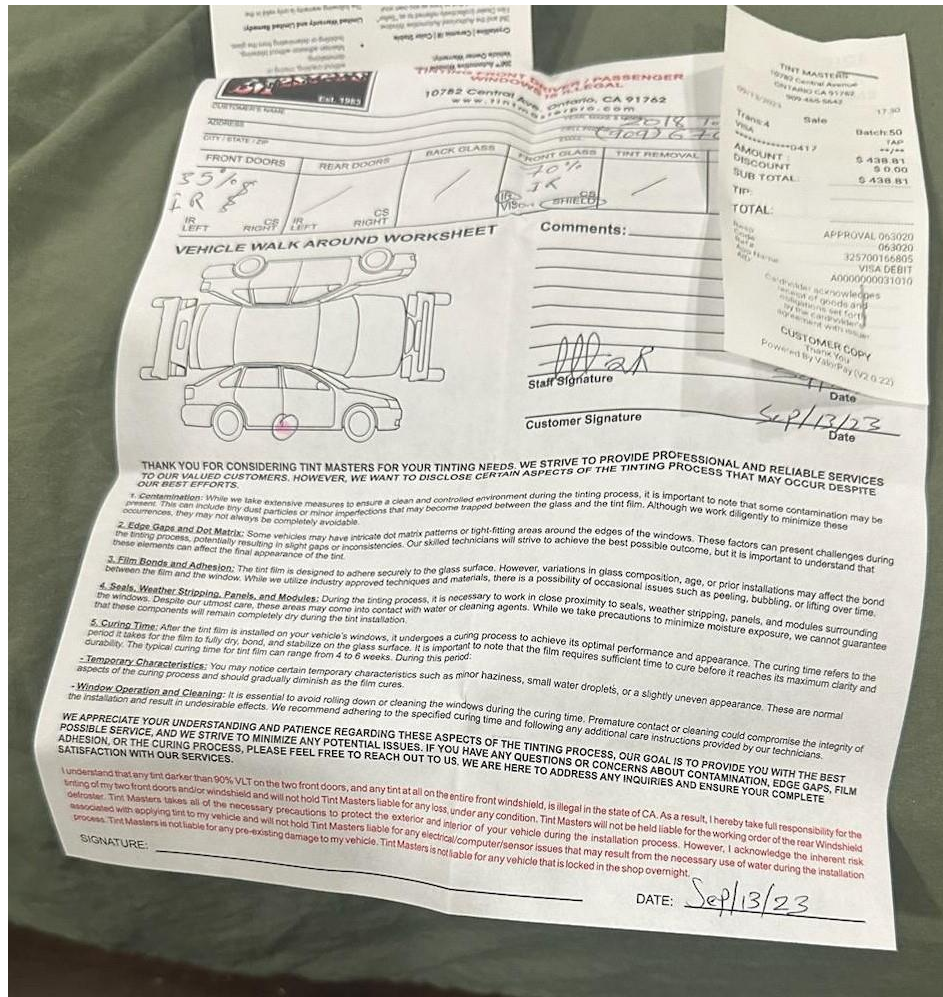
## 21 **III. FACTS**

22 10. Plaintiff uses a wheelchair for mobility.

23 11. Defendants’ business is open to the public, a place of public  
24 accommodation, and a business establishment.

25 12. Plaintiff went to the tint shop on September 13, 2023 to have his car  
26 windows tinted.

27 13. The receipt he received for his purchase is shown in the photo below.  
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14. Unfortunately, during Plaintiff’s visit, Defendants did not offer persons with disabilities equivalent facilities, privileges, advantages, and accommodations offered to other persons.

15. Plaintiff encountered barriers that interfered with and denied Plaintiff the ability to use and enjoy the goods, services, privileges, advantages, and accommodations offered by Defendants at the Subject Property.

16. These barriers violate one or more standards of the Americans with Disabilities Act (“2010 ADA”) and/or the California Building Codes (“2022 CBC”).

17. Parking for patrons visiting the Subject Property is among the facilities, privileges, advantages, and accommodations offered by Defendants.

1 18. According to the ADA National Network, “Designating accessible  
2 parking is often readily achievable and is considered a top priority because it  
3 enables many people with disabilities to ‘get in the door.’” ADA National Network  
4 Accessible Parking Factsheet, 2017.

5 19. When parking is provided, there must be at least one accessible  
6 parking space designated and marked for disabled persons. 2010 ADA §502 et  
7 seq.; 2022 CBC 11B-502 et seq.

8 20. However, there is no accessible parking whatsoever for disabled  
9 persons at the Subject Property.

10 21. There is no ADA compliant parking. ADA 2010 §502 et seq.; 2022  
11 CBC 11B 502 et seq.

12 22. There is no ADA compliant parking signage. ADA 2010 §502.6; 2022  
13 CBC 11B-502.6, 11B-703.7.2.1.

14 23. There is no sign in a conspicuous place at the entrance to the facility,  
15 or immediately adjacent to on-site accessible parking and visible from each  
16 parking space, stating that vehicles parked in designated accessible spaces not  
17 displaying a disabled placard or license plate will be towed. 2022 CBC 11B-502.8.

18 24. There is no accessible path of travel from the parking area to the  
19 office entrance of the store. The path of travel includes vehicles which make it  
20 difficult or impossible for a wheelchair user to traverse. 2010 ADA §206; 2010  
21 ADA §302; 2010 ADA §403; 2022 CBC 11B-206; 2022 CBC 11B-302; 2022  
22 CBC 11B-403.

23 25. The photo below shows one or more of these violations.

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8       26. The barriers existed during Plaintiff's visit to the Subject Property.  
9 Plaintiff personally encountered these barriers.

10       27. These inaccessible conditions and barriers denied Plaintiff full and  
11 equal access and caused him difficulty, discomfort, and embarrassment. Because of  
12 the lack of compliant parking, Plaintiff was placed at risk of being blocked in by  
13 other vehicles and unable to get out of his vehicle or get back into it. He was also  
14 at greater risk of being hit by a car while transferring to and from his wheelchair.  
15 Because of the lack of a compliant path of travel he was placed at greater risk of  
16 being hit by a car backing out of its space.

17       28. These barriers denied Plaintiff full and equal access due to his  
18 disability because, *inter alia*, they caused Plaintiff anxiety, difficulty, discomfort,  
19 and embarrassment which patrons who do not use a wheelchair for mobility do not  
20 suffer when they access the Subject Property.

21       29. Plaintiff intends to return to the Subject Property in the near future.  
22 Plaintiff is currently deterred from returning because of the knowledge of the  
23 barriers to equal access that relate to Plaintiff's disabilities which continue to exist  
24 at Defendants' public accommodation facilities.

25       30. Plaintiff alleges that Defendants knew that the barriers prevented  
26 equal access. Plaintiff further alleges that Defendants had actual or constructive  
27 knowledge that the architectural barriers prevented equal access, and that the  
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1 noncompliance with the Americans with Disabilities Act and Title 24 of the  
2 California Building Code regarding accessible features was intentional.

3 31. Defendants have obstructed or failed to maintain, in working and  
4 useable conditions, those features necessary to provide ready access to persons  
5 with disabilities. “A public accommodation shall maintain in operable working  
6 condition those features of facilities and equipment that are required to be readily  
7 accessible to and usable by persons with disabilities.” 28 C.F.R. §36.211(a); 2022  
8 CBC 11B-108.

9 32. The State of California Department of General Servicers, Division of  
10 the State Architect (DSA) provides commentary to 2022 CBC 11B-108 as follows:

11 Features for accessibility must be permanently functional, unobstructed  
12 and may not be removed. It is not sufficient to provide features such as  
13 accessible routes, parking, elevators, ramps or signage if those features  
14 are not maintained in a manner that enables individuals with disabilities  
to use them.

15 DSA, 2019 California Access Compliance Advisory Reference Manual, p.84.

16 33. Defendants have the financial resources to remove these barriers  
17 without much expense or difficulty in order to make their property more accessible  
18 to their mobility impaired customers. The United States Department of Justice has  
19 identified that these types of barriers are readily achievable to remove.

20 34. To date, Defendants refuse to remove these barriers, in violation of  
21 the law, willfully depriving disabled persons including Plaintiff of important civil  
22 rights.

23 35. On information and belief, Plaintiff alleges that the Defendants’  
24 failure to remove these barriers was intentional because the barriers are logical and  
25 obvious. During all relevant times Defendants had authority, control, and dominion  
26 over these conditions and therefore the absence of accessible facilities was not a  
27 mishap, but rather an intentional act.

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1           36. The barriers to access are listed above without prejudice to Plaintiff  
2 citing additional barriers to equal access by an amended complaint after inspection  
3 by Plaintiff's Certified Access Specialist (CAsp). *Oliver v. Ralphs Grocery Co.*,  
4 654 F.3d 903 (9th Cir. 2011); *Doran v. 7-Eleven, Inc.*, 524 F.3d 1034 (9th Cir.  
5 2008); *Chapman v. Pier One Imports (USA), Inc.*, 631 F.3d 939 (9th Cir. 2011).  
6 All of these barriers to access render the premises inaccessible to physically  
7 disabled persons who are mobility impaired, such as Plaintiff, are barriers Plaintiff  
8 may encounter when he returns to the premises. All public accommodations must  
9 be brought into compliance with all applicable federal and state accessibility  
10 requirements.

### 11   **FIRST CAUSE OF ACTION**

12                           Violation of the Americans With Disabilities Act of 1990

13   (42 U.S.C. §12101, *et seq.*)

14   (Against All Defendants)

15           37. Plaintiff alleges and incorporates by reference, as if fully set forth  
16 again herein, each and every allegation contained in all prior paragraphs of this  
17 complaint.

18           38. More than thirty years ago, the 101st United States Congress found  
19 that although "physical or mental disabilities in no way diminish a person's right to  
20 fully participate in all aspects of society, yet many people with physical or mental  
21 disabilities have been precluded from doing so because of discrimination...in such  
22 critical areas as employment, housing, public accommodations, education,  
23 transportation, communication, recreation, institutionalization, health services,  
24 voting, and access to public services." 42 U.S.C. §12101(a).

25           39. In 1990 Congress also found that "the Nation's proper goals regarding  
26 individuals with disabilities are to assure equality of opportunity, full participation,  
27 independent living, and economic self-sufficiency for such individuals," but that  
28 "the continuing existence of unfair and unnecessary discrimination and prejudice



1 denies people with disabilities the opportunity to compete on an equal basis and to  
2 pursue those opportunities for which our free society is justifiably famous.” 42  
3 U.S.C. §12101(a).

4 40. In passing the Americans with Disabilities Act of 1990, which was  
5 signed into law by President George H. W. Bush on July 26, 1990 (hereinafter the  
6 “ADA”), Congress stated as its purpose:

7 “It is the purpose of this Act

8 (1) to provide a clear and comprehensive national mandate for the  
9 elimination of discrimination against individuals with disabilities;

10 (2) to provide clear, strong, consistent, enforceable standards  
11 addressing discrimination against individuals with disabilities;

12 (3) to ensure that the Federal Government plays a central role in  
13 enforcing the standards established in this Act on behalf of individuals  
14 with disabilities; and

15 (4) to invoke the sweep of congressional authority, including the power  
16 to enforce the fourteenth amendment and to regulate commerce, in  
17 order to address the major areas of discrimination faced day to-day by  
18 people with disabilities.”

19 42 USC §12101(b).

20 41. As part of the ADA, Congress passed “Title III – Public  
21 Accommodations and Services Operated by Private Entities” (42 U.S.C. §12181 *et*  
22 *seq.*). Title III of the ADA prohibits discrimination against any person “on the  
23 basis of disability in the full and equal enjoyment of the goods, services, facilities,  
24 privileges, advantages, or accommodations of any place of public accommodation  
25 by any person who owns, leases (or leases to), or operates a place of public  
26 accommodation.” 42 U.S.C. §12182(a).

27 42. The specific prohibitions against discrimination include, *inter alia*, the  
28 following:

- 1 • 42 U.S.C. §12182(b)(1)(A)(ii): “Participation in Unequal Benefit. - It  
2 shall be discriminatory to afford an individual or class of individuals,  
3 on the basis of a disability or disabilities of such individual or class,  
4 directly, or through contractual, licensing, or other arrangements, with  
5 the opportunity to participate in or benefit from a good, service, facility,  
6 privilege, advantage, or accommodation that is not equal to that  
7 afforded to other individuals.”
- 8 • 42 U.S.C. §12182(b)(2)(A)(ii): “a failure to make reasonable  
9 modifications in policies, practices, or procedures when such  
10 modifications are necessary to afford such goods, services, facilities,  
11 privileges, advantages, or accommodations to individuals with  
12 disabilities...;”
- 13 • 42 U.S.C. §12182(b)(2)(A)(iii): “a failure to take such steps as may be  
14 necessary to ensure that no individual with a disability is excluded,  
15 denied service, segregated, or otherwise treated differently than other  
16 individuals because of the absence of auxiliary aids and services...;”
- 17 • 42 U.S.C. §12182(b)(2)(A)(iv): “a failure to remove architectural  
18 barriers, and communication barriers that are structural in nature, in  
19 existing facilities... where such removal is readily achievable;”
- 20 • 42 U.S.C. §12182(b)(2)(A)(v): “where an entity can demonstrate that  
21 the removal of a barrier under clause (iv) is not readily achievable, a  
22 failure to make such goods, services, facilities, privileges, advantages,  
23 or accommodations available through alternative methods if such  
24 methods are readily achievable.”

25 43. Plaintiff is a qualified individual with a disability as defined in the  
26 Rehabilitation Act and in the Americans with Disabilities Act of 1990.

27 44. The acts and omissions of Defendants set forth herein were in  
28 violation of Plaintiff’s rights under the ADA and the regulations promulgated  
thereunder, 28 C.F.R. Part 36 *et seq.*

45. The removal of each of the physical and policy barriers complained of  
by Plaintiff as hereinabove alleged, were at all times herein mentioned “readily  
achievable” under the standards of §12181 and §12182 of the ADA. Removal of

1 each and every one of the architectural and/or policy barriers complained of herein  
2 was already required under California law. Further, on information and belief,  
3 alterations, structural repairs or additions since January 26, 1993, have also  
4 independently triggered requirements for removal of barriers to access for disabled  
5 persons per §12183 of the ADA. In the event that removal of any barrier is found  
6 to be “not readily achievable,” Defendants still violated the ADA, per  
7 §12182(b)(2)(A)(v) by failing to provide all goods, services, privileges, advantages  
8 and accommodations through alternative methods that were “readily achievable.”

9 46. On information and belief, as of the date of Plaintiff’s encounter at the  
10 premises and as of the filing of this Complaint, Defendants’ actions, policies, and  
11 physical premises have denied and continue to deny full and equal access to  
12 Plaintiff and to other mobility disabled persons in other respects, which violate  
13 Plaintiff’s right to full and equal access and which discriminate against Plaintiff on  
14 the basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
15 enjoyment of the goods, services, facilities, privileges, advantages and  
16 accommodations, in violation of 42 U.S.C. §12182 and §12183 of the ADA.

17 47. Defendants’ actions continue to deny Plaintiff’s rights to full and  
18 equal access and discriminated and continue to discriminate against him on the  
19 basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
20 enjoyment of Defendants’ goods, services, facilities, privileges, advantages and  
21 accommodations, in violation of the ADA, 42 U.S.C. §12182.

22 48. Further, each and every violation of the Americans With Disabilities  
23 Act of 1990 also constitutes a separate and distinct violation of California Civil  
24 Code §51(f), §52, §54(c) and §54.1(d), thus independently justifying an award of  
25 damages and injunctive relief pursuant to California law, including but not limited  
26 to Civil Code §54.3 and §55.

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1 **SECOND CAUSE OF ACTION**

2 Violation of the Unruh Civil Rights Act

3 (California Civil Code §51, *et seq.*)

4 (Against All Defendants)

5 49. Plaintiff alleges and incorporates by reference, as if fully set forth  
6 again herein, each and every allegation contained in all prior paragraphs of this  
7 complaint.

8 50. California Civil Code §51 provides that physically disabled persons  
9 are free and equal citizens of the state, regardless of their medical condition or  
10 disability:

11 All persons within the jurisdiction of this state are free and equal, and  
12 no matter what their sex, race, color, religion, ancestry, national origin,  
13 **disability, or medical condition** are entitled to full and equal  
14 accommodations, advantages, facilities, privileges, or services in all  
business establishments of every kind whatsoever.

15 California Civil Code §51(b) (emphasis added).

16 51. California Civil Code §51.5 also states, in part: “No business,  
17 establishment of any kind whatsoever shall discriminate against...any person in  
18 this state on account” of their disability.

19 52. California Civil Code §51(f) specifically incorporates (by reference)  
20 an individual’s rights under the ADA into the Unruh Act.

21 53. California Civil Code §52 provides that the discrimination by  
22 Defendants against Plaintiff on the basis of his disability constitutes a violation of  
23 the general antidiscrimination provisions of §51 and §52.

24 54. Each of Defendants’ discriminatory acts or omissions constitutes a  
25 separate and distinct violation of California Civil Code §52, which provides that:

26 Whoever denies, aids or incites a denial, or makes any discrimination  
27 or distinction contrary to section 51, 51.5, or 51.6 is liable for each and  
28 every offense for the actual damages, and any amount that may be  
determined by a jury, or a court sitting without a jury, up to a maximum

1 of three times the amount of actual damage but in no case less than four  
2 thousand dollars (\$4,000), and any attorney's fees that may be  
3 determined by the court in addition thereto, suffered by any person  
4 denied the rights provided in Section 51, 51.5, or 51.6.

5 55. Any violation of the Americans with Disabilities Act of 1990  
6 constitutes a violation of California Civil Code §51(f), thus independently  
7 justifying an award of damages and injunctive relief pursuant to California law,  
8 including Civil Code §52. Per Civil Code §51(f), "A violation of the right of any  
9 individual under the Americans with Disabilities Act of 1990 (Public Law 101-  
10 336) shall also constitute a violation of this section."

11 56. The actions and omissions of Defendants as herein alleged constitute a  
12 denial of access to and use of the described public facilities by physically disabled  
13 persons within the meaning of California Civil Code §51 and §52.

14 57. The discriminatory denial of equal access to and use of the described  
15 public facilities caused Plaintiff difficulty, discomfort, and embarrassment.

16 58. As a proximate result of Defendants' action and omissions,  
17 Defendants have discriminated against Plaintiff in violation of Civil Code §51 and  
18 §52, and are responsible for statutory, compensatory and actual damages to  
19 Plaintiff, according to proof.

### 20 **PRAYER FOR RELIEF**

21 Plaintiff has no adequate remedy at law to redress the wrongs suffered as set  
22 forth in this Complaint. Plaintiff has suffered and will continue to suffer  
23 irreparable injury as a result of the unlawful acts, omissions, policies, and  
24 practices of the Defendants as alleged herein, unless Plaintiff is granted the relief  
25 he requests. Plaintiff and Defendants have an actual controversy and opposing  
26 legal positions as to Defendants' violations of the laws of the United States and  
27 the State of California.  
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1 The need for relief is critical because the civil rights at issue are paramount  
2 under the laws of the United States of America and the State of California.

3 WHEREFORE, Plaintiff prays judgment against Defendants, and each of  
4 them, as follows:

5 1. Issue a preliminary and permanent injunction directing  
6 Defendants as current owners, operators, lessors, and/or lessees of the  
7 Subject Property and premises to modify the above described property,  
8 premises, policies and related facilities to provide full and equal access  
9 to all persons, including persons with physical disabilities; and issue a  
10 preliminary and permanent injunction pursuant to ADA §12188(a) and  
11 state law directing Defendants to provide facilities and services usable  
12 by Plaintiff and similarly situated persons with disabilities, and which  
13 provide full and equal access, as required by law, and to maintain such  
14 accessible facilities once they are provided; to cease any discriminatory  
15 policies; and to train Defendants' employees and agents how to  
16 recognize disabled persons and accommodate their rights and needs;

17 2. Retain jurisdiction over the Defendants until such time as  
18 the Court is satisfied that Defendants' unlawful policies, practices, acts  
19 and omissions, and maintenance of physically inaccessible public  
20 facilities and policies as complained of herein no longer occur, and  
21 cannot recur;

22 3. Award to Plaintiff all appropriate damages, including but  
23 not limited to actual and statutory damages according to proof;

24 4. Award to Plaintiff all reasonable attorney fees, litigation  
25 expenses, and costs of this proceeding pursuant to 42 U.S.C §12205 and  
26 California Civil Code §52; and

27 5. Grant such other and further relief as this Court may deem  
28 just and proper.

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DATED: October 10, 2023

**VALENTI LAW APC**

By: /s/ Matthew D. Valenti

Matthew D. Valenti  
Attorney for Plaintiff Raul Uriarte-  
Limon

**JURY DEMAND**

Plaintiff hereby demands a trial by jury for all claims and issues for which a jury is permitted.

DATED: October 10, 2023

**VALENTI LAW APC**

By: /s/ Matthew D. Valenti

Matthew D. Valenti  
Attorney for Plaintiff Raul Uriarte-Limon