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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 CAMERON HARRELL,  
12 Plaintiff,

13 vs.

14  
15 SANG HYON RHO; and DOES 1 to 10,  
16 Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA’S UNRUH CIVIL RIGHTS ACT;
3. CALIFORNIA’S DISABLED PERSONS ACT;
4. CALIFORNIA HEALTH & SAFETY CODE;
5. NEGLIGENCE

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23 Plaintiff CAMERON HARRELL (“Plaintiff”) complains of Defendants SANG  
24 HYON RHO; and DOES 1 to 10 (“Defendants”) and alleges as follows:

25 **PARTIES**

26 1. Plaintiff is a California resident with a physical disability. Plaintiff is  
27 diagnosed with complete paraplegia due to a spinal cord injury and is substantially  
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1 limited in his ability to walk. Plaintiff requires the use of a wheelchair at all times when  
2 traveling in public.

3 2. Defendants are, or were at the time of the incident, the real property owners,  
4 business operators, lessors and/or lessees of the real property for a tea shop (“Business”)   
5 located at or about 1630 W. Foothill Blvd., Upland, California.

6 3. The true names and capacities, whether individual, corporate, associate or  
7 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
8 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
9 Court to amend this Complaint when the true names and capacities have been  
10 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such  
11 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
12 Plaintiff for the acts herein alleged.

13 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
14 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
15 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
16 the things alleged herein was acting with the knowledge and consent of the other  
17 Defendants and within the course and scope of such agency or employment relationship.

18 5. Whenever and wherever reference is made in this Complaint to any act or  
19 failure to act by a defendant or Defendants, such allegations and references shall also be  
20 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
21 and severally.

### 22 **JURISDICTION AND VENUE**

23 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
24 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
25 *seq.*).

26 7. Pursuant to pendant jurisdiction, attendant and related causes of action,  
27 arising from the same nucleus of operating facts, are also brought under California law,  
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1 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
2 54, 54., 54.3 and 55.

3 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

4 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
5 property which is the subject of this action is located in this district, San Bernardino  
6 County, California, and that all actions complained of herein take place in this district.

7 **FACTUAL ALLEGATIONS**

8 10. In or about April of 2024, Plaintiff went to the Business.

9 11. The Business is a tea shop business establishment, open to the public, and is  
10 a place of public accommodation that affects commerce through its operation.

11 12. While attempting to enter the Business during each visit, Plaintiff personally  
12 encountered a number of barriers that interfered with his ability to use and enjoy the  
13 goods, services, privileges, and accommodations offered at the Business.

14 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
15 included, but were not limited to, the following:

- 16 a. Defendants failed to comply with the federal and state standards for  
17 the parking space designated for persons with disabilities. Defendants  
18 failed to provide an access aisle with level surface slope, as there was  
19 a permanent ramp installed on the van accessible aisle.

20 14. These barriers and conditions denied Plaintiff the full and equal access to the  
21 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
22 patronize the Business; however, Plaintiff is deterred from visiting the Business because  
23 his knowledge of these violations prevents him from returning until the barriers are  
24 removed.

25 15. Based on the violations, Plaintiff alleges, on information and belief, that  
26 there are additional barriers to accessibility at the Business after further site inspection.  
27 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*  
28 *Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

1 16. In addition, Plaintiff alleges, on information and belief, that Defendants  
2 knew that particular barriers render the Business inaccessible, violate state and federal  
3 law, and interfere with access for the physically disabled.

4 17. At all relevant times, Defendants had and still have control and dominion  
5 over the conditions at this location and had and still have the financial resources to  
6 remove these barriers without much difficulty or expenses to make the Business  
7 accessible to the physically disabled in compliance with ADDAG and Title 24  
8 regulations. Defendants have not removed such barriers and have not modified the  
9 Business to conform to accessibility regulations.

10 **FIRST CAUSE OF ACTION**

11 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

12 18. Plaintiff incorporates by reference each of the allegations in all prior  
13 paragraphs in this complaint.

14 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
15 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
16 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
17 public accommodation by any person who owns, leases, or leases to, or operates a place  
18 of public accommodation. *See* 42 U.S.C. § 12182(a).

19 20. Discrimination, *inter alia*, includes:

- 20 a. A failure to make reasonable modification in policies, practices, or  
21 procedures, when such modifications are necessary to afford such  
22 goods, services, facilities, privileges, advantages, or accommodations  
23 to individuals with disabilities, unless the entity can demonstrate that  
24 making such modifications would fundamentally alter the nature of  
25 such goods, services, facilities, privileges, advantages, or  
26 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 27 b. A failure to take such steps as may be necessary to ensure that no  
28 individual with a disability is excluded, denied services, segregated or

1 otherwise treated differently than other individuals because of the  
2 absence of auxiliary aids and services, unless the entity can  
3 demonstrate that taking such steps would fundamentally alter the  
4 nature of the good, service, facility, privilege, advantage, or  
5 accommodation being offered or would result in an undue burden. 42  
6 U.S.C. § 12182(b)(2)(A)(iii).

7 c. A failure to remove architectural barriers, and communication barriers  
8 that are structural in nature, in existing facilities, and transportation  
9 barriers in existing vehicles and rail passenger cars used by an  
10 establishment for transporting individuals (not including barriers that  
11 can only be removed through the retrofitting of vehicles or rail  
12 passenger cars by the installation of a hydraulic or other lift), where  
13 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

14 d. A failure to make alterations in such a manner that, to the maximum  
15 extent feasible, the altered portions of the facility are readily  
16 accessible to and usable by individuals with disabilities, including  
17 individuals who use wheelchairs or to ensure that, to the maximum  
18 extent feasible, the path of travel to the altered area and the  
19 bathrooms, telephones, and drinking fountains serving the altered  
20 area, are readily accessible to and usable by individuals with  
21 disabilities where such alterations to the path or travel or the  
22 bathrooms, telephones, and drinking fountains serving the altered area  
23 are not disproportionate to the overall alterations in terms of cost and  
24 scope. 42 U.S.C. § 12183(a)(2).

25 21. Where parking spaces are provided, accessible parking spaces shall be  
26 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
27 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
28 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA

1 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
2 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

3 22. Under the 1991 Standards, parking spaces and access aisles must be level  
4 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.  
5 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
6 shall be part of an accessible route to the building or facility entrance and shall comply  
7 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
8 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
9 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
10 directions. 1991 Standards § 4.6.3.

11 23. Here, the access aisle is not level with the parking spaces, as there was a  
12 permanent ramp installed on the van accessible aisle. Under the 2010 Standards, access  
13 aisles shall be at the same level as the parking spaces they serve. Changes in level are not  
14 permitted. 2010 Standards § 502.4. “Access aisles are required to be nearly level in all  
15 directions to provide a surface for transfer to and from vehicles.” 2010 Standards § 502.4  
16 Advisory. Id. No more than a 1:48 slope is permitted.

17 24. A public accommodation shall maintain in operable working condition those  
18 features of facilities and equipment that are required to be readily accessible to and usable  
19 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

20 25. By failing to maintain the facility to be readily accessible and usable by  
21 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related  
22 regulations.

23 26. The Business has denied and continues to deny full and equal access to  
24 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
25 discriminated against due to the lack of accessible facilities, and therefore, seeks  
26 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
27 by individuals with disabilities.  
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**SECOND CAUSE OF ACTION**

**VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

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3 27. Plaintiff incorporates by reference each of the allegations in all prior  
4 paragraphs in this complaint.

5 28. California Civil Code § 51 states, “All persons within the jurisdiction of this  
6 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
7 national origin, disability, medical condition, genetic information, marital status, sexual  
8 orientation, citizenship, primary language, or immigration status are entitled to the full  
9 and equal accommodations, advantages, facilities, privileges, or services in all business  
10 establishments of every kind whatsoever.”

11 29. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
12 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
13 for each and every offense for the actual damages, and any amount that may be  
14 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
15 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
16 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
17 person denied the rights provided in Section 51, 51.5, or 51.6.

18 30. California Civil Code § 51(f) specifies, “a violation of the right of any  
19 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
20 shall also constitute a violation of this section.”

21 31. The actions and omissions of Defendants alleged herein constitute a denial  
22 of full and equal accommodation, advantages, facilities, privileges, or services by  
23 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
24 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
25 51 and 52.

26 32. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
27 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
28 damages as specified in California Civil Code §55.56(a)-(c).



**THIRD CAUSE OF ACTION**

**VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

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3 33. Plaintiff incorporates by reference each of the allegations in all prior  
4 paragraphs in this complaint.

5 34. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
6 entitled to full and equal access, as other members of the general public, to  
7 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
8 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
9 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
10 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
11 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
12 places of public accommodations, amusement, or resort, and other places in which the  
13 general public is invited, subject only to the conditions and limitations established by  
14 law, or state or federal regulation, and applicable alike to all persons.

15 35. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
16 corporation who denies or interferes with admittance to or enjoyment of public facilities  
17 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
18 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
19 the actual damages, and any amount as may be determined by a jury, or a court sitting  
20 without a jury, up to a maximum of three times the amount of actual damages but in no  
21 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
22 determined by the court in addition thereto, suffered by any person denied the rights  
23 provided in Section 54, 54.1, and 54.2.

24 36. California Civil Code § 54(d) specifies, “a violation of the right of an  
25 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
26 constitute a violation of this section, and nothing in this section shall be construed to limit  
27 the access of any person in violation of that act.  
28



1 37. The actions and omissions of Defendants alleged herein constitute a denial  
2 of full and equal accommodation, advantages, and facilities by physically disabled  
3 persons within the meaning of California Civil Code § 54. Defendants have  
4 discriminated against Plaintiff in violation of California Civil Code § 54.

5 38. The violations of the California Disabled Persons Act caused Plaintiff to  
6 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
7 statutory damages as specified in California Civil Code §55.56(a)-(c).

8 **FOURTH CAUSE OF ACTION**

9 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

10 39. Plaintiff incorporates by reference each of the allegations in all prior  
11 paragraphs in this complaint.

12 40. Plaintiff and other similar physically disabled persons who require the use of  
13 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
14 such facility is in compliance with the provisions of California Health & Safety Code §  
15 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
16 provisions of California Health & Safety Code § 19955 et seq.

17 41. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
18 that public accommodations or facilities constructed in this state with private funds  
19 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
20 Title 1 of the Government Code. The code relating to such public accommodations also  
21 require that “when sanitary facilities are made available for the public, clients, or  
22 employees in these stations, centers, or buildings, they shall be made available for  
23 persons with disabilities.

24 42. Title II of the ADA holds as a “general rule” that no individual shall be  
25 discriminated against on the basis of disability in the full and equal enjoyment of goods  
26 (or use), services, facilities, privileges, and accommodations offered by any person who  
27 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
28 Further, each and every violation of the ADA also constitutes a separate and distinct

1 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
2 award of damages and injunctive relief pursuant to California law, including but not  
3 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

4 **FIFTH CAUSE OF ACTION**

5 **NEGLIGENCE**

6 43. Plaintiff incorporates by reference each of the allegations in all prior  
7 paragraphs in this complaint.

8 44. Defendants have a general duty and a duty under the ADA, Unruh Civil  
9 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
10 to the Plaintiff.

11 45. Defendants breached their duty of care by violating the provisions of ADA,  
12 Unruh Civil Rights Act and California Disabled Persons Act.

13 46. As a direct and proximate result of Defendants' negligent conduct, Plaintiff  
14 has suffered damages.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
17 Defendants as follows:

18 1. For preliminary and permanent injunction directing Defendants to comply  
19 with the Americans with Disability Act and the Unruh Civil Rights Act;

20 2. Award of all appropriate damages, including but not limited to statutory  
21 damages, general damages and treble damages in amounts, according to proof;

22 3. Award of all reasonable restitution for Defendants' unfair competition  
23 practices;

24 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this  
25 action;

26 5. Prejudgment interest pursuant to California Civil Code § 3291; and

27 6. Such other and further relief as the Court deems just and proper.  
28

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: July 2, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff

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