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8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 THERESA BROOKE, a married woman
11 dealing with her sole and separate claim,

12 Plaintiff,

13 vs.

14 SAI RAM INC., a California corporation,

15 Defendant.

Case No:

VERIFIED COMPLAINT

(JURY TRIAL DEMANDED)

16 Plaintiff alleges:

17 **PARTIES**

18 1. Plaintiff Theresa Brooke is a married woman. Plaintiff is legally disabled,
19 and is therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(2),
20 the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq., the
21 California Unruh Civil Rights Act. Plaintiff ambulates with the aid of a wheelchair due
22 to the loss of a leg.

23 2. Defendant, Sai Ram Inc., owns and/or operates and does business as the
24 hotel Econolodge Moreno Valley located at 24412 Sunnymead Boulevard, Moreno
25 Valley, California 92553. Defendant’s hotel is a public accommodation pursuant to 42
26 U.S.C. § 12181(7)(A), which offers public lodging services. On information and belief,
27 Defendant’s hotel was built or renovated after March 15, 2012.
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JURISDICTION

3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 42 U.S.C. § 12188.

4. Plaintiff’s claims asserted herein arose in this judicial district and Defendant does substantial business in this judicial district.

5. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

6. Pursuant to *Arroyo v. Rosas*, supplemental jurisdiction is appropriate over Plaintiff’s Unruh claim. On a case-specific analysis, there are no compelling reasons to decline jurisdiction.

ALLEGATIONS

7. Plaintiff alleges that Defendant’s hotel does not have a compliant access aisle at the passenger loading zone adjacent to the hotel lobby in violation of Sections 209 and 503 of the 2010 Standards. An access aisle has specific requirements to be compliant with the Standards: It must be (1) 60 inches wide and at least 20 feet long, (2) it must have an accessible route adjoining it, and (3) it cannot be within a vehicular way. Section 503.3.

8. She further alleges that Defendant’s hotel does not comply with Section 208.3.1 because the disabled parking is not the shortest possible route to the building entrance.

9. The requirement for an access aisle at a passenger loading zone is immensely important for a person in a wheelchair such as Plaintiff, as it provides safe access to the entry of the hotel and deters others from placing encumbrances or obstacles there such as a vehicle parking. An access aisle is akin to a cross-walk for pedestrians. Absence of an access aisle where required creates dangerous conditions for a person in a wheelchair such as Plaintiff.

1 10. The requirement for disabled parking being shortest distance possible to
2 the building entrance relates to Plaintiff’s disability of being in a wheelchair.

3 11. Plaintiff formerly worked in the hospitality industry. She is an avid
4 traveler across California for purposes of leisure travel and to “test” whether various
5 hotels comply with disability access laws, doing so at least once per month. Testing is
6 encouraged by the Ninth Circuit.

7 12. In late June 2024, Plaintiff personally visited Defendant’s hotel, which
8 has a parking lot and a passenger loading zone. Defendant’s hotel has a passenger
9 loading zone because pickup and dropoff occurs there and it is located directly outside
10 of the lobby entrance. There are also design features showing an intent for utilization as
11 a passenger loading zone. According to the U.S. Access Board Technical Guidelines on
12 Passenger Loading Zones, passenger loading zones are so common at hotels that it
13 recognizes “many hotel entrances” have the design features indicating an intent to
14 utilize as PLZs even if not specifically designated as a PLZ.

15 13. While at Defendant’s hotel, she discovered that Defendant’s hotel has a
16 barrier to entry to the lobby, which is that the passenger loading zone does not have an
17 access aisle compliant with Section 503.3. It is an absolute requirement to have an
18 access aisle at a passenger loading zone pursuant to Sections 209 and 503. The
19 requirement of an access aisle at a passenger loading zone relates to Plaintiff’s
20 disability of not having one leg and being forced to use a wheelchair because access
21 aisles are required so persons in a wheelchair can maneuver without threat of danger
22 from other vehicles and without other encumbrances obstructing their pathway. The
23 lobby, therefore, is inaccessible to Plaintiff by way of the passenger loading zone
24 because there is no access aisle.

25 14. Plaintiff also discovered a second barrier. Unable to access the Hotel from
26 the passenger loading zone due to the lack of the required access aisle, Plaintiff sought
27 to park in the disabled parking spot. However, the disabled parking was far from the
28 Hotel entrance and not the shortest distance to the building entrance. Instead, several

1 non-disabled spots were much closer to the building entrance. Having a parking spot the
2 shortest possible route to the building entrance allows “full and equal” access for
3 Plaintiff in a wheelchair because it takes her longer to move about and unload herself
4 with her wheelchair than a person that is hop out of the vehicle and walk straight away.

5 15. Plaintiff gained actual and personal knowledge of a barrier while visiting
6 Defendant’s hotel (no access aisle at passenger loading zone and disabled parking not
7 shortest distance to entrance), and as a result, she was deterred from entering the hotel
8 both from the barrier and due to the lack of equality.

9 16. Plaintiff has certain plans of returning and staying at the Hotel in
10 December 2024 during one of her many trips across California and especially Los
11 Angeles and Orange County areas, but when she arrives then and Defendant has not
12 remediated, she will remain deterred and will not enter the Hotel.

13 17. It is readily achievable and inexpensive to modify the hotel to provide an
14 access aisle and move a parking spot closer to the building entrance, which involves
15 painting and measuring tools.

16 18. Without injunctive relief, Plaintiff and others will continue to be unable to
17 independently use Defendant’s hotel in violation of her rights under the ADA.

18 **FIRST CAUSE OF ACTION**

19 19. Plaintiff incorporates all allegations heretofore set forth.

20 20. Defendant has discriminated against Plaintiff and others in that it has
21 failed to make its public lodging services fully accessible to, and independently usable
22 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §
23 121282(b)(2)(iv) and the 2010 Standards, as described above.

24 21. Defendant has discriminated against Plaintiff in that it has failed to
25 remove architectural barriers to make its lodging services fully accessible to, and
26 independently usable by individuals who are disabled in violation of 42 U.S.C.
27 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the
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1 2010 Standards would neither fundamentally alter the nature of Defendant's lodging
2 services nor result in an undue burden to Defendant.

3 22. In violation of the 2010 Standards, Defendant's hotel passenger loading
4 zone does not have a disability access aisle compliant with Section 503.3 of the
5 Standards.

6 23. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,
7 as described above, is readily achievable by the Defendant. *Id.* Readily achievable
8 means that providing access is easily accomplishable without significant difficulty or
9 expense.

10 24. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right
11 to declaratory and injunctive relief, as well as costs and attorneys' fees.

12 25. Without the requested injunctive relief, Defendant's non-compliance with
13 the ADA's requirements that its passenger loading zone be fully accessible to, and
14 independently useable by, disabled people is likely to recur.

15 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 16 a. Declaratory Judgment that at the commencement of this action Defendant
17 was in violation of the specific requirements of Title III of the ADA
18 described above, and the relevant implementing regulations of the ADA;
- 19 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
20 36.504(a) which directs Defendant to take all steps necessary to bring its
21 passenger loading zone into full compliance with the requirements set
22 forth in the ADA;
- 23 c. Payment of costs and attorney's fees;
- 24 d. Provision of whatever other relief the Court deems just, equitable and
25 appropriate.

26 **SECOND CAUSE OF ACTION**

27 26. Plaintiff incorporates all allegations heretofore set forth.

28 27. Defendant has discriminated against Plaintiff and others in that it has
failed to make its public lodging services fully accessible to, and independently usable

1 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §
2 121282(b)(2)(iv) and the 2010 Standards, as described above.

3 28. Defendant has discriminated against Plaintiff in that it has failed to
4 remove architectural barriers to make its lodging services fully accessible to, and
5 independently usable by individuals who are disabled in violation of 42 U.S.C.
6 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the
7 2010 Standards would neither fundamentally alter the nature of Defendant's lodging
8 services nor result in an undue burden to Defendant.

9 29. In violation of the 2010 Standards, Defendant's Hotel parking lot does not
10 comply with Section 208.3 of the Standards, as described above.

11 30. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,
12 as described above, is readily achievable by the Defendant. *Id.* Readily achievable
13 means that providing access is easily accomplishable without significant difficulty or
14 expense.

15 31. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right
16 to declaratory and injunctive relief, as well as costs and attorneys' fees.

17 32. Without the requested injunctive relief, Defendant's non-compliance with
18 the ADA's requirements that its parking lot be fully accessible to, and independently
19 useable by, disabled people is likely to recur.

20 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 21 a. Declaratory Judgment that at the commencement of this action Defendant
22 was in violation of the specific requirements of Title III of the ADA
23 described above, and the relevant implementing regulations of the ADA;
- 24 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
25 36.504(a) which directs Defendant to take all steps necessary to bring its
26 parking lot into full compliance with the requirements set forth in the
27 ADA;
- 28 c. Payment of costs and attorney's fees;
- d. Provision of whatever other relief the Court deems just, equitable and
appropriate.

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2 **THIRD CAUSE OF ACTION**

3 33. Plaintiff realleges all allegations heretofore set forth.

4 34. Defendant has violated the Unruh by denying Plaintiff equal access to its
5 public accommodation on the basis of her disability as outlined above.

6 35. Unruh provides for declaratory and monetary relief to “aggrieved
7 persons” who suffer from discrimination on the basis of their disability.

8 36. Plaintiff has been damaged by the Defendant’s non-compliance with
9 Unruh.

10 37. Pursuant to Cal Civ. Code §52, Plaintiff is further entitled to such other
11 relief as the Court considers appropriate, including monetary damages in an amount of
12 \$4,000.00, and not more.

13 38. Pursuant to Unruh, Plaintiff is entitled to attorney’s fees and costs in an
14 amount to be proven at trial.

15 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 16 a. Declaratory Judgment that at the commencement of this action Defendant
17 was in violation of the specific requirements of Unruh; and
18 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
19 36.504(a) which directs Defendant to take all steps necessary to bring its
20 passenger loading zone and parking lot into full compliance with the
21 requirements set forth in the ADA;
22 c. Payment of costs and attorney’s fees;
23 d. Damages in the amount of \$8,000.00; and
24 e. Provision of whatever other relief the Court deems just, equitable and
25 appropriate.

26 **DEMAND FOR JURY TRIAL**

27 Plaintiff hereby demands a jury trial on issues triable by a jury.

28 RESPECTFULLY SUBMITTED this 15th day of August, 2024.

