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1 Troy Wilkes

2 HandicapSkater@mindspring.com

3
4 Defendant in Pro Per

5
6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF SAN MATEO

8
9 San Mateo County Transit Police,

10 Plaintiff,

11 vs.

12 Troy Wilkes (a.k.a. The HandicapSkater),

13 Defendant

Case No.: 904405

**DISCRIMINATION OF HANDICAPSKATER
ACCESSIBILITY**

Date: September 6, 2005

Time: 1:30 p.m.

Dept: 4C

14
15 **OPENING STATEMENT**

16 Your honor, I would like to sequester all my witnesses from Mass Transit.

17 Your honor, I intend to prove that my use of inline skates for a ballistic mobility
18 impairment qualifies them as a mobility aid under the DOJ ADA statutes as a common
19 wheelchair or "non-traditional mobility device", but that Mass Transit (BART, CalTrain,
20 SamTrans and the DOT) has violated the Equal Protection Clause of the Constitution by
21 oppressing my use of skates as a Doctor prescribed and Biomechanically feasible mobility aid.
22 Through the scientific method, I will show that each generation must rethink its natural laws and
23 values in light of broader scientific knowledge and heightened religious and ethical experiences.
24 Science evolves into more rigorous methods that are refined to produce better solutions. Through
25 computer simulation, I will develop this scientific evidence into a comprehensive look at using

1 skates as a mobility aid. In this process, I will explain the evolution of the HandicapSkater,
2 which is my coined phrase for a person that uses skates as a mobility aid. I will establish a fabric
3 of truths made up of integrated threads of truth that is irrefutable, using deduction and induction.

4 In 1991, I began using inline skates to commute on CalTrain and instantly knew they
5 greatly facilitated my movement and drastically decreased my disability pains. At the time,
6 CalTrain conductors required me to remove one skate, which was an implicit reasonable
7 accommodation at the time. Shortly thereafter, they required both skates to be removed, which
8 made it untenable for me to utilize Mass Transit. I was using skates as a mobility aid strictly for
9 the reduction of pain, while maintaining mobility. At the time the scientific knowledge and
10 methods were unable to give any answers to my plight. So, I started riding a motorcycle, which
11 mimics a Supported Child's Pose, a Yoga posture that limits the use of my sacroiliac joints as
12 shock absorbers, which I fractured, because my arms take on that function. Over the next six
13 years I focused on perfecting my movements, which stimulated articular cartilage and synovial
14 fluids in the pelvic and hip regions easing pain during movement.

15 In 1997, I started documenting discrimination of my ballistic mobility impairment
16 through the loss of jobs in San Francisco due to the requirement for me to walk distances that
17 were too great after parking. In 2001, after fracturing a rib in a motorcycle accident, I contacted
18 SamTrans Accessibility Specialist Mr. Sieger about using my Doctor prescribed mobility aid. I
19 submitted the same documentation that Target and others had accepted, but Mr. Sieger
20 demanded to talk with my Doctor, which I obliged because all I was seeking is the truth. It is my
21 contention that through empirical evidence I will show that Mr. Sieger used strong-arm tactics to
22 coerce my Doctor into writing a note saying that I could remove my skates and board the bus. I
23 have talked to My Doctor about their conversation, have shown her irrefutable documentation of
24 my ballistic mobility impairment which I will demonstrate today and she has written numerous
25 notes trying to clarify the issue that I am using skates as a Doctor prescribed mobility aid. I have

1 contacted the DOJ's office of the ADA concerning what constitutes a mobility aid, to which they
2 suggest it is whatever a person with a mobility impairment needs.

3 Your Honor, this is a very simple case, I contacted the court, wrote a letter, appeared
4 before a Pro Tem judge on skates and now you are allowing me to use my skates during this trial
5 as a mobility aid. Reasonable people can make practical decisions on the Gray areas of the Law.
6 Mass Transit has political motivations that are not supposed to be considered by Law to refuse
7 my access. [REDACTED] y, as a HandicapSkater
8 they will not even let me board the Bus, Train or Subway systems, although the San Francisco
9 International Airport does allow me access whereby I have empirical evidence to show that I
10 pass through the stringent Homeland Security Transportation Security Agency with my skates. In
11 today's age of technology and increased sports acumen by the general population it is time for
12 Mass Transit to stop obfuscating the issue, stop acting like a caveman scared to use the wheel
13 and embrace the 21st Century. I call it the Barney Fife Syndrome. This case will show that the
14 Defendant was forced to use **civil disobedience** to bring notice to the necessary changes in Mass
15 Transit (BART, CalTrain, SamTrans and DOT) for the evolution of the disabled.

16 **ARGUMENT**

17 Your honor, I would like to sequester all my witnesses from Mass Transit.

18 **Expert Background**

19 Your honor, I am a Ballistic Mobility Impairment Expert; I have coined the phrase and
20 have been living with a Ballistic Mobility Impairment for over 20 years.

21 Your honor, I am the sole creator of the HandicapSkater concept and am trying to
22 establish the Legal Precedent for its use today. Although, I have established the Practical
23 Precedent of its use since my original instance of using it with a written agreement with Target's
24 Corporate Counsel, Alexander Tselos in 2000.

1 Your honor, I have been developing Software Systems since 1991 in the Silicon Valley
2 and am an Expert in User Interface design, for example HandicapSkater.com. I also have two
3 other example User Interfaces that I can show to prove my expertise.

4 Your Honor, I am a Biomechanics Expert that has researched, designed, implemented,
5 funded and have been maintaining my Scientific Evidence, HandicapSkater.com, out of my
6 apartment since November of 2003. It has been publicly available since that time and SamTrans
7 has viewed the site prior to this court appearance (**Exhibit K**). It speaks the truth and is in the
8 public domain to establish the truth.

9 Your Honor, Rollerblade is sponsoring my HandicapSkater Scientific Experiment,
10 providing these the latest skates made by Rollerblade; lending credibility to my HandicapSkater
11 Theory.

12 Finally your Honor, I am an Expert in the science and art of the Scientific Method,
13 having started this experiment in 1991.

14 **Scientific Method**

15 A cornerstone to the Scientific Method is empirical public observations, because they
16 make science a self-correcting endeavor. Empirical scientific inquiry explores, describes,
17 explains and predicts world occurrences through experimentation, systematic observation or
18 introspection, interviews and examination of data. Ideal scientific inquiry entails 4 processes:

- 19 1. Observation and recording of all the facts.
- 20 2. Analysis and classification of the facts.
- 21 3. Inductive derivation of generalizations of the facts.
- 22 4. Further testing of the generalizations.

23 It is impossible to get all the facts, until the end of the world, but practically you can
24 qualify facts as logically relevant.

1 The Analysis and classification of empirical findings are blind, unless a hypothesis about
2 the phenomena being studied can be a heuristic.

3 There are two ways for a Scientific Argument to be reasoned:

4 1. Inductive – where reasoning proceeds from particular data to a general theory.

5 2. Deductive – where reasoning proceeds from a general theory to particular data.

6 Empirical facts do not produce scientific hypotheses and theories, but creative imagination
7 invents them to account for the facts. The “method of hypothesis” describes hypotheses as
8 tentative answers subjected to empirical test. Deductively it is possible to infer from a hypothesis
9 certain conditional statements that can serve as tests. This reliance on auxiliary hypotheses or
10 tests is the rule in testing scientific hypotheses. Generally a scientific hypothesis yields test
11 implications when combined with suitable auxiliary assumptions.

12 Sometimes when background assumptions are questioned and experimental variations are
13 introduced, there are revolutionary discoveries that refute the generally accepted view. You will
14 witness this today. Science does not defend the status quo, but aims for a comprehensive body of
15 sound empirical knowledge. Science is prepared to give up or modify whatever hypothesis has
16 been generally accepted.

17 The complexity of a theory is based on the number of concepts used. Many important
18 laws and theoretical principles in the natural sciences are probabilistic in nature. A Theory is
19 introduced, when empirical laws reveal a system of uniformity. Theories are then used to explain
20 a phenomenon’s regularities and a deeper and more accurate understanding. A good theory
21 broadens the knowledge base by explaining a phenomenon that was not known when the theory
22 was formulated. A theory is bolstered by using induction and deduction and by the greater
23 variety of empirical knowledge and facts.

Logical Argument

I formulated an inductive theory that skates reduced disability pain, while improving mobility in 1991. In 1997, Andrew Mahar conducted a deductive experiment “Impact Shock and Attenuation during In-Line Skating”, whereby he concluded that impact shock attenuation reduces the compressive force to at most $\frac{1}{4}$ BW during skating.

May I now establish the foundation evidence of my scientific experiment, shown by my website, HandicapSkater.com?

Mass Transit has a belief without prior study or examination about the use of skates as a mobility aid.

[Call Witness: Chuck Harvey]

[Call Witness: Al Johnson]

The Defendant has been following natural law since an accident in 1983, where he was told he may never walk again. Over the next three years his orthopedic surgeon told the Defendant that he did not know the extent of how his injuries would affect him in the future, but to limit “ballistic activity” [i.e. the Defendant had a ballistic mobility impairment] and for the Defendant to follow his own instincts through introspection using his Yoga practice. Not only do people with ballistic mobility impairments benefit, but amputees such as the men and women of the armed forces. Just as Rosa Parks refused to move on the bus for **Racial Equality**; On April 18, 2005, the Defendant notified CalTrain’s Accessibility Specialist, Mathew Sieger, that he was boarding CalTrain to promote **Disability Equality**.

Disability and Limitations

The Defendant has a pelvic deformity (**Exhibit A-7**), which limits his ability to handle impact shocks [<http://www.HandicapSkater.com>: Biomechanics – Pelvic Structure]. The Defendant's orthopedic surgeon advised him to avoid ballistic motions such as running and jumping (**Exhibit A-8**) in 1986. Over the years the Defendant has gotten progressively worse

1 and has needed to limit **ballistic motions**, such as running/jumping, tennis, stair climbing and
2 walking (**Exhibit A-6**). A ballistic motion is any movement of an object (i.e. a person) using its
3 own momentum with the force of gravity. For example, when a person is walking they take a
4 step projecting their foot out in front of them and then falling forward with gravity pulling their
5 foot down to the ground causing an **impact shock or force** to propagate through the pelvic girdle
6 [<http://www.HandicapSkater.com>: Conclusion – Comparison of ballistic motion: Walking vs.
7 Skating]. Since the Defendant has a fracture at his **pubic symphysis** (weight bearing joint vital in
8 the **closed kinematic chain** joined to the sacroiliac joint producing walking movements) and a
9 **cracked sacroiliac joint** with a fracture near his left **acetabulum** (a primary weight bearing
10 point causing the Defendant severe acute pains during ballistic motions), and other fractures
11 creating a myriad of chronic and acute pains, [<http://www.HandicapSkater.com>: Injuries –
12 Picture and Text]. The Defendant stipulates that he is disabled with a ballistic mobility
13 impairment that makes it a medical necessity to use a mobility aid that eliminates ballistic
14 motion, such as skates (**Exhibits B-1, B-2, B-4 thru B-9, Exhibit C Sub Exhibit C,**
15 **Biomechanics Professor's Paper: Impact shock and attenuation during in-line skating not**
16 **provided due to copyright**). Furthermore, since a common wheelchair has 5 criteria to meet: 1)
17 3 or 4 wheeled devices, 2) usable indoors, 3) for mobility impairments, 4) operated manually and
18 5) weight and size limitations. According to 49 CFR §37.3 Appendix D, the Defendant's skates
19 certainly fit in the envelope of a common wheelchair [<http://www.HandicapSkater.com>:
20 Overview – Image with Text] and Mass Transit must make reasonable accommodations.

21 In 1991, the Defendant commuted from San Mateo to Santa Clara for a job and had
22 difficulty driving a car for more than 20 minutes due to his injuries. Therefore, the Defendant
23 purchased inline skates to skate from his residence to CalTrain to commute to work. CalTrain
24 required him to remove one skate to board the train, which he adhered to until the rules changed
25 and both skates were required to be removed causing severe problems for the Defendant. But, the

1 significant point is that the Defendant knew after putting skates on that they were a viable
2 mobility aid for his ballistic mobility impairment.

3 Subsequently, the Defendant purchased a motorcycle to commute to other jobs because
4 the positioning mimics a Yoga posture, supported child's pose, which reduces the strain on his
5 sacroiliac joint and allows him the ability to move his hips while traveling which helps to
6 alleviate some pains. (**Exhibit L**)

7 In 1998 after losing two consecutive jobs due to the cities of San Francisco,
8 San Jose and Super Business Net requiring him to park and walk distances that were too far
9 (**Exhibit D**), he obtained a handicap plate for his motorcycle (**Exhibit E-1**). After the
10 Defendant's motorcycle was stolen, he setup two motorcycles with handicap plates, one as a
11 backup since Mass Transit was not a viable alternative as a backup commuting method (**Exhibit**
12 **E-2**).

13 In 1999, the Defendant started utilizing inline skates as a mobility aid everywhere and
14 started documenting it. The Defendant has received permissions from Target, Red Robin,
15 Staples, Black Angus, Safeway, Hillsdale Mall, the San Francisco Giants and many other
16 organizations to use skates as his mobility aid all agreeing that a wheelchair standard of access is
17 acceptable for a HandicapSkater (**Exhibit F-1, F-4 thru F-6**).

18 **Civil Rights Violation 1**

19 In 2001, the Defendant was in an accident and fractured a rib needing frequent visits to
20 the Doctor. Unable to ride a motorcycle and not owning a car, the Defendant contacted
21 SamTrans Accessibility Specialist, Mathew Sieger pleading his case to use SamTrans (Bus
22 Service) and submitting the same documentation that the other organizations had accepted
23 (**Exhibit B-2, F-2**). Mr. Sieger demanded to talk to his Doctor, which the Defendant obliged.
24 During Mr. Sieger's conversations with the Doctor, Mr. Sieger started employing political
25 practices suggesting he did not have the ability to regulate skates as a mobility aid and then

1 coercing or strong-arming the Doctor to write a note stating that the Defendant could remove his
2 skates to board the bus (**Exhibit B-3**) against her Medical Opinion. At the Defendant's next visit
3 he presented the Doctor irrefutable evidence from his accident in 1983 that the Defendant had
4 difficulty walking, standing, sitting and lying down (**Exhibit A-6**). The Doctor has written nine
5 notes explaining the Defendant's condition over the past eight years (**Exhibit B-1, B-2, B-4 thru**
6 **B-9, D-1**). Mr. Sieger has refused citing:

7 SamTrans management would be open to allowing [Defendant] to wear his roller blades
8 [skates] if he were in a wheelchair or power scooter. He would then be free to use the
9 roller blades [skates] at the various stores from which he has received permission for
10 roller-blading [skating]. I would think that use of a wheelchair or scooter would save him
11 from many jolts [impact shocks] as well.

12 By Natural Law, it is biomechanically infeasible for a wheelchair to limit impact shocks to the
13 sacroiliac joints, which acts as shock absorbers for the Head, Arms and Trunk.

14 **[Call Witness: Matthew Sieger]**

15 **Civil Rights Violation 2**

16 In 2003, the Defendant contacted BART Accessibility Specialist, Harley Goldstrom,
17 presenting his revised documentation (**Exhibit B-4, B-5, F-2, G**). BART allowed the Defendant
18 access for 2 weeks until the lawyers came back stating California Statutes **640(b)(10)** and
19 **37.5(h)** "it is not discrimination to deny access to an individual with disabilities if that individual
20 engages in illegal conduct", so skates are illegal in BART facilities.

21 **[Call Witness: Harley Goldstrom]**

22 **Civil Rights Violation 3**

23 Shortly thereafter, the Defendant contacted CalTrain's Customer Service which said it
24 should be ok to board the Train with a Doctors Note. One Friday Night a conductor named Axel
25 refused his access laughing at his Doctors Note, requiring him to remove his skates to board the

1 train humiliating the Defendant and causing extraordinary disability pains. Therefore, the
2 Defendant contacted CalTrain's accessibility specialist, Bill Welch who stated that skates are
3 illegal according to California Penal Code Section **640(b) (10)**. He then stated that skates **do not**
4 **fit the definition of a common wheelchair** and references the **dubious conversation of Mr.**
5 **Sieger's (2 years prior)**, ignoring subsequent prescriptions from Defendant's Doctors to use
6 skates as a mobility aid.

7 **[Call Witness: Bill Welch]**

8 **Civil Rights Violation 4**

9 The Defendant contacted the Department of Transportation's Office of Civil Rights,
10 Akiro Sano, who refused his access (**Exhibit H-5**). The Defendant demanded an appeal, which
11 after a timely delay by Richard Wong, the Office of General Counsel of DOT or the top legal
12 authority for the DOT, Mr. Wong stated **safety concerns about skates** and that wheels are not
13 allowed on a bus. The Defendant asked him what about wheelchairs and rollators; they have
14 wheels and are allowed on a bus. Mr. Wong then said it is reasonable for those devices and upon
15 being pressed, laughingly said "**reasonable is whatever he feels**" in referring to the
16 appropriateness of wheels on a bus. The Defendant then asked a simple question "**If a pair of**
17 **skates were specifically designed for the Handicapped would you accept them?**" and Mr.
18 Wong refused outright. I have altered every pair of my inline skates to further reduce friction (a
19 Trade Secret) and attach a handicap symbol, which means they are specifically designed for my
20 ballistic mobility impairment (**Exhibit E-3**).

21 **[Scientific Experiment: Use stopwatch to time wheel revolutions on skates]**

22 **Civil Rights Violation 5**

23 Subsequently the Defendant has contacted Governor Gray Davis, Senator Diane
24 Feinstein, Senator Jackie Speier and the President, George W. Bush. All of who have ignored the
25 issue stating it is a local issue and to pursue a remedy in court (**Exhibit H-4**). When the

1 Defendant contacts the DOJ's ADA division, they refer him back to the Department of
2 Transportation stating they have no authority over the DOT.

3 **Civil Rights Violation 6**

4 Finally, in 2004, the San Mateo Legal Aid Society (SMLAS) agreed to take the
5 Defendant's case for equal access with BART. At this point the Defendant had thoroughly
6 researched the natural law, biomechanics, and legal law to put together the referenced website as
7 scientific evidence. The SMLAS presented a letter on the Defendant's behalf asking for
8 reasonable accommodations for his ballistic mobility impairment, skate access. Furthermore, a
9 biomechanics professor, Andrew Mahar, testified by letter to the fact that in his opinion of
10 natural law, biomechanics, skating provided the only reasonable method to deal with the
11 Defendant's ballistic mobility impairment (**Exhibit C specifically Sub Exhibit C**). BART
12 refused citing **640(b) (10)** and **37.5(h)**.

13 [Call Witness: Carter Mau]

14 **Legal Precedence**

15 So long as a HandicapSkater is utilizing their Doctor prescribed mobility aid (skates),
16 there should be no discrimination based on their disability. Thus they must be allowed entrance
17 into any public or private entity without restriction. Skating utilizes a horizontal rather than
18 vertical force to propel or glide for locomotion and utilizes hip and knee flexion for impact shock
19 absorption, whereas walking involves a ballistic motion that uses the sacroiliac joints as shock
20 absorbers which the Defendant cracked [<http://www.HandicapSkater.com>: Biomechanics –
21 Lumbo-Sacro-Pelvic Movement]. The Defendant has evolved into using skates as his mobility
22 aid for his Traumatic Arthritis.

23 The **US Code Title 49 Transportation §337**, Wheelchair and Common Wheelchair "A
24 wheelchair is a mobility aid belonging to any class of *three or four wheeled devices, usable*
25

1 *indoors, and designed for and used by individuals with mobility impairments, whether operated*
2 *manually or powered.*

3 A common wheelchair is a wheelchair which *does not exceed 30 inches in width and 48*
4 *inches in length measured two inches above the ground, and does not weigh more than 600*
5 *pounds when occupied. Common wheelchairs include three-wheeled scooters and other so-*
6 **called non-traditional mobility devices.”** (Emphasis added.)

7 The Defendant has empirical evidence (**Exhibit F, G**), that a wheelchair standard of
8 access is a viable standard for a **HandicapSkater**. The **US Code Title 49 Transportation §**
9 **37.5**, (a) No entity shall discriminate against an individual with a disability in connection with
10 the provision of transportation service. (h) Nondiscrimination states: “It is not discrimination
11 under this part for an entity to refuse to provide service to an individual with disabilities because
12 that individual engages in violent, seriously disruptive, or illegal conduct. **However, an entity**
13 **shall not refuse to provide service to an individual with disabilities solely because the**
14 **individual's disability results in appearance or involuntary behavior that may offend,**
15 **annoy, or inconvenience employees of the entity or other persons.”** (Emphasis added)

16 SamTrans/CalTrain/Joint Powers Board so-called Accessibility Specialist, Matthew Sieger has at
17 minimum the political motivation that skate access inconveniences his duties, because he does
18 not know how to regulate it.

19 BART Lawyers have dismissed the use of skates, because they have ascribed that the
20 California statute forbids their use. Precluding a Doctor’s prescription and the above clause that
21 states the service shall not refuse an individual with disabilities solely on the use of something
22 that offends or inconveniences, namely skates.

23 BART and CalTrain ascribed to the above statute forbidding the use of skates in their
24 facilities. Yet, ADA IV Transportation § 311 Introduction; opportunity to use service for general
25 public may not be denied “**an entity, on the basis of disability, must not deny any individual**

1 with a disability the opportunity to use the entity's transportation service for the general
2 public, if the individual is capable of using the service. This is the case even if the individual
3 takes longer or has more difficulty, than other persons in using the service for the general
4 public." (Emphasis added) **Evolution: How I use Skates on Steps.**

5 The Defendant has empirical evidence demonstrating the successful use of skates as a
6 mobility aid and has used them on BART, CalTrain and SamTrans. BART gave him permission
7 for 2 weeks ending in a letter (**Exhibit H-2**), CalTrain allowed it until a Conductor, Axel refused
8 (**Exhibit H-3**). In 2001, the Defendant went to see the Doctor upon exiting the Doctor's Office
9 on skates; he skated to the Bus Stop and boarded the bus. The Defendant ignored the driver
10 stating that he was sick, was handicapped and had broken a rib, so he was going to ride the bus
11 through **civil disobedience**.

12 ADA § 317 Service may not be refused because of discriminatory insurance conditions or rates.

13 There are no legal liability concerns, although the Defendant has accepted all liability to
14 establish use.

15 ADA § 319 Service may not be refused on basis of fear or misinformation.

16 The DOT Office of General Counsel, Richard Wong, has established fear as a motive. He
17 stated safety concerns about the use of skates and the fallacy that wheels are not allowed on the
18 bus. SamTrans/CalTrain/Joint Powers Board has used misinformation, where Matthew Sieger
19 has propagated at minimum a coerced Doctor's Letter to misinform Bill Welch.

20 ADA § 339 Entities may be subject to both DOT and DOJ regulations.

21 ADA § 370 Service animals must be permitted to accompany individuals with disabilities. –
22 "Both public and private entities **must permit service animals to accompany individuals with**
23 **disabilities in vehicles and facilities**". (Emphasis added)

24 PUC § 99220 "(a) Public transportation is an essential component of the balanced transportation
25 system ... [to] **encourage maximum utilization** of the efficiencies of the service for the benefit

1 of the total transportation system of the state and all the people of the state, including the elderly,
2 **the handicapped”.**

3 Case Precedence

4 It seems the limits of disability access are confounded by the use of service animals. In
5 *Sullivan v. Vallejo City Unified School District*, the court restrained the School District from
6 interfering with the use of a service dog in a public facility for the disabled. In *Crowder v. Board*
7 *of Agriculture*, the court reversed the decision that quarantining a service animal violated the
8 ADA act in the use of service animals. Furthermore, in *Albert v. Solimon* a service animal was
9 refused access to the Doctors Office for reasons of sanitation. The courts have deemed service
10 animals acceptable except where contamination issues are concerned on the Gray areas of the
11 Law. So, there are exceptions for service animals, likewise there needs to be an exception for a
12 HandicapSkater. A disabled person is allowed the use of a mobility aid to facilitate access. The
13 504's non-discrimination mandate guarantees “the [Defendant’s] right to define his own
14 completeness” unless reasonable accommodations can be made by the Entity. Mass Transit,
15 specifically CalTrain have not provided a reasonable accommodation for the Defendant’s
16 ballistic mobility impairment. Skating is the only method of mobility that the Defendant has been
17 able to perform consistently with his ballistic mobility impairment. Through the Defendant’s
18 HandicapSkater Scientific Experiment with Business Organizations he has established guidelines
19 for the effective use of skates.

20 The Defendant boarded CalTrain on April 18, 2005 (**Exhibit I-1**) and presented the
21 conductor his Doctor’s note and claimed he was using his skates as a **prosthetic device**
22 (**Exhibits B-10, B-1, A-7, C Sub Exhibit C**). The conductor said it was not a hospital and
23 contacted the Transit Authority who met the Defendant at Redwood City’s train station, whereby
24 the Defendant voluntarily exited from the train, approached the Officers and presented his
25 Doctor’s note that it was medically necessary for him to use skates (**Exhibit B-8**). The Officers

1 were not going to write the Defendant a ticket, but the Defendant insisted since he has been told
2 to pursue a remedy in court. Since 1991, the Defendant has not only been establishing the
3 necessity for HandicapSkater status, but coordinated issues with businesses to fulfill this need.
4 Furthermore, the Defendant has 3 badges for access; the first is for access to a local shopping
5 mall that has been renewed every six months since 2001 (**Exhibit F-1, E-4**), the second is for
6 access to the San Francisco Giants stadium (**Exhibit E-5**) and lastly a Regional Transit Discount
7 Card (**Exhibit E-6**). Mass Transit could easily place a HandicapSkater moniker on this Transit
8 Card and use the above HandicapSkater regulations to establish a HandicapSkater program
9 ASAP. Therefore, the Defendant requests a preliminary injunction to use Mass Transit for the
10 ability to attend the Friday Night Skate on the first Friday following the Judge's ruling using his
11 **prosthetic device, skates.**

12 The Defendant has permission to use skates at the San Francisco International Airport,
13 providing he notify them in advance [**Exhibit J**], introduce Charlotte Story. Thus, HandicapSkater
14 status has been established in Mass Transit Transportation Facilities as an evolutionary
15 advancement in disabled personal mobility. Mass Transit, such as BART, has a history of
16 discriminating against the disabled see *Cupolo v. BART*. Example: Removing skates to enter
17 elevator to reach BART station results in the Defendant's socks soaking up the urine on the
18 elevator floor from the Homeless.

19 These misguided Accessibility Specialists have disregarded the **Equal Protection** clause of
20 the **US Constitution**, which prevents a Government Agency from abusing power or employing it
21 as an **instrument of oppression**. The Constitution overrides any precedent set by **640(b) (10)**
22 and the ridiculous assertion of only the first half of clause **37.5(h)**, but Mass Transit has
23 conspired to accept only the coerced Doctor's note rather than objectively looking at the facts of
24 natural law, biomechanics and subsequent Doctor Prescriptions.

1 The Defendant has lost three jobs since 1998, where he was required to walk too far after
2 parking in San Francisco (**Exhibit D, J**) and San Jose. Since San Francisco will not make
3 reasonable accommodations for the Defendant to park, he has evolved now to using his skates as
4 a prosthetic device to correct his pelvic deformity and has fitted one motorcycle with the
5 necessary devices to ride while wearing skates. If he is unable to use Mass Transit, then he will
6 be required to fit a second bike for the use of skates costing in excess of \$1180 (**Exhibit I-2, I-**
7 **3**). The Defendant can no longer tolerate the rampant discrimination of his Constitutional rights
8 that have cost him much time, money (i.e. jobs) and the pursuit of happiness, riding Mass Transit
9 to downtown San Francisco for the Friday Night Skate. Much less the torture inflicted by this
10 Government Bureaucracy on the Defendant since 1991, whereby in the mid 90's the Defendant
11 had cancer removed from his eye lid and had to pay \$50-\$75 per taxi ride.

12 At any time the Defendant can go to Hillsdale Mall and demonstrate to the honorable judge,
13 his ability to traverse from one end of the mall to the other end without lifting a leg to
14 demonstrate true non-ballistic movement. Furthermore, skates offer amputees an alternative way
15 to move, which can be very beneficial since they no longer have an ankle which is vital in the
16 regulation of steps during a ballistic activity, such as walking [<http://www.HandicapSkater.com>]:
17 Media – The Spring 2004 issue of GIMPY ... “skate-tacular!”].

CLOSING STATEMENT

Your honor, I have been on a crusade since 1991 to get skates established for a HandicapSkater such as myself. Throughout this time I have used the scientific method culminating in my website HandicapSkater.com, which has been up and running since 11/93 documenting the truth. Mass Transit has done everything in their power to quash my Constitutional Right to use skates as a “non-traditional mobility device”. Furthermore, the men and women amputees of the military also have a Constitutional Right to use skates as a “non-

1 traditional mobility device". I even have other classes of individuals that may benefit which is a
2 Trade Secret. I am at the point, where I now ride my motorcycle with skates on as a prosthetic
3 device. I have evolved to this point, because Mass Transit refused to give me access in 1991,
4 1997, 2001, 2003, 2004 and 2005 where they cited me and would not let me use my valid Train
5 ticket to ride the train home. Nor did the transit officers give me a ride, leaving me to skate 9
6 miles home from the Redwood City CalTrain station to my residence, whereby I was extremely
7 sore for three weeks. I move for a preliminary Injunction to give me access to Mass Transit
8 unconditionally with my mobility aid, so I may attend the Friday Night Skate in San Francisco
9 using Mass Transit as my Constitutional right for the pursuit of happiness. Furthermore, with the
10 recent situation in New Orleans, rest their souls, gas is likely to become very expensive and the
11 use of Mass Transit is a practical need. We have seen the recent incompetence of Government
12 Bureaucracies in New Orleans and now gross negligence and malfeasance of office. Mass
13 Transit is continually quoting California Statues, while I am quoting the higher Laws of Nature
14 and the Constitution. I have shown the evolution of the HandicapSkater, the evolution of the
15 Legal argument and the evolution of the Science, Biomechanics. Mass Transit uses obfuscation
16 and immoral Legal practices to quash the truthfulness sought through subpoenas.

Fabric of Truths

I will now link 33 threads of truth to create my fabric of truths:

1. Orthopedic Surgeon tells me to limit Ballistic Activity in 1983.
 2. I am diagnosed with a pelvic deformity in 1983.
 3. I have broken the closed kinematic chain between the pubic symphysis and sacroiliac joint. This is why the Doctors never thought I would walk again.
 4. I have a fracture near the acetabulum or primary weight bearing point in the hips.
 5. I knew by Natural Law that skates aided my ballistic mobility impairment, because I was following my instincts for pain through introspection.

6. I formed an inductive theory for a HandicapSkater in 1991.
 7. Andrew Mahar deduced that skates attenuate impact shock in 1997.
 8. I petitioned Matthew Sieger in 2001.
 9. Mr. Sieger used strong-arm tactics to coerce a letter from my Doctor that she wrote against her Medical Opinion.
 10. Matthew Sieger believes that a wheelchair or scooter will minimize impact shocks on the sacroiliac joint.
 11. Mass transit without prior study or examination says that skates are not a mobility aid.
 12. Bill Welch does not think skates fit the definition of a “non-traditional mobility device”.
 13. Bill Welch and Matthew Sieger are in cahoots using a coerced document, while ignoring refuting evidence.
 14. Top legal authority of the DOT, Richard Wong, illegally says skates are not allowed because of “safety concerns”.
 15. Richard Wong says “reasonable is whatever he feels” in referring to the appropriateness of wheels on the bus.
 16. Richard Wong says he will not accept skates as a mobility aid, even if they are specifically designed for the Handicapped.
 17. By Law, Mass Transit cannot deny service on the basis of disability, if the individual is capable of using the service. Matthew Sieger has the political motivation that he does not know how to regulate skates.
 18. By Law, Mass Transit must allow access to service animals under Gray Law statutes.
 19. By Law, Public Transportation is to “encourage maximum utilization”.
 20. Supreme Court has ruled that service animals are allowed except where there are contamination issues.

- 1 21. 504's non-discrimination mandate guarantees "[My] right to define my own
2 completeness".
- 3 22. Mass Transit has violated the Equal Protection Clause of the Constitution.
- 4 23. The Business community has established a wheelchair standard of access for skates.
- 5 24. I have used my skates on BART, CalTrain, SamTrans and SFO without a problem.
- 6 25. Hillsdale Mall has renewed my skate access every 6 months, since 2001.
- 7 26. SF Giants have allowed my use of skates at the ballpark.
- 8 27. I have gone through the Homeland Security TSA at SFO with my skates.
- 9 28. Andrew Mahar, a biomechanics expert, says skating provides the only reasonable method
10 to deal with my ballistic mobility impairment.
- 11 29. Evolution: I have evolved to riding a Motorcycle that has a Handicap Plate while wearing
12 skates, as a prosthetic device to get to jobs, because I cannot use Mass Transit.
- 13 30. Evolution: I have evolved techniques such as dealing with steps on skates.
- 14 31. Evolution: I have evolved the legal argument, because skates use horizontal propulsion
15 while walking uses vertical propulsion whereby horizontal propulsion alleviates problems
16 that I have with vertical propulsion or friction.
- 17 32. Evolution: I have evolved to a virtually frictionless form of transportation allowing the
18 utilization of momentum.
- 19 33. *Cupolo v. BART* is similar to my plight, whereby I have lost 3 jobs, since 1998, due to
20 access and would be required to remove my skates, walk in the urine soaked floor of the
21 elevator and put my skates back on. CalTrain's Matthew Sieger has the political
22 motivation that he does not know how to regulate skates.

23 Dated: September 6, 2005

24 Troy Wilkes, Defendant in Pro Per