IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

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| «Last\_Name», et. al.  Plaintiffs,  vs.  «Defendant», a Washington corporation,  Defendant. | )  )  )  )  )  )  )  )  )  )  ))) | **NO.**  **COMPLAINT FOR**  **DECLARATORY**  **AND INJUNCTIVE RELIEF** |

COMES NOW, Plaintiffs «Last\_Name», et. al. by and through their attorney, Conrad A. Reynoldson of Washington Civil & Disability and for their Complaint for Declaratory and Injunctive Relief to state and allege as follows:

1. **Overview**
2. The Americans with Disabilities Act and the Washington Law Against Discrimination require places of public accommodation to be accessible to people with disabilities.
3. A restaurant, bar, or other establishment serving food or drink is a place of public accommodation within the meaning of Title III of the ADA, 42 U.S.C. §12181(7), and its implementing regulation, 28 C.F.R. §36.104.
4. Twenty-six years after the passage of the Americans with Disabilities Act, Defendants discriminate against individuals with disabilities because they own or operate places of public accommodation that do not comply with the ADA’s accessibility laws and regulations that were enacted into law to protect persons with mobility disabilities.
5. Therefore, Plaintiffs bring this action to end to the Defendants’ civil rights violations against persons with mobility disabilities committed by «Defendant» which leases the property where «PlofPA\_dba» operate their places of public accommodation.
6. **Parties**
7. Plaintiffs, «Last\_Name», et. al., are Washington residents and reside in this district.
8. «Last\_Name», et. al. are qualified people with disabilities who use a power wheelchairs and a modified vehicles for transportation and require accessible parking and an accessible route to patronize «PlofPA\_dba».
9. «Defendant» is a Washington corporation.
10. «Defendant\_Agent» is the Registered Agent for «Defendant».
11. The address for «Defendant»’s Registered Agent is «Agent\_Address», «Agent\_City», WA «Agent\_ZipCode».
12. **Jurisdiction And Venue**
13. This court has jurisdiction pursuant to 28 U.S.C. §1331, which gives district courts original jurisdiction over civil actions arising in the Constitution, laws, or treaties of the United States.
14. This court has jurisdiction pursuant to 28 U.S.C. §1343(a)(4), which gives district courts jurisdiction over actions to secure civil rights under Acts of Congress.
15. This court has jurisdiction pursuant to 28 U.S.C. §1367, which gives district courts supplemental jurisdiction over state law claims.
16. Venue is appropriate in this judicial district under 28 U.S.C. §1391 because the practices and procedures that gave rise to the Plaintiffs’ Complaint for Injunctive Relief and Damages occur in this district.
17. **FACTUAL ALLEGATIONS**
18. The ADA was enacted in 1990, "[t]o establish a clear and comprehensive prohibition of discrimination on the basis of disability."
19. The ADA prohibits public accommodations from providing individuals with disabilities with separate or unequal benefits and services.
20. «PlofPA\_dba» is one example of countless places of public accommodation that have substantial and numerous compliance issues with the ADA. (Approximately only 2% of places of public use are completely ADA compliant. Carrie Becker, Private Enforcement of the Americans with Disabilities Act Via Serial Litigation: Abusive or Commendable?, 17 HASTINGS WOMEN’S L.J. 93, 99 (2006).)
21. Per 42 U.S.C. § 12101, the findings and purpose section of the original ADA, "...individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities..."
22. Further, "...census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally..." *Id.*
23. Finally, "...the Nation’s proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals..." *Id*.
24. Title III of the ADA states in relevant part: “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182(a).
25. «Last\_Name», et. al. are qualified individuals with disabilites within the meaning of Title III of the ADA and the Washington Law Against Discrimination.

**«PlofPA\_dba»**

1. «Last\_Name», et. al are Seattle residents and have previously patronized «PlofPA\_dba» using wheelchairs and modified vehicles, and they plan to do so again in the future.
2. When «Last\_Name», et. al. patronized «PlofPA\_dba», observed a concerning lack of parking, ramp, and accessible route accessibility.
3. «PlofPA\_dba» do not comply with the ADA’s accessibility laws and regulations.
4. «PlofPA\_dba» are not safe for people who use wheelchairs and modified vehicles because they do not comply with the ADA’s accessibility laws and regulations.
5. «PlofPA\_dba» is not welcoming to people who require the use of use wheelchairs and modified vehicles because it does not comply with the ADA’s accessibility laws and regulations.
6. The failure of «Defendant» to make «PlofPA\_dba» comply with the ADA’s accessibility laws and regulations works to exclude people with disabilities from equal access and enjoyment.
7. **FIRST CAUSE OF ACTION**
8. «Last\_Name», et. al. incorporate by this reference the allegations in the paragraphs above.
9. «Last\_Name», et. al. are qualified individuals with with disabilities within the meaning of Title III of the ADA.
10. Title III of the ADA states in relevant part: “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182(a).
11. Defendant, «Defendant», owns or leases the property where «PlofPA\_dba» are located.
12. «PlofPA\_dba» are places of public accommodation. 42 U.S.C. § 12181(7)(B).
13. Defendants have discriminated against Plaintiffs on the basis of their disabilities.
14. Defendants’ discriminatory conduct includes but is not limited to:
    1. Discriminatory exclusion and/or denial of goods, services, facilities, privileges, advantages, accommodations, and/or opportunities;
    2. Provision goods, services, facilities, privileges, advantages, and/or accommodations that are not equal to those afforded non-disabled individuals;
    3. Failing to make reasonable modifications in policies, practices, and/or procedures as necessary to afford the goods, services, facilities, privileges, advantages, and/or accommodations to individuals with disabilities;
    4. Failing to make alterations in such a manner that, to the maximum extent feasible, the altered portions are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs;
    5. Failing to remove barriers to individuals with disabilities where it would be readily achievable to do so.
15. As such, Defendants discriminate and, in the absence of the injunction requested herein, will continue in the future to discriminate against Plaintiffs on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, accommodations and/or opportunities at the restaurants in question in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq. and/or its implementing regulations.
16. Defendants’ discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief has harmed Mr. «Last\_Name», and this harm continues
17. Defendants’ discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief entitles Mr. «Last\_Name» to declaratory and injunctive relief. 42 U.S.C. § 12188.
18. Defendants’ discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief entitles Mr. «Last\_Name» to recover their reasonable attorneys’ fees and costs incurred in bringing this action. 42 U.S.C. § 12205.
19. **SECOND CAUSE OF ACTION**

**Violation of the Washington Law Against Discrimination**

**(R.C.W. §§ 49.60.010 et seq.)**

1. «Last\_Name», et al. incorporates by this reference the allegations in the paragraphs above.
2. «Last\_Name» et al. are qualified individuals with a disabilities within the meaning of the Washington Law Against Discrimination.
3. Section 49.60.030(1) of the Revised Code of Washington provides in pertinent part: “The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical disability . . . is recognized as and declared to be a civil right. This right shall include, but not be limited to: . . . (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement . . . .”
4. Defendant, «Defendant», leases the property at «PlofPA\_Address», «PlofPA\_City» «PlofPA\_ZipCode» to «PlofPA\_dba».
5. Defendants have violated and continue to violate §§ 49.60.010 *et seq.* of the Revised Code of Washington by violating multiple accessibility requirements under the ADA.
6. Defendants’ actions constitute discrimination against persons with disabilities and violate the Washington Law Against Discrimination, Revised Code of Washington § 49.60.010 et seq., in that persons with mobility disabilities have been and are denied full and equal enjoyment of the accommodations, advantages, facilities, privileges, and services that Defendants provide to individuals who do not have disabilities.
7. As a direct and proximate result of Defendants’ discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief, «Last\_Name» et al. have suffered and continue to suffer difficulty, hardship, isolation, and segregation due to Defendants’ failure to remediate.
8. Defendants’ discriminatory conduct as alleged in this Complaint for Declaratory and Injunctive Relief has denied «Last\_Name» et al. the full and equal enjoyment of services that the Washington Law Against Discrimination requires.
9. «Last\_Name» et al. have a clear legal right to access «PlofPA\_dba» under the Washington Law Against Discrimination.
10. «Last\_Name» et al. have the right for «PlofPA\_dba» to comply with the ADA’s accessibility laws and regulations under the Washington Law Against Discrimination.
11. «PlofPA\_dba» does not comply with the ADA’s accessibility laws and regulations.
12. Because the «PlofPA\_dba» property does not comply with the ADA’s accessibility laws and regulations, declaratory and injunctive relief are appropriate remedies under the Washington Law Against Discrimination. *See e.g. Kucera v. Dep’t of Transp.*, 140 Wash. 2d 200, 209 (2000).
13. Pursuant to RCW § 49.60.030(2), «Last\_Name» et al. are entitled to declaratory and injunctive relief and to recover from Defendants their reasonable attorneys’ fees and costs incurred in bringing this action.
14. **PRAYER FOR RELIEF**

WHEREFORE, «Last\_Name» et al. respectfully request that this Court:

1. Assume jurisdiction over this action;
2. Find and declare Defendant «Defendant» to be in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181, et seq. and the Washington Law Against Discrimination, Wash. Rev. Code §§ 49.60.010 et seq. because the «PlofPA\_dba» does not comply with the ADA’s accessibility laws and regulations;
3. Issue a permanent injunction ordering Defendants to immediately implement the necessary improvements to bring the «PlofPA\_dba» property into compliance with the ADA’s accessibility laws and regulations;
4. Award «Last\_Name» et al. reasonable attorneys' fees and costs as authorized by 42 U.S.C. § 122205 and Wash. Rev. Code§ 49.60.030(2);
5. Award actual, compensatory, and/or statutory damages to «Last\_Name» et al. for violations of his civil rights as allowed under state and federal law;
6. Award such additional or alternative relief as may be just, proper and equitable.

DATED this \_\_ day of October, 2016

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Conrad A. Reynoldson

Attorney for Plaintiff, Mr. «First\_Name» «Last\_Name»

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