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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 Robin Cline,
21 Plaintiff,

22 v.

23
24 WEST LOS ANGELES COLLEGE
25 and LOS ANGELES COMMUNITY
COLLEGE DISTRICT,
26 Defendants.

Case No. 2:22-cv-02335-MWF-KS

CLASS ACTION

**AMENDED CIVIL RIGHTS
COMPLAINT FOR VIOLATIONS
OF:**

1. Title II of the ADA, 42 U.S.C. § 12131 *et seq.*
2. Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 *et seq.*
3. Cal Gov't Code § 11135
4. Cal Educ. Code § 66270
5. Cal Civ. Code § 54

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INTRODUCTION

1. For years, West Los Angeles College (“WLAC”) and the Los Angeles Community College District (“LACCD,” together with WLAC, “Defendants”) have denied Plaintiff Robin Cline, as well as other individuals with disabilities, equal access to WLAC’s campus. Defendants have failed to provide Plaintiff and other individuals with disabilities with on campus transportation assistance necessary to allow them meaningful access to the programs, activities, and services on WLAC’s campus.

2. WLAC is located on a hillside, with elevation changes between parking lots, campus entrances, and other facilities. It is designed in such a way that people on campus must traverse long distances to get between campus locations, particularly from the entrances and parking lots to the main classrooms and library. As a result, individuals with disabilities that make it difficult for them to navigate long distances, on uneven terrain, and/or on inclines, require transportation assistance to attend classes and participate in student activities and programs on WLAC’s campus.

3. Despite the clear barriers on campus, Defendants refuse to provide any transportation assistance to Plaintiff or others with disabilities. Defendants have been aware that this refusal has made WLAC’s campus inaccessible for people with disabilities ever since they terminated the prior on-campus shuttle service in 2016.

4. The awareness that their actions violate federal and state law was sharpened in 2020 when the Ninth Circuit Court of Appeals found that two individuals with disabilities that affect their ability to walk long distances (like the Plaintiff here) were denied meaningful access to the educational services and programs offered by Defendants. *See Guerra v. W. Los Angeles Coll.*, 812 F. App’x 612 (9th Cir. 2020).

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1 5. Despite the clear direction from the Ninth Circuit, Defendants have
2 still refused to provide transportation assistance to people with disabilities that
3 make it difficult to navigate long distances, on uneven terrain, and/or on inclines,
4 including the Named Plaintiff. This denies them meaningful access to the
5 programs, services, and activities on WLAC’s campus in violation of Title II of the
6 Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973,
7 and California anti-discrimination laws.

8 6. Named Plaintiff Robin Cline has a disability that makes it difficult for
9 her to navigate long distances, on uneven terrain, and/or on inclines. She brings
10 this action on behalf of herself and all persons with disabilities who are being
11 discriminated against and denied meaningful access to the programs, activities, and
12 services on WLAC’s campus because their disabilities make it difficult to navigate
13 long distances, on uneven terrain, and/or on inclines.

14 7. Ms. Cline is a community college student with a disability. She
15 formerly worked as a registered nurse in a hospital in Culver City, as well as other
16 hospitals in Los Angeles. Now that her multiple sclerosis symptoms make her
17 unable to spend long hours on her feet at the hospital, she is taking community
18 college courses at WLAC to obtain a psychology degree and a certificate in
19 addiction studies, in order to find a less physically demanding nursing job.

20 8. Ms. Cline’s multiple sclerosis symptoms include weakened muscles,
21 fatigue, and extreme susceptibility to heat, which can make her light-headed when
22 she walks. This prevents her from walking long distances, especially when it is
23 warm. Despite her difficulty walking between her car and classrooms, as well as
24 between buildings on campus, Defendants refuse to provide her with transportation
25 assistance or any alternative measures necessary that would allow her to
26 meaningfully access the educational services and programs offered on the WLAC
27 campus.

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1 “qualified person with a disability” and a person with “a disability” within the
2 meaning of all applicable statutes and regulations, including 42 U.S.C. 12131(2),
3 28 C.F.R. § 35.104, 29 U.S.C. § 705(20)(B), and California Government Code
4 § 12926. She has experienced and continues to experience access barriers in
5 navigating WLAC’s campus and accessing the programs, activities, and services
6 offered by Defendants on WLAC’s campus due to Defendants’ ongoing violations.

7 **B. Defendants**

8 14. Defendant WLAC is a public community college located in Culver
9 City, Los Angeles County, California.

10 15. At all relevant times, WLAC is and has been a public entity within the
11 meaning of Title II of the ADA, as that term is defined under 42 U.S.C. § 12131(1)
12 and 28 C.F.R. § 35.104.

13 16. At all relevant times, WLAC has received and continues to receive
14 federal financial assistance within the meaning of the Rehabilitation Act, 29 U.S.C.
15 § 794.

16 17. At all relevant times, WLAC has received and continues to receive
17 state financial assistance within the meaning of California Government Code
18 § 11135.

19 18. Defendant LACCD is the community college district serving the City
20 of Los Angeles, California, and some of its neighboring cities. Its campuses and
21 offices are located in Los Angeles.

22 19. At all relevant times, LACCD is and has been a public entity within
23 the meaning of Title II of the ADA, as that term is defined under 42 U.S.C.
24 § 12131(1) and 28 C.F.R. § 35.104.

25 20. At all relevant times, LACCD has received and continues to receive
26 federal financial assistance within the meaning of the Rehabilitation Act, 29 U.S.C.
27 § 794.

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1 21. At all relevant times, LACCD has received and continues to receive
2 state financial assistance within the meaning of California Government Code
3 § 11135.

4 22. Defendants are sued in their own right and on the basis of the acts of
5 their officials, agents, trustees, and employees.

6 **FACTS**

7 **A. WLAC and LACCD**

8 23. West Los Angeles College is a community college in Culver City,
9 California. It serves between 16,000 and 19,000 students over the course of a year,
10 the majority of whom are people of color, and the majority of whom are women.¹
11 WLAC claims on its website that “[a]ll students at West have the opportunity for
12 success.”² Its mission includes providing “a transformative educational
13 experience” to “foster[] a diverse learning community committed to student
14 success, racial equity, social justice, and environmental responsibility.”³ The
15 mission further indicates that WLAC “enriches students with the knowledge and
16 skills needed to earn associate and baccalaureate degrees and certificates; to
17 transfer; to build careers; and to pursue life-long learning.”⁴

18 24. WLAC is part of nine colleges that make up the Los Angeles
19 Community College District. LACCD is the largest community college district in
20 the United States and one of the largest in the world.

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24 ¹ WLAC, About West, www.wlac.edu/About/index.aspx (last visited Apr. 5, 2022).

25 ² WLAC, About West, www.wlac.edu/About/index.aspx (last visited Apr. 5, 2022).

26 ³ WLAC, Vision, Mission & Values, <http://www.wlac.edu/About/Mission-Values.aspx> (last visited Apr. 5, 2022).

27 ⁴ WLAC, Vision, Mission & Values, <http://www.wlac.edu/About/Mission-Values.aspx> (last visited Apr. 5, 2022).

1 **WLAC’s Campus is Inaccessible to People Who Have Disabilities**
2 **Impacting Their Ability to Navigate Long Distances or Difficult**
3 **Terrain**

4 25. WLAC is geographically situated on a hillside, with terrain that is
5 uneven in many places and significant elevation changes between arrival points
6 and where services are provided, as well as long distances between these arrival
7 points and services, among other barriers to accessibility for people with
8 disabilities.

9 26. WLAC was designed with the classrooms and student services
10 buildings generally in the center of campus and the parking generally around the
11 periphery. As a result, to go from the parking lots to the general campus area,
12 between certain campus buildings, and between the southeast campus entrance and
13 the general campus area, students must climb stairways or traverse slopes, and
14 travel long distances.

15 27. This means that WLAC’s campus is inaccessible to people with
16 disabilities that make it difficult to navigate long distances, on uneven terrain,
17 and/or on inclines. Such individuals, including Plaintiff, are thus precluded from
18 accessing the programs, activities, and services on WLAC’s campus.

19 **WLAC Operated a Campus Shuttle Service for Several Years**

20 28. WLAC purchased an “ADA Tram w/Wheelchair modification” for
21 \$13,940.00 in 2010. From approximately August 2011 to February 2016, WLAC
22 offered an on-campus shuttle service (the “Campus Shuttle”).

23 29. The Campus Shuttle service provided multi-seat shuttles, or trams,
24 that were available several days a week. The Campus Shuttle had a designated map
25 and picked up and dropped off students at locations across the campus, including
26 campus entrances, parking lots, classrooms, and other campus buildings.

27 30. The Campus Shuttle was a critical means for people with disabilities
28 to reach all areas of campus, including classroom buildings, the library, the

1 bookstore, WLAC student service offices, and other campus locations, as well as
2 between campus locations that are far apart and/or on different tiers of elevation. It
3 provided people with disabilities access to classes and other on-campus programs
4 and services.

5 31. Defendants recognized the importance of providing such a service to
6 people with disabilities. The Campus Shuttle map prominently stated that
7 “DISABLED PASSENGERS ARE GIVEN PRIORITY,” and the Staffing Request
8 for a “Paratransit Shuttle Driver” described the duties of the Campus Shuttle
9 drivers as, “providing shuttle/transport services to students on the terraced and
10 hilly terrain at WLAC per ADA guidelines, and to aid those students with related
11 needs during transport.”

12 32. People with disabilities could, and regularly did, call the Campus
13 Shuttle service number for “door-to-door” service, and the shuttle would pick them
14 up wherever they were on campus and take them to their destination elsewhere on
15 campus.

16 33. Named Plaintiff Robin Cline used the Campus Shuttle service when
17 she was on campus before Defendants terminated the service.

18 **D. Defendants’ Termination of the Campus Shuttle Service**

19 34. Defendants terminated the WLAC Campus Shuttle service in
20 February 2016.

21 35. Following the termination of the shuttle service, the school continued
22 to provide transportation to persons with disabilities on the WLAC campus using
23 Sheriffs’ golf carts for a brief period until March 22, 2016, when WLAC
24 announced that it would no longer provide any form of transportation assistance to
25 students with disabilities.

26 36. A memorandum issued by the Director of Risk Management for
27 LACCD stated “[t]here is no court decision requiring any of you to provide ADA

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1 shuttle service.” All transportation assistance to people with disabilities was
2 terminated less than a week later.

3 37. Transportation assistance, before Defendants terminated it, was the
4 only adequate affirmative step Defendants had taken to provide meaningful access
5 to the programs, activities, and services at WLAC for people with disabilities who
6 could not navigate the paths of travel on campus without assistance.

7 38. Despite terminating the shuttle service for people with disabilities,
8 Defendants have continued to use golf cart transportation for Plant Facilities staff,
9 visitors, and special events on campus. Additionally, a golf cart has been issued to
10 the Office of the President at WLAC for use on campus and is used by the
11 President’s secretary.

12 **E. Plaintiff Robin Cline Has Been And Is Denied the Benefits of**
13 **Defendants’ Programs, Activities, and Services Due to Her**
14 **Disability**

15 ***1. Robin Cline’s Background and Transportation to WLAC***

16 39. Ms. Cline is a registered nurse. She took classes that were
17 prerequisites to her nursing degree at WLAC in the early 1990s.

18 40. For years, Ms. Cline worked the day shift as a registered nurse at
19 Southern California Hospital (formerly Brotman Hospital) in Culver City, as well
20 as at other hospitals in Los Angeles, a job that required her to spend hours working
21 on her feet.

22 41. However, Ms. Cline can no longer perform that work because she is
23 substantially limited in her ability to walk and can no longer spend long hours on
24 her feet at the hospital. Due to multiple sclerosis, she has weak muscles, fatigue,
25 and extreme susceptibility to heat, which can make her light-headed when she
26 walks. She has used a cane consistently since late 2017.

27 42. Ms. Cline has been taking additional courses at WLAC for more than
28 four years in order to obtain a psychology associates degree, along with a

1 certificate in addiction studies which will allow her to obtain a job that will require
2 less time on her feet.

3 43. Although she lives in Northridge, Ms. Cline attends class at WLAC
4 because the air temperature at WLAC is cooler than in the Valley, which is
5 significantly better for her management of her medical condition.

6 44. Ms. Cline drives herself to WLAC and back. Driving her own car
7 allows her to be independent, and she plans to drive for as long as she is physically
8 able to do so.

9 45. When she arrives on campus, Ms. Cline parks in the South Parking
10 Structure, which is the closest option to the classroom buildings.

11 **2. Robin Cline Cannot Fully Access WLAC's Campus Due to**
12 **Her Disability**

13 46. While Ms. Cline is committed to her education, walking to her classes
14 from the South Parking Structure is extremely difficult because of the distance.
15 Additionally, getting around campus can require traversing not only distances but
16 uneven terrain and significant elevation changes. The distances and terrain have
17 caused her to fall multiple times while on campus. One such instance occurred in
18 the spring of 2019 when walking from the library to the General Classrooms
19 building in a sloped area, and another occurred in the fall of 2019 on her way to
20 her car from the Math & Science Complex while traversing a sloped and poorly lit
21 area, causing her to hit her head.

22 47. The long distances that Ms. Cline must walk to get to WLAC's
23 services and programs become even more difficult on warm days. The sun beats
24 down on the path where Ms. Cline must walk to get from the South Parking
25 Structure to either the General Classrooms building or the Math & Science
26 Complex and it takes her 45 minutes to one hour to complete that walk. For Ms.
27 Cline to get to class at all on these warm days, she has to take breaks and pour
28 water on her head in an effort to prevent overheating. She is often late to class

1 because of the distance and terrain she must navigate to get to and between classes,
2 especially on warm weather days.

3 48. Because of the campus's inaccessibility and Defendants' denial of
4 transportation assistance, Ms. Cline's participation in academic and student life has
5 been significantly restricted.

6 49. For example, in the spring semester of 2019, Ms. Cline was forced to
7 drop a Statistics class. Due to the distances and terrain of the campus, she could not
8 walk from her Computer Science class to her Statistics class by the start time of her
9 Statistics class. When she was late one too many times, the Statistics professor
10 dropped her from the class.

11 50. If WLAC had provided transportation assistance to Ms. Cline, she
12 would not have had to drop the Statistics class. Instead, she could have taken a full
13 load of courses. This incident, compounded with others, has prevented her from
14 scheduling any back-to-back courses in the years since because she does not want
15 to be forced to start and drop a class again.

16 51. Due to her sensitivity to the heat, Ms. Cline must plan her class
17 schedule to avoid direct sun exposure for extended periods of time. She generally
18 avoids taking summer school courses or scheduling courses in the mid-afternoon
19 because of the long walk from her car. Even when she takes a morning class, she
20 sometimes has to spend hours in the library to wait for some shade before she can
21 return to her car. It also requires her to make the difficult choice to miss classes
22 when it is too warm, something that occurred regularly in the spring and fall
23 semesters of 2019 when she missed approximately 2-3 sessions of each of her
24 registered classes, as well as a couple times in the spring of 2020 before campus
25 closed due to the COVID-19 pandemic.

26 52. On at least one occasion during the Fall 2019 semester, Ms. Cline
27 drove to campus for her Psychology class and started walking to class, but she
28 could not make it all the way there due to the heat. Ms. Cline had to find a shady

1 bench and email Professor White that it was too hot for her to make it to class.
2 When she was able to cool down enough, she went to the library to do some work
3 so that the drive to WLAC would not be a complete waste, but she missed valuable
4 class time.

5 53. Ms. Cline was excited to return to the WLAC campus for the Fall
6 2022 semester after taking courses online during the height of the COVID-19
7 pandemic. She wanted to at least take Psych 74: Research Methods in Behavioral
8 Sciences with Professor Camplone on campus. This is a required class for Ms.
9 Cline's psychology associates degree, and she specifically wants to take the class
10 with Professor Camplone because she has had positive experiences with him in
11 past classes.

12 54. During the Summer of 2022, Ms. Cline became aware that Psych 74
13 was scheduled in the middle of the day when the heat would make the full walk
14 (without assistance) from the South Parking Structure to the General Classrooms
15 Building unbearable for her.

16 55. In June 2022, Defendants sent a letter to Ms. Cline's counsel
17 inquiring about Ms. Cline's access needs. Ms. Cline's counsel responded via letter
18 and explained Ms. Cline's desire to take Psych 74 during the Fall 2022 semester
19 and her need for accommodations. Defendants never responded to this letter.

20 56. As the Fall 2022 semester approached without a response from
21 Defendants, Ms. Cline determined that she could not take Psych 74 on WLAC's
22 campus because she would not be able to access campus safely without
23 transportation assistance or other accommodation due to her disability. Ms. Cline
24 was deprived of the opportunity to take a required class for her degree because of
25 Defendants' failure to provide her the reasonable accommodation(s) she needed.

26 57. If WLAC provided transportation assistance on campus, Ms. Cline
27 would be able to create her schedule based on her academic needs and not on

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1 weather conditions, would not have to arrive at school more than an hour before
2 her classes start, and would not have to miss classes when the weather is too warm.

3 58. The inaccessibility of the campus has also affected Ms. Cline’s access
4 to other school services. On warm days, for instance, she must avoid visiting the
5 admissions office, the campus bookstore, or her guidance counselors unless she is
6 able to go in the early morning. She also has been prevented from utilizing
7 Extended Opportunity Programs and Services (“EOPS”) as their office is located in
8 the “bungalow,” which is an area of particularly perilous terrain, with uneven areas
9 and insufficient lighting.

10 59. When Ms. Cline first visited the campus Disabled Students Programs
11 and Services (“DSPS”) office in the fall of 2017, she was late due to her difficulty
12 walking on campus. Because of its location, it takes a least 50-55 minutes for Ms.
13 Cline to walk there from the South Parking Structure. This presents continued
14 challenges for Ms. Cline because she is required to go to this building regularly to
15 take some of her exams, including in the 2019 and 2020 school years.

16 **3. WLAC Has Denied Robin Cline Transportation Assistance**

17 60. While at the DSPS office in fall 2017, Ms. Cline asked about
18 transportation assistance because it had been so difficult to get from her car to the
19 DSPS office.

20 61. DSPS staff told her that the Campus Shuttle service was no longer
21 provided, and that all that DSPS could offer her was early enrollment and testing
22 accommodations.

23 62. On January 10, 2018, Ms. Cline addressed the LACCD Board of
24 Directors regarding her difficulty accessing educational services at WLAC.

25 63. On January 24, 2018, Ms. Cline, through counsel, sent a letter to
26 Defendants requesting that Defendants provide transportation assistance so she
27 could meaningfully access her classes, and other programs and services, at
28 WLAC’s campus.

1 64. On or about February 5, 2018, Ms. Cline again visited the WLAC
2 DSPS office and met with a DSPS counselor. She explained her difficulties in
3 accessing campus and asked for transportation assistance.

4 65. The DSPS counselor denied Ms. Cline’s reasonable accommodation
5 request.

6 66. Ms. Cline is aware that other students with disabilities brought a
7 federal lawsuit regarding their difficulty accessing the campus without a
8 reasonable accommodation. She is also aware that, despite the Ninth Circuit’s
9 *Guerra* decision (noted above), Defendants have yet to provide any
10 accommodation to those students, or any other students with disabilities that
11 impact their ability to meaningfully access the WLAC campus.

12 67. To this date, Defendants have not provided Ms. Cline with
13 transportation assistance or any other reasonable accommodation.

14 **4. The Harms to Ms. Cline are Ongoing**

15 68. Ms. Cline took on campus courses at WLAC until the campus closed
16 in March 2020 due to the COVID-19 pandemic and she has continued taking
17 courses online during the COVID-19 pandemic. Ms. Cline is committed to
18 continuing with her education and intends to return to in-person attendance at
19 WLAC as soon as she is able.

20 69. Ms. Cline planned to take in-person classes on WLAC’s campus in
21 the Fall 2022 semester, including Psych 74. As described above, Ms. Cline was not
22 able to safely or meaningfully access WLAC’s campus during the Fall 2022
23 semester, so she was unable to take Psych 74, a required class for her degree.

24 70. Ms. Cline would still like to take Psych 74 on campus with Professor
25 Camplone. She would also like to take some Chemistry classes, as well as other
26 science classes and anthropology classes in person at WLAC.

27 71. Ms. Cline already knows that Psych 74 is again scheduled for the
28 middle of the day during the Spring 2023 semester, which, without transportation

1 assistance, will require her to arrive on campus early and spend time in the library
2 before walking to class, as the heat in the middle of the day would make the full
3 walk (without assistance) from the South Parking Structure to the General
4 Classrooms Building unbearable at class time.

5 72. Ms. Cline wants to continue to take in person LACCD classes
6 throughout her life and because of her sensitivity to heat, she will need to take such
7 classes at the relatively cooler WLAC campus.

8 73. Although Ms. Cline is committed to her education, she is concerned
9 about her ability to access her classes safely and successfully due to the continued
10 lack of on-campus transportation. She has a lot of trepidation about returning to
11 campus as she is concerned about her safety due to the heat and terrain. It is
12 stressful for Ms. Cline to have to pay attention to every step in order to feel safe
13 and she has anxiety about making it to class on time. When she does finally arrive
14 to class, she has to take time to breathe and get composed before she can focus on
15 learning.

16 74. Any time Ms. Cline must traverse WLAC's campus without
17 transportation assistance, she does so with a significant risk of physical and other
18 harm.

19 **F. Other Members of WLAC's Community Are Affected by**
20 **WLAC's Inaccessible Campus**

21 75. The Ninth Circuit confirmed that other members of WLAC's
22 community who have disabilities that affect their ability to walk long distances are
23 denied meaningful access to services, programs, and activities on WLAC's campus
24 due to the lack of transportation assistance. *See Guerra v. W. Los Angeles Coll.*,
25 812 F. App'x 612 (9th Cir. 2020).

26 76. In addition to the plaintiffs in the *Guerra* case, WLAC professor Jack
27 Ruebensaal, who has disabilities that limit his ability to navigate long distances and
28 on paths of travel with uneven terrain and elevation changes, previously relied on

1 the Campus Shuttle to get from the parking lot to the building where his office and
2 classroom are located.

3 77. When the Campus Shuttle was terminated, Mr. Ruebensaal
4 complained and requested assistance. WLAC found that based on his “inability to
5 ambulate for any significant distance,” he would be offered a reasonable
6 accommodation and be allowed to park his vehicle directly adjacent to the building
7 housing his classroom and office.

8 78. There are other numerous members of the community who are
9 deterred from taking classes or attending events at WLAC because they have
10 disabilities that prevent them from navigating long distances and/or on paths of
11 travel with uneven terrain and elevation changes. A former Campus Shuttle driver
12 testified that he provided transportation assistance to a substantial number of
13 people with disabilities, and that after the Shuttle was discontinued, he observed
14 many of them having great difficulty getting around campus and that most of them
15 ultimately stopped attending WLAC.

16 **G. Defendants Are Aware of Their Responsibilities to Students with**
17 **Disabilities**

18 79. Defendants are aware of their responsibilities to people with
19 disabilities as directed by the Ninth Circuit in a substantially similar case, and as
20 outlined in federal and state law.

21 80. Defendants’ awareness of their responsibilities to people with
22 disabilities who cannot access WLAC’s campus was sharpened in 2020 when the
23 Ninth Circuit held that two individuals who struggle to walk due to their
24 disabilities cannot access all relevant parts of the WLAC campus and thus have
25 been denied meaningful access to WLAC’s programs and services in violation of
26 Title II of the ADA and Section 504. *Guerra v. W. Los Angeles Coll.*, 812 F. App’x
27 612, 614 (9th Cir. 2020). This provided Defendants with clear notice of their
28 responsibilities to students with disabilities that make it difficult to navigate long

1 distances, on uneven terrain, and/or on inclines, like Ms. Cline and the putative
2 class.

3 81. Following this decision, Defendants have still failed to address the
4 denial of meaningful access to WLAC’s programs and services for people with
5 disabilities that make it difficult to navigate long distances, on uneven terrain,
6 and/or on inclines in any way. Defendants still refuse to provide on campus
7 transportation assistance to anyone, including the plaintiffs in the *Guerra* case.

8 82. In addition to this Ninth Circuit decision, Defendants are aware that
9 Title II of the ADA, Section 504 of the Rehabilitation Act, and analogous
10 California laws require public community colleges and community college
11 districts, including WLAC and LACCD, to provide meaningful access for people
12 with disabilities to their services, programs, and activities, and to provide
13 reasonable modifications to their policies and practices when necessary to afford
14 such persons meaningful access to those programs, services and activities. *See* 42
15 U.S.C. §§ 12131 *et seq.*; 29 U.S.C. § 794; Government Code § 11135 *et seq.*;
16 Education Code § 66270; Cal. Civ. Code § 51 *et seq.*

17 83. Defendants are also aware that Federal law requires public entities to
18 operate each service, program, or activity such that the service, program, or
19 activity, “when viewed in its entirety, is readily accessible to and usable by
20 individuals with disabilities.” 28 C.F.R. § 35.150(a) (regulations implementing
21 Title II); *see also* 34 C.F.R. § 104.22 (regulations implementing Rehabilitation
22 Act). Title II’s implementing regulations list methods of achieving program access
23 that include, but are not limited to, “acquisition of equipment” and “use of
24 accessible rolling stock or other conveyances,” 28 C.F.R. § 35.130(b)(1), such as
25 trams or other shuttle vehicles.

26 84. Defendants are also aware that California state regulations require
27 community colleges to provide “specialized aids, devices, and/or students available
28 to students with disabilities . . . which are in addition to the general services

1 provided to all students” and “enable students to participate in general activities,
2 programs and classes offered by the college.” 5 C.F.R. § 56026.

3 85. Defendants’ termination of on-campus transportation assistance, and
4 continued refusal to provide transportation assistance or any other assistance to
5 ensure that Ms. Cline and other individuals with disabilities have meaningful
6 access to the services offered on the WLAC campus, is unlawful. Defendants are
7 aware that this denial of meaningful access is unlawful, and their actions have
8 caused, and continue to cause enormous harm—educationally, physically, and
9 emotionally—to Ms. Cline as well as other individuals with disabilities.

10 **H. Plaintiff’s Exhaustion of Pre-Lawsuit Procedures**

11 86. Ms. Cline has exhausted all applicable requirements before filing this
12 amended complaint, including but not limited to any requirements under the
13 California Government Claims Act, Cal. Gov’t Code § 900 et seq.

14 87. On October 19, 2022, after being denied access to WLAC’s campus
15 for the Fall 2022 semester, Ms. Cline presented her claims to the LACCD Board of
16 Trustees in a manner satisfying the requirements of the California Government
17 Claims Act. Defendants denied her claims by letter dated November 4, 2022.

18 **I. Class Allegations**

19 88. Plaintiff’s experiences are examples of an ongoing, systemic pattern
20 of discrimination by Defendants against individuals with disabilities.

21 89. The Named Plaintiff brings this action individually, and as a class
22 action under Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure on
23 behalf of the following class of “all individuals who have disabilities that make it
24 difficult for them to navigate long distances, up inclines, and/or on uneven terrain,
25 and attend, would like to attend, or will attend on-campus classes or events at West
26 Los Angeles College” (the “Class”).

27 90. Named Plaintiff Robin Cline, as well as each member of the proposed
28 class, is a “qualified person with a disability” and/or a “person with a disability”

1 pursuant to the ADA, Section 504 of the Rehabilitation Act, and/or applicable
2 California law.

3 91. The persons in the proposed class are so numerous that joinder of all
4 such persons is impractical and the disposition of their claims in a class action is a
5 benefit to the parties and to the Court.

6 92. While the exact number of class members is unknown to Plaintiff at
7 this time, the former driver of the Campus Shuttle has stated that he would drive
8 about 40 to 50 people each day, the majority of whom he observed had disabilities
9 that made it difficult to walk, such as visible swollen legs or the use of walkers. As
10 not every student goes to campus every day, the number of people with disabilities
11 that make it difficult for them to navigate long distances, up inclines, and/or on
12 uneven terrain, and attend, would like to attend, or will attend on-campus classes
13 or events at West Los Angeles College is more than 50 and thus sufficiently
14 numerous that joinder of all members is impracticable.

15 93. The violations of the ADA, the Rehabilitation Act and related
16 California state statutes set forth in detail herein impact all members of the
17 proposed class because Defendants have denied and continue to deny them
18 meaningful access to the programs, activities, and services on WLAC's campus
19 due to the lack on-campus transportation.

20 94. Defendants have acted or refused to act on grounds generally
21 applicable to the class, thereby making appropriate final injunctive or declaratory
22 relief with respect to the class as a whole. Class claims are brought for the
23 purposes of obtaining declaratory and injunctive relief only.

24 95. The claims of the Named Plaintiff are typical of the claims of the
25 Class as a whole in that they arise from the same course of conduct engaged in by
26 Defendants, the failure to provide on-campus transportation for people with
27 disabilities, and the Named Plaintiff seeks the same relief as the proposed class—

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1 meaningful access to the programs, activities, and services offered on WLAC’s
2 campus. The relief sought herein will therefore benefit all class members alike.

3 96. The Named Plaintiff will fairly and adequately represent the interests
4 of the Class. She has no interests adverse to the interests of other members of the
5 proposed class and has retained counsel who are competent and experienced in
6 litigation complex class actions, including large-scale disability rights class action
7 cases.

8 97. The requirements of Rule 23 of the Federal Rules of Civil Procedure
9 are met with regard to the proposed class in that:

- 10 1. The class is so numerous that it would be impractical to bring all class
11 members before the Court individually;
- 12 2. There are questions of law and fact which are common to the class;
- 13 3. The Named Plaintiff’s claims for declaratory and injunctive relief are
14 typical of the claims of the class;
- 15 4. The Named Plaintiff will fairly and adequately represent common
16 class interests and is represented by counsel who are highly
17 experienced in class actions and the disability rights issues in this
18 case; and
- 19 5. Defendants have acted or refused to act on grounds generally
20 applicable to the class.

21 **FIRST CLAIM FOR RELIEF**

22 **Title II of the Americans with Disabilities Act**

23 **42 U.S.C. §§ 12131 *et seq.***

24 98. Plaintiff realleges and incorporates by reference the allegations above
25 as if fully set forth here.

26 99. Title II of the ADA, 42 U.S.C. §§ 12131 *et seq.*, entitles individuals
27 with disabilities to an opportunity to access the benefits of public entities’ services,
28 programs, or activities. It states that “no qualified individual with a disability shall,

1 by reason of such disability, be excluded from participation in or be denied the
2 benefits of the services, programs, or activities of a public entity, or be subjected to
3 discrimination by any such entity.” 42 U.S.C. § 12132; *see also* 28 C.F.R.
4 §§ 35.130(a), (b)(1).

5 100. Defendant WLAC has been and is a “public entity” within the
6 meaning of Title II of the ADA. 42 U.S.C. § 12131.

7 101. Defendant LACCD has been and is a “public entity” and a “special
8 purpose district” within the meaning of Title II of the ADA. 42 U.S.C.
9 § 12131(1)(B).

10 102. The Plaintiff has been and is a qualified individual with a disability
11 within the meaning of Title II of the ADA and meets the essential eligibility
12 requirements for the receipt of Defendants’ services, programs, or activities. 42
13 U.S.C. § 12131.

14 103. WLAC and all of its educational and other benefits, activities, and
15 services are a program, service, or activity that Defendants offer within the
16 meaning of Title II of the ADA.

17 104. Defendants are mandated to operate each program, service, or activity
18 “so that, when viewed in its entirety, it is readily accessible to and useable by
19 individuals with disabilities.” 28 C.F.R. § 35.150; *see also* 28 C.F.R. § 35.149.

20 105. Defendants are mandated to consider all available methods to ensure
21 meaningful access for the Plaintiff and others with disabilities. 28 C.F.R.
22 § 35.150(b)(1).

23 106. Title II’s implementing regulations list methods of achieving program
24 access that include, but are not limited to, “acquisition of equipment” and “use of
25 accessible rolling stock or other conveyances,” 28 C.F.R. § 35.130(b)(1), which
26 includes shuttles.

27 107. Public entities, including Defendants, “shall make reasonable
28 modifications in policies, practices or procedures when the modifications are

1 necessary to avoid discrimination on the basis of disability” 28 C.F.R.
2 § 35.130(b)(7).

3 108. Public entities, including Defendants, “may not . . . utilize criteria or
4 methods of administration— (i) That have the effect of excluding individuals with
5 disabilities from, denying them the benefits of, or otherwise subjecting them to
6 discrimination; or (ii) That have the purpose or effect of defeating or substantially
7 impairing the accomplishment of the objectives of the service, program, or activity
8 with respect to individuals with disabilities; or (iii) That perpetuate the
9 discrimination of another public entity if both public entities are subject to
10 common administrative control or are agencies of the same State.” 28 C.F.R.
11 § 35.130(b)(3).

12 109. The regulations also require that “[i]n choosing among available
13 methods” for ensuring adequate program access, public entities must “give priority
14 to those methods that offer services, programs, and activities to qualified
15 individuals with disabilities in the most integrated setting appropriate.” 28 C.F.R.
16 § 35.150(b)(1).

17 110. Defendants’ actions and omissions discriminate against the Plaintiff
18 on the basis of her disabilities in violation of the ADA. Defendants’ discriminatory
19 conduct includes, but is not limited to:

- 20 a. Maintaining discriminatory policies and practices;
- 21 b. Denying Plaintiff the benefits of Defendants’ services, programs,
22 and activities at WLAC;
- 23 c. Failing to provide Plaintiff an opportunity to participate in or
24 benefit from Defendants’ aids, benefits, or services that is equal to
25 that afforded others, and/or failing to provide Plaintiff an equal
26 opportunity to obtain the same result, to gain the same benefit, or
27 to reach the same level of achievement as that provided to others;

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- 1 d. Failing to provide Plaintiff and with meaningful access to
- 2 Defendants' services, programs, and activities at WLAC;
- 3 e. Failing to operate their programs, services, and activities at WLAC
- 4 so that when viewed in its entirety, the programs, services, and
- 5 activities are readily accessible to and usable by Plaintiff;
- 6 f. Failing to provide reasonable modifications to ensure meaningful
- 7 access to Defendants' services, programs, and activities at WLAC;
- 8 g. Using criteria or methods of administration that have the effect of
- 9 subjecting Plaintiff to discrimination on the basis of disability;
- 10 h. Failing to prioritize methods that offer services, programs, and
- 11 activities in the most integrated setting appropriate; and

12 111. Regarding program access, the ADA's regulations at 28 C.F.R.
13 § 35.150(a)(3) provide that public entities may refuse to comply with their
14 statutory obligations if doing so would result in a fundamental alteration in the
15 nature of the service, program, or activity or impose an undue financial or
16 administrative burden. Any determination from the public entity, however, must be
17 made by the head of the public entity or his or her designee after considering all
18 resources available for use in the funding and operation of the service, program, or
19 activity, and the determination must be accompanied by a written statement of the
20 reasons for reaching that conclusion. On information and belief, Defendants have
21 failed to make such a determination accompanied by the required written statement
22 and have, therefore, failed to demonstrate that providing the access Plaintiff seeks
23 to Defendants' programs, services, and activities at WLAC would impose an undue
24 financial or administrative burden.

25 112. In committing the acts and/or omissions above, Defendants acted
26 intentionally and with deliberate indifference to Plaintiff's rights.

27 113. Defendants' violations of the ADA have harmed and will continue to
28 harm Plaintiff in the future.

1 114. Because Defendants’ discriminatory conduct is ongoing, declaratory
2 and injunctive relief are appropriate remedies.

3 115. Plaintiff is entitled to declaratory and injunctive relief, as well as
4 reasonable attorneys’ fees and costs incurred in bringing this action. Ms. Cline
5 also seeks and is entitled to actual and compensatory damages.

6 116. Pursuant to the remedies, procedures, and rights set forth in 42 U.S.C.
7 § 12188, Plaintiff prays for relief as set forth below.

8 **SECOND CLAIM FOR RELIEF**

9 **Section 504 of the Rehabilitation Act**

10 **29 U.S.C. §§ 794 *et seq.***

11 117. Plaintiff realleges and incorporates by reference the allegations above
12 as if fully set forth here.

13 118. Section 504 of the Rehabilitation Act of 1973 provides in relevant
14 part: “[N]o otherwise qualified individual with a disability . . . shall, solely by
15 reason of her or his disability, be excluded from the participation in, be denied the
16 benefits of, or be subjected to discrimination under any program or activity
17 receiving federal financial assistance” 29 U.S.C. § 794; *see also* 34 C.F.R.
18 §§ 104.4(b), 104.21, 104.43(a).

19 119. Defendant WLAC has been and is a recipient of federal financial
20 assistance sufficient to invoke the coverage of Section 504.

21 120. Defendant LCCAD has been and is a recipient of federal financial
22 assistance sufficient to invoke the coverage of Section 504.

23 121. WLAC and all of its educational and other benefits, activities, and
24 services are a program, service, or activity that Defendants offer within the
25 meaning of Section 504.

26 122. Plaintiff has been and is a qualified individual with a disability within
27 the meaning of Section 504 and is otherwise qualified to participate in or receive
28 benefits from Defendants’ programs or activities. 29 U.S.C. § 794(b).

1 123. Each Defendant is mandated to “operate its program or activity so that
2 when each part is viewed in its entirety, it is readily accessible to handicapped
3 persons.” 34 C.F.R. § 104.22; 34 C.F.R. § 104.21.

4 124. Section 504’s implementing regulations provide that in complying
5 with the program access requirements, Defendants must “give priority to those
6 methods that serve handicapped persons in the most integrated setting
7 appropriate.” 34 C.F.R. § 104.22(b); *see also* 34 C.F.R. § 104.43(d).

8 125. In addition, Defendants may not use “criteria or methods of
9 administration (i) that have the effect of subjecting qualified handicapped persons
10 to discrimination on the basis of handicap, (ii) that have the purpose or effect of
11 defeating or substantially impairing accomplishment of the objectives of the
12 recipient’s program or activity with respect to handicapped persons, or (iii) that
13 perpetuate the discrimination of another recipient if both recipients are subject to
14 common administrative control or are agencies of the same State.” 34 C.F.R.
15 § 104.4(4).

16 126. Defendants’ actions and omissions discriminate against Plaintiff
17 solely by reason of her disability in violation of Section 504. Defendants’
18 discriminatory conduct includes but is not limited to:

- 19 a. Maintaining discriminatory policies and practices;
- 20 b. Excluding Plaintiff from participation in and denying Plaintiff the
21 benefits of Defendants’ programs and activities at WLAC;
- 22 c. Failing to provide Plaintiff an opportunity to participate in or
23 benefit from Defendants’ aids, benefits, or services that is equal to
24 and/or not as effective as that afforded others, and failing to
25 provide Plaintiff an equal opportunity to obtain the same result, to
26 gain the same benefit, or to reach the same level of achievement in
27 the most integrated setting appropriate to their needs;
- 28 d. Failing to provide Plaintiff with meaningful access to Defendants’

- 1 programs and activities at WLAC;
- 2 e. Failing to operate their programs and activities at WLAC so that
- 3 when viewed in its entirety, the programs and activities are readily
- 4 accessible to and usable by Plaintiff; and
- 5 f. Failing to provide reasonable modifications to ensure meaningful
- 6 access to Defendants’ programs and activities at WLAC;
- 7 g. Using criteria or methods of administration that have the effect of
- 8 subjecting Plaintiff to discrimination on the basis of disability; and

9 127. In committing the acts and/or omissions above, Defendants acted
10 intentionally and with deliberate indifference to Plaintiff’s rights.

11 128. Defendants’ violations of Section 504 have harmed and will continue
12 to harm Plaintiff.

13 129. Because Defendants’ discriminatory conduct is ongoing, declaratory
14 and injunctive relief are appropriate remedies.

15 130. Plaintiff is entitled to declaratory and injunctive relief, as well as
16 reasonable attorneys’ fees and costs in bringing this action. Ms. Cline also seeks
17 and is entitled to actual and compensatory damages.

18 131. Pursuant to the remedies, procedures, and rights set forth in 29 U.S.C.
19 § 794(a), Plaintiff prays for relief as set forth below.

20 **THIRD CLAIM FOR RELIEF**

21 **California Government Code § 11135**

22 132. Plaintiff realleges and incorporates by reference the allegations above
23 as if fully set forth here.

24 133. Section 11135(a) of the California Government Code provides in
25 relevant part: “No person in the State of California shall, on the basis of . . .
26 disability, be unlawfully denied the benefits of, or be unlawfully subjected to
27 discrimination under, any program or activity that is funded directly by the state or
28 receives any financial assistance from the state.”

1 134. Defendant WLAC receives financial assistance from the State of
2 California sufficient to invoke the coverage of Government Code § 11135 *et seq.*
3 WLAC has received such financial assistance at all times relevant to the claims
4 asserted in this Complaint.

5 135. Defendant LACCD receives financial assistance from the State of
6 California sufficient to invoke the coverage of Government Code § 11135 *et seq.*
7 LACCD has received such financial assistance at all times relevant to the claims
8 asserted in this Complaint.

9 136. California Government Code § 11135(b) incorporates the protections
10 and prohibitions contained in the Americans with Disabilities Act (“ADA”) and its
11 implementing regulations. Section 11135(b) states in relevant part:

12 With respect to discrimination on the basis of disability, programs and
13 activities subject to subdivision (a) shall meet the protections and
14 prohibitions contained in Section 202 of the federal Americans with
15 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules
16 and regulations adopted in implementation thereof, except that if the
17 laws of this state prescribe stronger protections and prohibitions, the
18 programs and activities subject to subdivision (a) shall be subject to
19 the stronger protections and prohibitions.

20 137. For all the reasons described above, Defendants have violated and
21 continue to violate the Americans with Disabilities Act and therefore have violated
22 and continue to violate California Government Code § 11135(b).

23 138. Independent of any violation of the Americans with Disabilities Act,
24 Defendants have also violated the terms of California Government Code § 11135(a),
25 which prohibits discrimination on the basis of disability.

26 139. Pursuant to California Government Code § 11139, Plaintiff has a
27 private right of action to enforce California Government Code § 11135(b).

28 140. Defendants and their agents and employees have and continue to
violate California Government Code § 11135 by unlawfully denying Plaintiff the

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1 benefits of, and unlawfully subjecting Plaintiff to discrimination under,
2 Defendants' programs and activities and for the reasons set forth above.

3 141. Defendants have refused and failed to provide Plaintiff with full and
4 equal access to their facilities, programs, services and activities as required by
5 California Government Code § 11135 *et seq.*

6 142. Defendants' violations of California Government Code § 11135 have
7 harmed and will continue to harm Plaintiff.

8 143. Because Defendants' discriminatory conduct is ongoing, declaratory
9 and injunctive relief are appropriate remedies.

10 144. Plaintiff is entitled to declaratory and injunctive relief as well as
11 reasonable attorneys' fees and costs incurred in bringing this action.

12 145. Pursuant to the rights, procedures, and remedies set forth under in
13 California Government Code § 11135 and § 11139, and the California Code of
14 Civil Procedure, Plaintiff prays for relief as set forth below.

15 **FOURTH CLAIM FOR RELIEF**

16 **California Education Code § 66270**

17 146. Plaintiff realleges and incorporates by reference the allegations above
18 as if fully set forth here.

19 147. California Education Code § 66270 provides that “[n]o person shall be
20 subjected to discrimination on the basis of disability . . . in any program or activity
21 conducted by any postsecondary education institution that receives, or benefits
22 from, state financial assistance or enrolls students who receive state student
23 financial aid.”

24 148. Plaintiff is an individual with a disability within the meaning of the
25 California Education Code.

26 149. Defendants have received and continue to receive financial assistance
27 from the State of California.

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1 4. That this Court issue an injunction ordering Defendant to comply with
2 the statutes set forth in this Complaint, including but not limited to ordering
3 Defendants to:

4 a. Ensure that Plaintiff has meaningful access to her classes and
5 any other programs, services, and activities in which she seeks to participate
6 on the WLAC campus, by providing transportation assistance, such as
7 through a campus shuttle or similar service, to Plaintiff and the putative class
8 members, and operate that service in a manner that is accessible to Plaintiff
9 and the putative class members;

10 b. In consultation with Plaintiff, develop a plan that includes any
11 policy changes necessary for a durable remedy. The plan shall ensure the
12 provision of adequate transportation assistance and services such that
13 Plaintiff and the putative class members have meaningful access to
14 Defendants' programs, services, and activities on the WLAC campus; and

15 c. Require any other steps necessary to provide meaningful access
16 for Plaintiff and the putative class members to the College's programs,
17 services, and activities.

18 5. That this Court award Plaintiff minimum statutory damages, defined
19 as \$1,000 per incident of discrimination under the California DPA, Defendants'
20 violations of civil rights under state law, beginning six months prior to Ms.
21 Cline's October 2022 tort claim. An "incident" refers, at a minimum, to each time
22 Ms. Cline visited the WLAC campus and was denied meaningful access, as well
23 as each time Ms. Cline was deterred from visiting the WLAC campus due to the
24 lack of meaningful access.

25 6. That this Court award Ms. Cline actual and/or compensatory damages
26 in violation of her civil rights under state and federal laws and tort violations,
27 including but not limited to personal injury damages and attorneys' fees.

28 7. That this Court award Plaintiff reasonable attorneys' fees and costs

1 pursuant to federal and California law.

2 8. That this Court award Plaintiff such other and further relief as the
3 Court deems to be just, proper, and equitable.

4 **DEMAND FOR JURY TRIAL**

5 Plaintiff demands a jury on all issues which can be heard by a jury.

6
7 DATED: January 9, 2023

Respectfully submitted,

8 DISABILITY RIGHTS CALIFORNIA

9 */s/ Autumn M. Elliott*

10 Autumn Elliott

11 Lucia Choi

12
13 LAW OFFICE OF AARON J. FISCHER

14 *s/ Aaron J. Fischer*

15 Aaron J. Fischer

16
17 DISABILITY RIGHTS ADVOCATES

18 *s/ Stuart Seaborn*

19 Stuart Seaborn

20 Erin Gallagher

21 *Attorneys for Plaintiffs*

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