

1 AUTUMN M. ELLIOTT (Cal. Bar No. 230043)
2 autumn.elliott@disabilityrightsca.org
3 SRIVIDYA PANCHALAM (Cal. Bar No. 265398)
4 sri.panchalam@disabilityrightsca.org
5 DISABILITY RIGHTS CALIFORNIA
6 350 South Bixel Street, Suite 290
7 Los Angeles, CA 90017
8 Telephone: (213) 213-8000
9 Fax: (213) 213-8001

10 AARON J. FISCHER (Cal. Bar No. 247391)
11 aaron.fischer@disabilityrightsca.org
12 JULIE WILENSKY (Cal. Bar No. 271765)
13 julie.wilensky@disabilityrightsca.org
14 DISABILITY RIGHTS CALIFORNIA
15 1330 Broadway, Suite 500
16 Oakland, CA 94612
17 Telephone: (510) 267-1200
18 Fax: (510) 267-1201

19 *Attorneys for Plaintiffs*

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 CHARLES ANTHONY GUERRA,
23 CHRYSTAL, and KARLTON
24 BONTRAGER,

25 Plaintiffs,

26 v.

27 WEST LOS ANGELES COLLEGE and
28 LOS ANGELES COMMUNITY
COLLEGE DISTRICT,

Defendants.

Case No.: 2:16-CV-06796

**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 § 51
6. Cal. Civ. Code § 54
7. Negligence and Negligence *Per Se*

JURY TRIAL DEMANDED

INTRODUCTION

1
2 1. Plaintiffs Charles Anthony Guerra, Chrystal (who uses one legal
3 name), and Karlton Bontrager, community college students with mobility
4 disabilities, bring this civil rights action against West Los Angeles College
5 (“WLAC”), a community college in Culver City serving nearly 12,000 students,
6 and the Los Angeles Community College District (“LACCD”) (collectively
7 “Defendants”). These students – a United States Army veteran, a woman returning
8 to school after years serving as her mother’s primary caregiver, and a part-time
9 library volunteer – are deeply committed to completing their academic program
10 and applying their education to give back to their community.

11 2. To attend their classes and participate in student activities and
12 programs on campus, Plaintiffs require transportation assistance. WLAC describes
13 itself as located on a “lushly landscaped hillside.” It is designed in such a way that
14 people on campus must traverse sloped and uneven paths to get from the campus
15 entrances and parking lots to classes and student program areas. Students must
16 cross long and in many places uneven terrain to get to classroom buildings, the
17 library, the bookstore, student meeting areas, student service offices, and other
18 campus locations.

19 3. After years of operating a Campus Shuttle that prioritized serving
20 people with disabilities who needed transportation assistance to get around campus
21 and access classes and campus services, WLAC and LACCD decided in February
22 2016 to terminate this service. Defendants told Plaintiffs and others with
23 disabilities they could use an on-call golf cart transport service instead, but that
24 service was also terminated the following month. Since March 2016, despite
25 Plaintiffs’ repeated requests for assistance and multiple in-person meetings with
26 Defendants’ representatives, Defendants have failed to provide transportation
27 assistance or any alternative measures necessary to provide Plaintiffs with
28 meaningful access to the educational services and programs offered on the WLAC

1 campus.

2 4. Defendants' failure to provide meaningful access for Plaintiffs to
3 campus services and programs violates Title II of the Americans with Disabilities
4 Act, Section 504 of the Rehabilitation Act of 1973, and California anti-
5 discrimination law. Indeed, the California Community Colleges Chancellor's
6 Office (CCCCO)'s guidelines explicitly describe the provision of on-campus tram
7 services as a method of ensuring equal access on campuses that are large or have
8 difficult terrain, and LACCD's own policy provides that its colleges may provide
9 such transportation services to ensure access for students with disabilities.

10 5. Defendants have all but ignored Plaintiffs' requests for help, and
11 Plaintiffs have suffered serious harm as a result. Mr. Guerra and Mr. Bontrager
12 have both fallen and injured themselves while trying to navigate WLAC's
13 inaccessible campus on their own. These falls have been humiliating and traumatic,
14 and in Mr. Guerra's case, resulted in the need for emergency medical care and
15 damage to his physical condition.

16 6. Defendants' denial of access to campus services has significantly
17 restricted Plaintiffs' participation in college life and progress towards completing
18 their education. Plaintiffs have been forced to forgo classes, withdraw from
19 classes, or limit coursework to online classes.

20 7. Defendants' proposed solutions to this problem have been as insulting
21 as they have been legally inadequate. For example, Defendants proposed that Mr.
22 Bontrager obtain professors' permission to leave classes early or arrive late so he
23 can have more time to get to the next class or student activity – essentially, to
24 participate less in his own education.

25 8. Plaintiffs are being forced to delay or forgo educational opportunities,
26 and each day that they persevere by navigating the campus on their own puts them
27 at significant risk of physical and other harm.

28 9. Due to Defendants' continued unlawful conduct that will continue to

1 harm Plaintiffs, Plaintiffs seek declaratory and injunctive relief requiring
2 Defendants to provide transportation assistance that will enable Plaintiffs to
3 meaningfully access Defendants' programs, services, and activities on WLAC's
4 campus. Plaintiffs also seek statutory damages resulting from Defendants' civil
5 rights violations. Plaintiff Guerra additionally seeks actual and compensatory
6 damages resulting from Defendants' civil rights and tort violations.

7 **JURISDICTION**

8 10. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§
9 1331 and 1343, and has supplemental jurisdiction over Plaintiffs' state law claims
10 under 28 U.S.C. §1367. The Court has jurisdiction to issue declaratory and
11 injunctive relief under 28 U.S.C. §§ 2201 and 2202.

12 **VENUE**

13 11. Venue is proper in the Central District of California because
14 Defendants reside in the Central District of California within the meaning of U.S.C.
15 § 1391, and a substantial part of the events, acts, and omissions giving rise to the
16 claims occurred in Los Angeles County, in this District.

17 **PARTIES**

18 **Plaintiffs**

19 12. Plaintiff Charles Anthony Guerra is a U.S. Army veteran and a student
20 at WLAC. He has a spinal cord condition that makes him substantially limited in
21 his ability to walk. He currently uses a walker and a foot brace, and his left leg and
22 foot drag when he walks. He is a "qualified person with a disability" and a person
23 with "a disability" within the meaning of all applicable statutes and regulations,
24 including 42 U.S.C. § 12131(2), 28 C.F.R. § 35.104, 29 U.S.C. § 705(20)(B), and
25 California Government Code § 12926. He has experienced and continues to
26 experience access barriers in navigating WLAC's campus due to Defendants'
27 ongoing violations.

28 13. Plaintiff Chrystal (who uses one legal name) is a student at WLAC.

1 Chrystal has multiple conditions and impairments that substantially limit her ability
2 to walk. She carries an oxygen tank attached to a wheeled cart with her at all times.
3 She is a “qualified person with a disability” and a person with “a disability” within
4 the meaning of all applicable statutes and regulations, including 42 U.S.C. §
5 12131(2), 28 C.F.R. § 35.104, 29 U.S.C. § 705(20)(B), and California Government
6 Code § 12926. She has experienced and continues to experience access barriers in
7 navigating WLAC’s campus due to Defendants’ ongoing violations.

8 14. Plaintiff Karlton Bontrager has a traumatic brain injury and other
9 conditions that substantially limit his ability to walk, including weakness and
10 limited mobility on the left side of his body and balance issues. He is a “qualified
11 person with a disability” and a person with “a disability” within the meaning of all
12 applicable statutes and regulations, including 42 U.S.C. § 12131(2), 28 C.F.R. §
13 35.104, 29 U.S.C. § 705(20)(B), and California Government Code § 12926. He has
14 experienced and continues to experience access barriers in navigating WLAC’s
15 campus due to Defendants’ ongoing violations.

16 **Defendants**

17 15. Defendant WLAC is a public community college located in Culver
18 City, Los Angeles County, California.

19 16. At all relevant times, WLAC is and has been a public entity within the
20 meaning of Title II of the ADA. 42 U.S.C. § 12131.

21 17. At all relevant times, WLAC has received and continues to receive
22 federal financial assistance within the meaning of the Rehabilitation Act, 29 U.S.C.
23 § 794.

24 18. At all relevant times, WLAC has received and continues to receive
25 state financial assistance within the meaning of California Government Code §
26 11135.

27 19. Defendant LACCD is the community college district serving the City
28 of Los Angeles, California and some of its neighboring cities. Its offices are

1 located in Los Angeles.

2 20. At all relevant times, LACCD is and has been a public entity within
3 the meaning of Title II of the ADA. 42 U.S.C. § 12131.

4 21. At all relevant times, LACCD has received and continues to receive
5 federal financial assistance within the meaning of the Rehabilitation Act, 29 U.S.C.
6 § 794.

7 22. At all relevant times, LACCD has received and continues to receive
8 state financial assistance within the meaning of California Government Code §
9 11135.

10 23. Defendants are sued in their own right and on the basis of the acts of
11 their officials, agents, trustees, and employees.

12 **FACTS**

13 24. West Los Angeles College is a community college in Culver City,
14 California. It has nearly 12,000 students, the majority of whom are people of color,
15 and the majority of whom are women. WLAC claims on its website that “[a]ll
16 students at West have the opportunity for success.” Its mission includes providing
17 “a transformation education experience,” to “foster[] a diverse learning community
18 dedicated to student success,” and to “enrich[] students with the knowledge and
19 skills needed to earn certificates and degrees” In addition, “[t]hrough quality
20 instruction and supportive services, the College develops leaders who encourage
21 excellence in others.”¹

22 25. California’s community colleges serve thousands of students with
23 mobility-related disabilities. For example, the California Community Colleges
24 Chancellor’s Office’s Disabled Student Programs and Services served nearly
25 13,000 “mobility impaired” students in 2012-2013.²

26
27 ¹ WLAC, About West, at www.wlac.edu/About/index.aspx (accessed
28 Sept. 8, 2016).

² CCCCCO Student Services and Special Programs, Disabled Student
Programs and Services (May 2014).

1 26. WLAC is part of nine colleges that make up the Los Angeles
2 Community College District (“LACCD”). LACCD is the largest community
3 college district in the United States and one of the largest in the world. Of
4 LACCD’s 135,319 students enrolled last year, more than half were below the
5 poverty line and more than 80% were people of color.³

6 27. LACCD states that its “doors are wide open for a diverse student
7 population eager for skills, knowledge and upward mobility,” and that “[m]ore than
8 any other California system of higher education, community colleges offer a first –
9 and a second – chance for anyone who wants to succeed.” LACCD’s vision is to
10 provide “high quality, accessible, educational opportunities” and to “close[]
11 persistent equity gaps.”⁴

12 **WLAC’s Inaccessible Campus**

13 28. WLAC is geographically sited along a hill, with terrain that is uneven
14 in many places and with slopes, among other barriers to accessibility for people
15 with mobility disabilities.

16 29. To go from the parking lots and the general campus area, between
17 certain campus buildings, and between the southeast campus entrance and the
18 general campus area, students must climb stairways or traverse slopes, and travel
19 long distances.

20 **WLAC’s Campus Shuttle Service**

21 30. Until February 2016, WLAC offered an on-campus shuttle service
22 (the “Campus Shuttle”).

23 31. The Campus Shuttle service provided multi-seat shuttles, or trams,
24 that were available seven days a week. The Campus Shuttle picked up and dropped
25

26 ³ LACCD, Fast Facts, at
27 <https://www.laccd.edu/Departments/EPIE/Research/Pages/Fast-Facts.aspx>
28 (accessed Sept. 8, 2016).

⁴ LACCD, About LACCD, at
<https://www.laccd.edu/about/Pages/default.aspx> (accessed Sept. 8, 2016).

1 off students at locations across the campus, including campus entrances, parking
2 lots, and classroom and other campus buildings.

3 32. As described more below, the Campus Shuttle was a critical means for
4 Plaintiffs to reach all areas of campus, including classroom buildings, the library,
5 the bookstore, and WLAC student service offices. It provided Plaintiffs with access
6 to classes and other on-campus programs and services.

7 33. Defendants recognized the importance of providing such a service to
8 people with disabilities. The Campus Shuttle map prominently stated that
9 “DISABLED PASSENGERS ARE GIVEN PRIORITY.”

10 34. Plaintiffs and other people with disabilities could, and regularly did,
11 call the Campus Shuttle service number for “door-to-door” service, and the shuttle
12 would pick them up wherever they were on campus and take them to their
13 destination elsewhere on campus.

14 **Defendants’ Termination of the Campus Shuttle Service**

15 35. In February 2016, Defendants discontinued the Campus Shuttle
16 service.

17 36. At that time, WLAC provided an alternative transportation service to
18 assist students with disabilities. WLAC posted the following message on its web
19 site: “The shuttle service has been discontinued. Disabled students who need
20 assistance reaching a campus destination may contact the Campus Sheriff for golf
21 cart ride at (310) 287-4314.”

22 37. Within a few weeks, on March 17, 2016, LACCD issued a
23 memorandum asserting that WLAC and other college could not provide golf cart
24 transportation assistance to people with disabilities. The memorandum stated,
25 among other things, that “There is no court decision requiring any of you to
26 provide ADA shuttle service on campus. Any and all ADA accommodations must
27 be provided only on a case-by-case basis and after a one-on-one interactive with
28 the disabled person.”

1 38. On March 22, 2016, shortly after the LACCD memorandum was
2 issued, WLAC announced that it would provide neither Campus Shuttle services
3 nor golf cart services. WLAC offered no alternative transportation service for
4 people with disabilities.

5 39. Transportation assistance, before Defendants terminated it, was the
6 only adequate affirmative step Defendants took to provide meaningful access for
7 Plaintiffs to the programs, activities, and services at WLAC.

8 40. Defendants continue to use the vehicles formerly used for the Campus
9 Shuttle service to provide transportation on campus for visitors during certain
10 campus events.

11 41. Defendants are aware that Title II of the ADA, Section 504 of the
12 Rehabilitation Act, and analogous California laws require public community
13 colleges and community college districts, including WLAC and LACCD, to
14 provide meaningful access for people with disabilities to their services, programs,
15 and activities.

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

25 43. Defendants are also aware that California state regulations require
26 community colleges to provide “specialized aids, devices and/or students available
27 to students with disabilities . . . which are in addition to the general services
28 provided to all students” and “enable students to participate in general activities,

1 programs and classes offered by the college.” 5 C.C.R. § 56026. The Chancellor’s
 2 Office Implementing Guidelines provide that such assistance includes “[m]obility
 3 assistance,” which “includes on-campus manual or motorized transportation to and
 4 from college courses and other related educational activities including the
 5 provision of tram services.”⁵ In particular, the Guidelines acknowledge that
 6 “[s]pecialized transportation around campus may be the best method of ensuring
 7 equal access on large campuses, or difficult terrain.”⁶

8 44. Consistent with these federal and state authorities, LACCD’s own
 9 regulations on serving students with disabilities list “[o]n-campus mobility
 10 assistance including manual or motorized transportation to and from classrooms
 11 and other related education activities” as a service or accommodation to students
 12 with disabilities that individual campuses may provide. A.R. E-100, at
 13 <http://www.laccd.edu/about/pages/admin-regs.aspx>.

14 45. As set forth below, Defendants’ termination of transportation
 15 assistance, and continued refusal to provide transportation assistance or any other
 16 assistance to ensure that Plaintiffs have meaningful access to the services offered
 17 on the WLAC campus, is unlawful. It was a devastating blow to Plaintiffs.
 18 Defendants’ actions have caused enormous harm – educationally, physically, and
 19 emotionally – to Plaintiffs, and have made the experience of finishing their
 20 education a daily nightmare for them.

21 **Charles Anthony Guerra**

22 46. Charles Anthony Guerra is a United States Army veteran. Mr. Guerra
 23 received an honorable discharge after experiencing a severe knee injury during his
 24 military training.

25 47. Mr. Guerra also has a spinal cord condition that has damaged the
 26

27 ⁵ Chancellor’s Office, California Community Colleges Student Services
 28 Division, Disabled Student Programs and Services, *2015 Implementing
 Guidelines for Title 5 DSPS Regulations 27* (emphasis in original).

⁶ *Id.*

1 nerve to his left leg, and he has undergone surgery to treat this condition. His
2 ability to walk is limited, and he uses a walker and a foot brace. His left leg and
3 foot drag when he walks. It is very difficult for him to walk on slopes, stairs, and
4 uneven terrain, where he is at risk for dangerous falls.

5 48. Mr. Guerra is driven to continue to participate civic life, to complete
6 his education, and to find work through which he can give back to his community.
7 Like thousands of veterans, Mr. Guerra has sought to access the educational
8 programs offered by California's community college system.

9 49. Mr. Guerra has attended WLAC since 2015. He hopes to use his
10 WLAC education to find work helping people, in particular veterans, recover from
11 alcohol and drug abuse problems. At WLAC, he is working towards a certification
12 as an Alcohol and Drug Abuse Counselor.

13 50. Until it was discontinued, Mr. Guerra would use the Campus Shuttle
14 two to four time per day get to classes and other locations on campus. With the
15 shuttle service, Mr. Guerra would have to walk only short and generally flat
16 distances. The service was essential for him to safely navigate campus and
17 participate as a student.

18 51. After the Campus Shuttle was discontinued, Mr. Guerra used the golf
19 cart service to get around campus. The service was less timely and less reliable
20 than the shuttle, but it permitted him to safely access his classes and student
21 activities.

22 52. After Defendants discontinued both the shuttle and the golf carts, Mr.
23 Guerra experienced substantial difficulty getting around campus. A determined
24 student, he has endured physical pain each day trying to get to his classes and
25 activities on his own.

26 53. Since March of 2016, he Mr. Guerra has attempted to obtain
27 reasonable assistance to ensure that he can continue to participate fully as a WLAC
28 student. He communicated his concerns to WLAC's office of Disabled Student

1 Programs and Services, the Vice President of Administrative Services, and the
2 school's Office of Veterans Affairs. He was repeatedly denied assistance.

3 54. Unable to get the assistance that he needs, Mr. Guerra has faced, and
4 continues to face, a denial of access to his education as well as real danger to his
5 physical safety and well-being.

6 55. For example, one day in May 2016, Mr. Guerra was walking from the
7 campus bookstore to his scheduled class. The path was on an incline, and he fell
8 while walking uphill. After spending several humiliating moments on the ground
9 while other students walked by, campus staff helped Mr. Guerra get up and get to
10 class. When the Campus Shuttle was in operation, Mr. Guerra had been able to
11 avoid the steep path where he fell.

12 56. Mr. Guerra remained determined to continue with his education,
13 despite the dangers he faced without the shuttle service. On June 13, 2016, after
14 enrolling in summer classes, Mr. Guerra again asked for Defendants' help and was
15 told only that he should use Parking Lot A, which was closest to his scheduled
16 class. But Lot A is not accessible to the campus's classrooms, posing significant
17 risks to individuals with mobility disabilities.

18 57. The next day, Mr. Guerra parked in Lot A and set off on his own for
19 class. Faced with the long and sloped path of travel, Mr. Guerra fell on his way to
20 class, in full view of other students and campus visitors. He was badly injured, and
21 taken by ambulance to the hospital. The incident left him in significant pain, caused
22 him to miss classes, and was humiliating. Mr. Guerra would not have had to travel
23 the path where he fell had the shuttle service been available.

24 58. As a result of the fall, Mr. Guerra's physical conditioned worsened
25 significantly. He also withdraw from his summer classes to deal with the physical
26 and emotional effects of the fall.

27 59. Mr. Guerra has continued to request transportation assistance.

28 60. On July 6, 2016, Mr. Guerra and the other Plaintiffs, through counsel,

1 sent a letter to WLAC and LACCD, explaining that without on-campus
2 transportation assistance, they and other students with disabilities lacked
3 meaningful access to Defendants’ programs, services, and activities at WLAC, and
4 that Defendants were discriminating against them in violation of Title II of the
5 ADA, Section 504 of the Rehabilitation Act, and related California laws. The letter
6 specifically requested that Defendants reinstate the Campus Shuttle service so that
7 Plaintiffs could have meaningful access.

8 61. Mr. Guerra and the other Plaintiffs again requested the restoration of
9 the Campus Shuttle at a July 18, 2016 meeting with Defendants. Defendants denied
10 the request and offered no viable alternative.

11 62. On August 18, 2016, Mr. Guerra attended an individual “ADA
12 Interactive Meeting” at the suggestion of Defendants. Ironically, Defendants
13 demanded that the meeting occur in the Student Services Building, which is
14 inaccessible to Mr. Guerra without transportation assistance, and they denied Mr.
15 Guerra’s request to move the meeting to a more accessible location. At the
16 meeting, Defendants again denied his request that the shuttle service be restored,
17 and told him that he must navigate the paths from the parking lot areas on his own.
18 Defendants’ proposed solutions failed to provide adequate accessibility for Mr.
19 Guerra.

20 63. On August 25, 2016, Mr. Guerra, through counsel, sent a letter to
21 Defendants explaining why Defendants’ proposed solutions for him were
22 inadequate and requesting that Defendants provide transportation assistance so he
23 could meaningfully access his classes and other programs and services at WLAC’s
24 campus for the Fall 2016 semester.

25 64. Defendants did not respond to the August 25, 2016 letter.

26 65. Mr. Guerra is enrolled in three classes on the WLAC campus for the
27 Fall 2016 semester. He is committed to continuing with his education, but he
28 struggles getting around campus. Each day he goes to campus, he deals with the

1 unsafe, strenuous and painful experiences of getting to classes on his own. He fears
2 that he will suffer further physical injury on campus, and that he will be unable to
3 complete all the classes in which he has enrolled, further delaying completion of
4 his college program.

5 **Chrystal**

6 66. Chrystal has attended WLAC since 2013, after several years of taking
7 care of her complex medical conditions and serving as the primary caregiver for
8 her mother.

9 67. At WLAC, Chrystal is working towards a certification as an Alcohol
10 and Drug Abuse Counselor. She would like to find a job in this field after
11 completing her community college program so she can help people in her
12 community who are struggling with or working to recover from alcohol and drug
13 abuse. She hopes to work with underserved members of the community, and in
14 particular women and monolingual Spanish-speakers who are struggling with
15 alcohol and drug addiction.

16 68. Chrystal became disabled after a serious car accident in 2005. She has
17 a number of medical conditions and disabilities that affect her ability to get around
18 on her own. In particular, she must keep an oxygen tank, attached to a wheeled
19 cart, with her to assist with breathing. She has constant and significant back and leg
20 pain, and has difficulty walking more than short distances, in particular on
21 staircases, uneven surfaces, and slopes. She cannot use a staircase that has more
22 than two or three stairs. She walks very slowly and must frequently stop to rest.

23 69. Chrystal regularly used the WLAC Campus Shuttle to get to her
24 classes and activities on campus.

25 70. Since Defendants terminated the Campus Shuttle, Chrystal has been
26 forced to navigate, for example, stairways and steep inclines necessary to reach the
27 Student Services building and General Classrooms building where her classes were
28 located, which is extremely strenuous and dangerous for her.

1 71. Because of the campus's inaccessibility and Defendants' denial of
2 transportation assistance, Chrystal's participation in academic and student life has
3 been significantly restricted. She has relied heavily on the assistance of fellow
4 students to get to around campus after the shuttle service was terminated. When her
5 peers were not available to assist her, she has had no choice but to miss her classes
6 and campus activities. For example, she missed class several times during the
7 Spring 2016 semester because no one was available to assist her. She also delayed
8 visiting campus services, including the financial aid office, until she could find help
9 from a friend.

10 72. During the Summer 2016 session, given the lack of accessibility on
11 campus and without others available to assist her, Chrystal was limited to taking
12 only online courses. She wants to be able to go to WLAC's courses in a classroom
13 setting, however, and learns best through in-person classes, compared to online
14 courses.

15 73. Chrystal has tried repeatedly to get the assistance she needs to get
16 around campus and participate fully as a WLAC student, including attending two
17 in-person meetings with Defendants on July 18, 2016 and August 22, 2016.
18 Defendants refused her request to have those meetings in a more accessible
19 location on campus.

20 74. Defendants expressed regret about the termination of shuttle service,
21 but refused to provide other transportation service to Chrystal. Defendants
22 identified the closest parking locations to the campus locations she needed to go to,
23 but Chrystal explained that parking in these locations would still not work for her
24 because doing so would require her to navigate long distances, steep slopes, or
25 staircases.

26 75. On August 25, 2016, Chrystal, through counsel, sent a letter to
27 Defendants explaining why Defendants' proposed solutions for her were
28 inadequate and requesting that Defendants provide transportation assistance so she

1 could meaningfully access her classes, and other programs and services, at
2 WLAC's campus for the Fall 2016 semester.

3 76. Defendants did not respond to the letter.

4 77. Chrystal has persisted with her educational efforts, and enrolled in two
5 courses for the Fall semester. But with Defendants' continued denial of
6 transportation assistance, however, Chrystal found the prospect of the long and
7 inaccessible routes she would have to face on her own to be too dangerous and too
8 arduous for her. Four days before classes started, she withdrew from one of her
9 courses, a Spanish course, and considered dropping out altogether until her friends
10 convinced her to stay in school. She would have been able to take the Spanish
11 course had the shuttle still been operating.

12 78. Chrystal is currently getting to her remaining class and other on-
13 campus locations by relying on the assistance of friends, when they are available.
14 For example, after she parks her car, she can sometimes get a ride from a friend to
15 a location closer to class and other campus services. Chrystal fears she may be
16 unable to complete her classes, that her safety is at risk, and that she may have to
17 further delay or abandon altogether her educational goals due to the lack of access.

18 **Karlton Bontrager**

19 79. Karlton Bontrager has attended WLAC since 2014. For the past
20 several years, he has been a part-time public library volunteer.

21 80. At WLAC, Mr. Bontrager is working towards a certification as an
22 Alcohol and Drug Abuse Counselor. He would like to find a job in this field after
23 completing his community college program so he can help people in his
24 community recover from alcohol and drug abuse.

25 81. Mr. Bontrager had a traumatic brain injury because of a serious
26 accident in 2002. This has resulted in a number of limitations: he has a condition
27 that causes weakness and limited mobility on the left side of his body. He also has
28 impaired balance, and incomplete field of vision, and problems with fatigue. He

1 walks with a limp and sometimes drags his left leg. Due to his disabilities, he often
2 experiences fatigue and difficulty walking, particularly when walking up and down
3 stairs or slopes or for long distances.

4 82. Mr. Bontrager used the WLAC Campus Shuttle service regularly to
5 get to and from his classes and other campus locations.

6 83. Since Defendants terminated the Campus Shuttle, Mr. Bontrager has
7 been forced to navigate long distances, including the steep stretch of Albert Vera
8 Drive between the campus entrance and his classes.

9 84. Without the Campus Shuttle service, it regularly takes Mr. Bontrager
10 an exceedingly long time to get to his classes, and he has been repeatedly late to
11 class.

12 85. He has fallen trying to get around campus on his own. For example, in
13 March 2016, after Defendants ended the Campus Shuttle service, Mr. Bontrager
14 fell while walking up the steep Albert Vera Drive incline on campus towards his
15 class, injuring his knees.

16 86. Mr. Bontrager has attempted to resolve this situation, including
17 attending two in-person meetings with Defendants on July 18, 2016 and August 18,
18 2016. Defendants have failed to provide him the transportation assistance he needs
19 to participate as a student. In addition, Defendants denied his requests to have the
20 in-person meetings take place in a more accessible location on campus.

21 87. Mr. Bontrager's requests for transportation assistance for getting
22 around campus have been repeatedly denied, and no safe or effective alternative to
23 ensure meaningful access on campus has been offered. Among other things,
24 Defendants suggested that he ask his professors for "time accommodations" to
25 allow him to arrive or leave 15-20 minutes late or early to class. Mr. Bontrager
26 expressed concerns about missing instructional time because the professor would
27 start without him or keep teaching after he left class.

28 88. On August 25, 2016, Mr. Bontrager, through counsel, sent a letter to

1 Defendants explaining why Defendants’ proposed solutions for him were
2 inadequate and requesting that Defendants provide transportation assistance so he
3 could meaningfully access his classes, and other programs and services, at
4 WLAC’s campus for the Fall 2016 semester.

5 89. Defendants did not respond to the August 25 letter.

6 90. Mr. Bontrager is enrolled in one class for the Fall 2016 semester. He
7 would have enrolled in more classes, but he was afraid that he would not be able to
8 attend and complete the classes without transportation assistance. He is anxious
9 about navigating the dangerous paths on campus he must travel to get to his
10 classes.

11 91. He does not know if he will be able to attend his class without any
12 transportation assistance to help him, and fears that his participation as a WLAC
13 student will be severely limited, if not made altogether impossible. He feels that he
14 is risking his safety each time he goes to school.

15 **Other Members of WLAC’s Community Have Contacted Defendants About**
16 **the Termination of Shuttle Services**

17 92. Plaintiffs are not the only people who have expressed grave concerns
18 about Defendants’ decision to discontinue the shuttle service and their failure to
19 provide alternative assistance to ensure access for students and others with
20 disabilities.

21 93. In February 2016, a WLAC professor wrote to WLAC’s Vice
22 President of Administrative Services about the discontinued shuttle service, asking:
23 “What about the transportation of faculty & staff that may have mobility issues?”
24 She noted that the matter “require[s] immediate attention.” When Defendants
25 responded that they “must at least temporarily suspend the shuttle service,” she
26 responded forcefully:

27 The issue is that we have faculty and perhaps students that need this
28 service to move around this campus. What should we do if a faculty
member cannot walk all the way from the parking lot to a class is GC,

1 or MS building?

2 We have a current problem that demands an immediate solution.

3 94. In March 2016, another WLAC professor wrote to the school's Work
4 Environment Committee with concerns about the termination of the Campus
5 Shuttle and the inadequacy of the (also now-terminated) golf cart service. He wrote
6 that "I have contacted the District ADA person, and he has been totally
7 unresponsive." The professor made a plea for a solution that would meet the needs
8 of WLAC's community of people with disabilities: "This is an issue that I believe
9 can be handled internally. Why it has not been addressed with my numerous e-
10 mails and contacts is beyond me. . . . What about our current and future students
11 and staff at this college??"

12 **Plaintiffs' Exhaustion of Pre-Lawsuit Procedures**

13 95. Plaintiffs have exhausted all applicable requirements before filing suit,
14 including but not limited to any requirements under the California Tort Claim Act.

15 96. On July 20, 2016, Plaintiffs filed tort claims with Defendants WLAC
16 and LCCAD that satisfied the requirements of the California Tort Claim Act, and
17 the claims were deemed denied by virtue of Defendants' failure or refusal to act
18 within the statutory timeline.

19 **FIRST CLAIM FOR RELIEF**

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

21 **42 U.S.C. § 12131 *et seq.***

22 97. Plaintiffs reallege and incorporate by reference the allegations above
23 as if fully set forth here.

24 98. Title II of the ADA provides in relevant part: "[N]o qualified
25 individual with a disability shall, by reason of such disability, be excluded from
26 participation in or be denied the benefits of services, programs, or activities of a
27 public entity, or be subjected to discrimination by such entity." 42 U.S.C. § 12132;
28 *see* 28 C.F.R. §§ 35.130(a), (b)(1).

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

3 100. Defendant LACCDD has been and is a public entity and a “special
4 purpose district” within the meaning of Title II of the ADA. 42 U.S.C. §
5 12131(1)(B).

6 101. Plaintiffs have been and are qualified individuals with disabilities
7 within the meaning of Title II of the ADA and meet the essential eligibility
8 requirements for the receipt of the services, programs, or activities of Defendants.
9 42 U.S.C. § 12131.

10 102. WLAC and all of its educational and other benefits, activities, and
11 services are a program, service, or activity that Defendants offer within the
12 meaning of Title II.

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

16 104. Defendants are mandated to consider all available methods to ensure
17 meaningful access for Plaintiffs and others with disabilities. 28 C.F.R. §
18 35.150(b)(1).

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

23 106. Public entities, including Defendants, “shall make reasonable
24 modifications in policies, practices or procedures when the modifications are
25 necessary to avoid discrimination on the basis of disability” 28 C.F.R. §
26 35.130(b)(7).

27 107. Public entities, including Defendants, “may not . . . utilize criteria or
28 methods of administration— (i) That have the effect of excluding individuals with

1 disabilities from, denying them the benefits of, or otherwise subjecting them to
2 discrimination; or (ii) That have the purpose or effect of defeating or substantially
3 impairing the accomplishment of the objectives of the service, program, or activity
4 with respect to individuals with disabilities; or (iii) That perpetuate the
5 discrimination of another public entity if both public entities are subject to common
6 administrative control or are agencies of the same State.” 28 C.F.R. § 35.130(b)(3).

7 108. The regulations also require that “[i]n choosing among available
8 methods” for ensuring adequate program access, public entities must “give priority
9 to those methods that offer services, programs, and activities to qualified
10 individuals with disabilities in the most integrated setting appropriate.” 28 C.F.R. §
11 35.150(b)(1).

12 109. Defendants’ actions and omissions discriminate against Plaintiffs on
13 the basis of disability in violation of the ADA. Defendants’ discriminatory conduct
14 includes, but is not limited to:

- 15 a. Maintaining discriminatory policies and practices;
- 16 b. Denying Plaintiffs the benefits of Defendants’ services, programs, and
17 activities at WLAC;
- 18 c. Failing to provide Plaintiffs an opportunity to participate in or benefit
19 from Defendants’ aids, benefits, or services that is equal to that
20 afforded others, and/or failing to provide Plaintiffs an equal
21 opportunity to obtain the same result, to gain the same benefit, or to
22 reach the same level of achievement as that provided to others;
- 23 d. Failing to provide Plaintiffs with meaningful access to Defendants’
24 services, programs, and activities at WLAC;
- 25 e. Failing to operate their programs, services, and activities at WLAC so
26 that when viewed in its entirety, the programs, services, and activities
27 are readily accessible to and usable by Plaintiffs and other individuals
28 with disabilities;

- 1 f. Failing to provide reasonable modifications to ensure meaningful
- 2 access to Defendants' services, programs, and activities at WLAC;
- 3 g. Using criteria or methods of administration that have the effect of
- 4 subjecting Plaintiffs to discrimination on the basis of disability;
- 5 h. Failing to prioritize methods that offer services, programs, and
- 6 activities in the most integrated setting appropriate; and

7 110. Regarding program access, the ADA's regulations at 28 C.F.R. §
8 35.150(a)(3) provide that public entities may refuse to comply with their statutory
9 obligations if doing so would result in a fundamental alteration in the nature of the
10 service, program, or activity or impose an undue financial or administrative burden.
11 Any determination from the public entity, however, must be made by the head of
12 the public entity or his or her designee after considering all resources available for
13 use in the funding and operation of the service, program, or activity, and the
14 determination must be accompanied by a written statement of the reasons for
15 reaching that conclusion. On information and belief, Defendants have failed to
16 make such a determination accompanied by the required written statement and
17 have, therefore, failed to demonstrate that providing the access Plaintiffs seek to
18 Defendants' programs, services, and activities at WLAC would impose an undue
19 financial or administrative burden.

20 111. In committing the acts and/or omissions above, Defendants acted
21 intentionally and with deliberate indifference to Plaintiffs' rights.

22 112. Defendants' violations of the ADA have harmed and will continue to
23 harm Plaintiffs in the future.

24 113. Because Defendants' discriminatory conduct is ongoing, declaratory
25 and injunctive relief are appropriate remedies.

26 114. Plaintiffs are entitled to declaratory and injunctive relief, as well as
27 reasonable attorneys' fees and costs incurred in bringing this action. Mr. Guerra
28 also seeks and is entitled to actual and compensatory damages.

1 115. Pursuant to the remedies, procedures, and rights set forth in 42 U.S.C.
2 § 12188, Plaintiffs pray for relief as set forth below.

3 **SECOND CLAIM FOR RELIEF**

4 **Section 504 of the Rehabilitation Act**
5 **29 U.S.C. § 794 *et seq.***

6 116. Plaintiffs reallege and incorporate by reference the allegations above
7 as if fully set forth here.

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

14 118. Defendant WLAC has been and is a recipient of federal financial
15 assistance sufficient to invoke the coverage of Section 504.

16 119. Defendant LCCAD has been and is a recipient of federal financial
17 assistance sufficient to invoke the coverage of Section 504.

18 120. Plaintiffs have been and are qualified individuals with disabilities
19 within the meaning of Section 504 and are otherwise qualified to participate in or
20 receive benefits from Defendants’ programs or activities. 29 U.S.C. § 794(b).

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

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

27 123. Section 504’s implementing regulations provide that in complying
28 with the program access requirements, Defendants must “give priority to those

1 methods that serve handicapped persons in the most integrated setting appropriate.”
2 34 C.F.R. § 104.22(b); *see also* 34 C.F.R. § 104.43(d).

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

11 125. Defendants’ actions and omissions discriminate against Plaintiffs
12 solely by reason of their disability in violation of Section 504. Defendants’
13 discriminatory conduct includes but is not limited to:

- 14 a. Maintaining discriminatory policies and practices;
- 15 b. Excluding Plaintiffs from participation in and denying Plaintiffs the
16 benefits of Defendants’ programs and activities at WLAC;
- 17 c. Failing to provide Plaintiffs an opportunity to participate in or benefit
18 from Defendants’ aids, benefits, or services that is equal to and/or not
19 as effective as that afforded others, and failing to provide Plaintiffs
20 equal opportunity to obtain the same result, to gain the same benefit,
21 or to reach the same level of achievement in the most integrated
22 setting appropriate to Plaintiffs’ needs;
- 23 d. Failing to provide Plaintiffs with meaningful access to Defendants’
24 programs and activities at WLAC;
- 25 e. Failing to operate their programs and activities at WLAC so that when
26 viewed in its entirety, the programs and activities are readily
27 accessible to and usable by Plaintiffs; and
- 28 f. Failing to provide reasonable modifications to ensure meaningful

1 access to Defendants’ programs and activities at WLAC;
2 g. Using criteria or methods of administration that have the effect of
3 subjecting Plaintiffs to discrimination on the basis of disability; and

4 126. In committing the acts and/or omissions above, Defendants acted
5 intentionally and with deliberate indifference to Plaintiffs’ rights.

6 127. Defendants’ violations of Section 504 have harmed and will continue
7 to harm Plaintiffs in the future.

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

10 129. Plaintiffs are entitled to declaratory and injunctive relief, as well as
11 reasonable attorneys’ fees and costs in bringing this action. Mr. Guerra also seeks
12 and is entitled to actual and compensatory damages.

13 130. Pursuant to the remedies, procedures, and rights set forth in 29 U.S.C.
14 § 794(a), Plaintiffs pray for relief as set forth below.

15 **THIRD CLAIM FOR RELIEF**

16 **California Government Code § 11135**

17 131. Plaintiffs reallege and incorporate by reference the allegations above
18 as if fully set forth here.

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

24 133. Defendant WLAC receives financial assistance from the State of
25 California sufficient to invoke the coverage of Government Code § 11135 *et seq.*
26 WLAC has received such financial assistance at all times relevant to the claims
27 asserted in this Complaint.

28 134. Defendant LACCD receives financial assistance from the State of

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

4 135. California Government Code § 11135(b) incorporates the protections
5 and prohibitions contained in the Americans with Disabilities Act (“ADA”) and its
6 implementing regulations. Section 11135(b) states in relevant part:

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

13 136. For all the reasons described above, Defendants have violated and
14 continue to violate the Americans with Disabilities Act and therefore have violated
15 and continue to violate California Government Code § 11135(b).

16 137. Pursuant to California Government Code § 11139, Plaintiffs have a
17 private right of action to enforce California Government Code § 11135(b).

18 138. Defendants and their agents and employees have and continue to
19 violate California Government Code § 11135 by unlawfully denying Plaintiffs the
20 benefits of, and unlawfully subjecting Plaintiffs to discrimination under,
21 Defendants’ programs and activities and for the reasons set forth above.

22 139. Defendants have refused and failed to provide Plaintiffs with full and
23 equal access to their facilities, programs, services and activities as required by
24 California Government Code § 11135 *et seq.*

25 140. Defendants’ violations of California Government Code § 11135 have
26 harmed and will continue to harm Plaintiffs.

27 141. Because Defendants’ discriminatory conduct is ongoing, declaratory
28 and injunctive relief are appropriate remedies.

1 142. Plaintiffs are entitled to declaratory and injunctive relief as well as
2 reasonable attorneys' fees and costs incurred in bringing this action.

3 143. Pursuant to the rights, procedures, and remedies set forth under in
4 California Government Code § 11135 and § 11139, and the California Code of
5 Civil Procedure, Plaintiffs pray for relief as set forth below.

6 **FOURTH CLAIM FOR RELIEF**

7 **California Education Code § 66270**

8 144. Plaintiffs reallege and incorporate by reference the allegations above
9 as if fully set forth here.

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

15 146. Plaintiffs are individuals with disabilities within the meaning of the
16 California Education Code.

17 147. Defendants have received and continue to receive financial assistance
18 from the State of California.

19 148. As a result of Defendants' actions and omissions as described above,
20 Defendants have violated California Education Code § 66270 by denying Plaintiffs
21 the benefits of, and unlawfully subjecting Plaintiffs to discrimination on the basis
22 of disability in, Defendants' programs or activities at WLAC.

23 149. Defendants' violations of California Education Code § 66270 have
24 harmed and will continue to harm Plaintiffs.

25 150. Because Defendants' discriminatory conduct is ongoing, declaratory
26 and injunctive relief are appropriate remedies.

27 151. Plaintiffs are entitled to declaratory and injunctive relief as well as
28 reasonable attorneys' fees and costs incurred in bringing this action.

1 152. Pursuant to the rights, procedures, and remedies under California law,
2 Plaintiffs pray for relief as set forth below.

3 **FIFTH CLAIM FOR RELIEF**

4 **Unruh Civil Rights Act**
5 **California Civil Code § 51 *et seq.***

6 153. Plaintiffs reallege and incorporate by reference the allegations above
7 as if fully set forth here.

8 154. California Civil Code § 51(b) provides that “[A]ll persons within the
9 jurisdiction of this state are free and equal, and no matter what their . . . disability
10 [or] medical condition . . . are entitled to the full and equal accommodations,
11 advantages, facilities, privileges, or services in all business establishments of every
12 kind whatsoever.”

13 155. The Unruh Act also provides that a violation of the ADA is a violation
14 of the Unruh Act. Cal. Civ. Code § 51(f).

15 156. Defendants are or operate business establishments within the
16 jurisdiction of the State of California and within the meaning of the California Civil
17 Code Section 51 *et seq.* (“the Unruh Act”).

18 157. Defendants have violated the Unruh Act by, among other things,
19 denying, aiding, or inciting the denial of Plaintiffs’ rights to the full and equal
20 accommodations, advantages, facilities, privileges, or services offered by
21 Defendants. Unruh Act also provides that a violation of the ADA is a violation of
22 the Unruh Act.

23 158. Defendants have also violated the Unruh Act by denying, aiding, or
24 inciting the denial of Plaintiffs’ rights to equal access under California state law
25 and the ADA.

26 159. Plaintiffs are entitled to declaratory and injunctive relief, as well as
27 statutory damages for each incident of discrimination, and reasonable attorneys’
28 fees and costs incurred in bringing this action. An “incident” refers, at a minimum,

1 to each time a Plaintiff visited the WLAC campus and was denied meaningful
2 access, as well as each time a Plaintiff was deterred from visiting the WLAC
3 campus due to the lack of meaningful access. Mr. Guerra also seeks, and is entitled
4 to, actual and compensatory damages.

5 160. Pursuant to the remedies, procedures, and rights set forth in Cal. Civ.
6 Code Section 52, Plaintiffs pray for judgment as set forth below.

7 **SIXTH CLAIM FOR RELIEF**

8 **California Disabled Persons Act**
9 **California Civil Code § 54 *et seq.***
10 **[For Damages and Attorneys' Fees Only]**

11 161. Plaintiffs reallege and incorporate by reference the allegations above
12 as if fully set forth here.

13 162. The California Disabled Persons Act (“DPA”) provides that
14 “[i]ndividuals with disabilities or medical conditions have the same right as the
15 general public to the full and free use of . . . public facilities[] and other public
16 places.” Cal. Civ. Code § 54(a); *see also* Cal. Civ. Code § 54.1 (providing that
17 “[i]ndividuals with disabilities shall be entitled to full and equal access, as other
18 members of the general public, to accommodations, advantages, facilities . . . [and]
19 places to which the general public is invited”

20 163. The DPA also provides that a violation of the ADA is a violation of
21 the DPA. Cal. Civ. Code §§ 54(a), 54.1(a).

22 164. Defendants are entities covered by the DPA.

23 165. A violation of the ADA is also a violation of the DPA. *See* Cal. Civ.
24 Code, §§ 54(c), 54.1(d).

25 166. Defendants have violated the DPA by, among other things, denying
26 and/or interfering with Plaintiffs’ rights to full and equal access to Defendants’
27 accommodations, advantages, or facilities.

28 167. Defendants have also violated the DPA by denying or aiding the

1 denial of Plaintiffs' rights to equal access under California state law and the ADA.

2 168. Plaintiffs are entitled to statutory damages for each incident of
3 discrimination, and reasonable attorneys' fees and costs incurred in bringing this
4 action. An "incident" refers, at a minimum, to each time a Plaintiff visited the
5 WLAC campus and was denied meaningful access, as well as each time a Plaintiff
6 was deterred from visiting the WLAC campus due to the lack of meaningful access.
7 Mr. Guerra also seeks, and is entitled to, actual and compensatory damages.

8 169. Pursuant to the remedies, procedures, and rights set forth in California
9 law, including California Civil Code §§ 54.3(a), Plaintiffs pray for judgment as set
10 forth below. Plaintiffs do not seek injunctive relief under California Civil Code §
11 55 in this action.

12 **SEVENTH CLAIM FOR RELIEF**

13 **Negligence and Negligence *Per Se* under California Law**
14 **[on behalf of Plaintiff Guerra against both Defendants]**

15 170. Plaintiff Guerra realleges and incorporates by reference the allegations
16 above as if fully set forth here.

17 171. At all times relevant to the Complaint, Defendants owed a duty of care
18 to Mr. Guerra.

19 172. By the acts and omissions alleged above, Defendants breached their
20 duty of care to Mr. Guerra.

21 173. By the acts and omissions alleged above, Defendants violated federal
22 and state statutes and regulations, including but not limited to Title II of the ADA,
23 Section 504 of the Rehabilitation Act, and related state statutes.

24 174. Defendants' violations of law proximately caused and were a
25 substantial factor in causing Mr. Guerra's damages as alleged above. Such damages
26 were reasonably foreseeable to Defendants.

27 175. Mr. Guerra's damages resulted from the kind of occurrence that the
28 violated statutes and regulations were designed to prevent.

1 176. At all relevant times, Mr. Guerra belonged to the class of persons for
2 whose protection the statutes and regulations were adopted.

3 177. Pursuant to the remedies, procedures, and rights set forth in California
4 law, Mr. Guerra prays for relief as set forth below.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs request:

7 1. That this Court assume jurisdiction.

8 2. That this Court declare that Defendants to be in violation of Title II of
9 the ADA (42 U.S.C. § 12181 *et seq.*) and its implementing relations, Section 504 of
10 the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*) and its implementing
11 regulations, California Government Code § 11135, California Education Code §
12 66270; and the Unruh Civil Rights Act (Cal. Civ. Code § 51 *et seq.*).

13 3. That this Court issue a preliminary and permanent injunction ordering
14 Defendant to comply with the statutes set forth in this Complaint, including but not
15 limited to ordering Defendants to:

- 16 a. Ensure that Plaintiffs have meaningful access to their classes and any
17 other programs, services, and activities in which they seek to
18 participate on the WLAC campus, by providing transportation
19 assistance, such as through a campus shuttle or similar service, to
20 Plaintiffs, and operate that service in a manner that is accessible to
21 Plaintiffs;
- 22 b. In consultation with Plaintiffs, develop a plan that includes any policy
23 changes necessary for a durable remedy. The plan shall ensure the
24 provision of adequate transportation assistance and services such that
25 Plaintiffs and other students with mobility-related disabilities have
26 meaningful access to Defendants' programs, services, and activities on
27 the WLAC campus; and
- 28 c. Require any other steps necessary to provide meaningful access for

1 Plaintiffs to the College’s programs, services, and activities.

2 4. That this Court award each Plaintiff minimum statutory damages,
3 defined as \$4,000 per incident of discrimination under the Unruh Act or \$1,000 per
4 incident of discrimination under the California DPA, Defendants’ violations of
5 civil rights under state law. An “incident” refers, at a minimum, to each time a
6 Plaintiff visited the WLAC campus and was denied meaningful access, as well as
7 each time a Plaintiff was deterred from visiting the WLAC campus due to the lack
8 of meaningful access.

9 5. That this Court award Plaintiff Guerra actual and/or compensatory
10 damages violations of his civil rights under state and federal laws and tort
11 violations, including but not limited to personal injury damages, damages for
12 emotional distress, and attorneys’ fees.

13 6. That this Court award all Plaintiffs reasonable attorneys’ fees and
14 costs pursuant to federal and California law.

15 7. That this Court award all Plaintiffs such other and further relief as the
16 Court deems to be just, proper, and equitable.

17

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs demand a jury on all issues which can be heard by a jury.

20

21 Dated: September 9, 2016

Respectfully submitted,

22

DISABILITY RIGHTS CALIFORNIA

23

/s/ Srividya Panchalam

24

AUTUMN M. ELLIOTT

25

autumn.elliott@disabilityrightsca.org

26

SRIVIDYA PANCHALAM

27

sri.panchalam@disabilityrightsca.org

28

DISABILITY RIGHTS CALIFORNIA

350 South Bixel Street, Suite 290

Los Angeles, CA 90017

Telephone: (213) 213-8000

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Fax: (213) 213-8001

/s/ Julie Wilensky

AARON J. FISCHER

aaron.fischer@disabilityrightsca.org

JULIE WILENSKY

julie.wilensky@disabilityrightsca.org

DISABILITY RIGHTS CALIFORNIA

1330 Broadway, Suite 500

Oakland, CA 94612

Telephone: (510) 267-1200

Fax: (510) 267-1201

Attorneys for Plaintiffs