

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT: BRIDGE BKD, LLC, a California limited liability
(AVISO AL DEMANDADO): company; and DOES 1 to 50, inclusive,**

**YOU ARE BEING SUED BY PLAINTIFF: DONNA DUGO, an individual;
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of San Francisco
400 McAllister Street

San Francisco, California 94102-4515

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Manning Law, APC

20062 SW BIRCH STREET, Suite 200, NEWPORT BEACH, CA 92660-8860

DATE:

(Fecha):

MAY 29 2019

CLERK OF THE COURT

Clerk, by

Secretario

CASE NUMBER:
(Número del Caso):

000-19-576311

949-200-8755

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

BY FAX
ONE LEGAL LLC

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FILED
Superior Court of California
County of San Francisco

MAY 29 2019

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 DONNA DUGO, an individual;

12 Plaintiff,

13 vs.

14 BRIDGE BKD, LLC, a California limited
15 liability company; and DOES 1 to 50,
16 inclusive,

17 Defendants.

Case No.:

CGC-19-576311

COMPLAINT

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22 Plaintiff Donna Dugo, an individual, ("Plaintiff"), brings this action against BRIDGE
23 BKD, LLC, a California limited liability company ("Defendant"), and DOES 1 to 50:

24 **INTRODUCTION**

25 1. Plaintiff is mobility impaired and requires information about the accessibility
26 of hotels and hotel rooms to make reservations. Defendant maintains its reservations service,
27 including but not limited to that offered to the public on its website (hereinafter the "Website")
28

COMPLAINT

1

BY FAX
ONE LEGAL LLC

1 which shall refer to www.baybridgeinn.com and any other website operated by, controlled by,
2 or acting at the direction of Defendant directly, or through contractual, licensing, or other
3 arrangements, for the purposes described herein), in such a way that it contains access barriers
4 preventing Plaintiff, and other mobility-impaired individuals, from gaining full and equal
5 access to the reservations service offered by Defendant. Defendant's denial of full and equal
6 access to its reservations service, and therefore its products and services offered thereby, is a
7 violation of the rights of Plaintiff under the California Unruh Civil Rights Act, California
8 Civil Code § 51 *et seq.*, ("Unruh Act").

9 2. The California Legislature provided a clear and statewide mandate for the
10 elimination of discrimination against individuals with disabilities when it enacted the Unruh
11 Civil Rights Act, Cal. Civ. Code § 51, *et seq.* Discrimination sought to be eliminated by the
12 Unruh Civil Rights Act ("UCRA") includes barriers to full integration, independent living,
13 and equal opportunity for individuals with disabilities, which then necessarily includes
14 barriers created by websites and other places of public accommodation that are inaccessible.

15 3. Each of Defendant's violations of Title III of Americans with Disabilities Act,
16 42 U.S.C. § 12181 *et seq.* as amended by the ADA Amendments Act of 2008 (P.L. 110-325),
17 *et seq.*, 28 CFR § 36.302(e)(1) *et seq.* ("ADA") is likewise a violation of the Unruh Act.
18 Indeed, the Unruh Act provides that any violation of the ADA constitutes a violation of the
19 Unruh Act. Cal. Civ. Code § 51(f) (the ADA and Unruh Act are referred to herein
20 collectively as "Disability Access Laws").

21 4. For more than 28 years, Disability Access Laws have required that individuals
22 with disabilities be provided full and equal access to the goods, services, and facilities
23 provided by hotel owners and operators.

24 5. However, the hospitality industry has been slow to respond, or has failed to
25 respond, to the needs of disabled travelers. *See e.g.* Consent Decree in *United States of*
26 *America v. Hilton Worldwide Inc., No. 10 1924* (entered November 29, 2010)(Resolving
27 Complaint by the United States alleging in part that Hilton systemically, and across its
28 various brands, "fails to provide individuals with disabilities the same opportunity to reserve

1 accessible guestrooms using its on-line ... reservations systems" and "failed to provide
2 accurate, reliable information about its accessible sleeping rooms and amenities throughout its
3 reservations system" and that "individuals with disabilities are unable to reserve on-line,
4 accessible sleeping accommodations with either a tub or a roll-in shower"); Settlement
5 Agreement *United States of America and Motel 6 Operating L.P.*, DJ# 202-73-5(entered
6 August 12, 2004 and extended January 19, 2006) (Resolving allegations the Motel 6 online
7 reservation system was inadequate and securing in part the agreement of Motel 6 that it
8 would, for its internet reservation systems, "provide service to individuals who request
9 accessible rooms that is equivalent to that provided to individuals who seek to reserve
10 standard rooms.").

11 6. Eventually, in response to many complaints received by the Department of
12 Justice, Civil Rights Division ("DOJ"), typically by individuals who reserved an accessible
13 hotel room only to discover upon arrival that the room they reserved is not accessible, the
14 DOJ took action, issuing its Notice of Proposed Rulemaking, 73 FR 34508 (June 17, 2008)
15 ("NPRM").

16 7. After a notice and comment period, with input primarily from individuals with
17 disabilities, hotels, resort developers, travel agencies, and organizations commenting on their
18 behalf, the DOJ published Section 36.302(e) with detailed requirements for hotel reservations
19 services. In short, the DOJ required that hotels must make reasonable modifications to
20 reservations policies, practices, or procedures when necessary to ensure that individuals with
21 disabilities can make reservations for accessible guest rooms during *the same hours and in the*
22 *same manner* as individuals who do not need accessible rooms and that they must identify
23 and describe *accessible features in the hotels and guest rooms* offered through its reservations
24 service *in enough detail* to reasonably permit individuals with disabilities to *assess*
25 *independently whether a given hotel or guest room meets his or her accessibility needs.* 28
26 CFR § 36.302(e)(1)(i)-(ii)(*emphasis added*).

27 8. The Final Rule on Nondiscrimination on the Basis of Disability by Public
28 Accommodations, including the hotel reservations requirements above, was published on

1 September 15, 2010 in the Federal Register. While the Final Rule generally took immediate
2 effect, the hotel reservations component did not. The DOJ observed: "As with hotels, the
3 Department believes that within the 18-month transition period these reservations services
4 should be able to modify their systems to ensure that potential guests with disabilities who
5 need accessible rooms can make reservations during the same hours and in the same manner
6 as those who do not need accessible rooms." Accordingly, to accommodate the needs of
7 industry, the hotel reservations requirements of 28 CFR § 36.302(e)(1) did not become
8 effective until after an 18-month transition period, or until March 15, 2012. 28 CFR §
9 36.302(e)(3).

10 9. The ADA's hotel reservations requirements were six years old on March 15,
11 2018. Yet, the problem the DOJ sought to address through its reservations regulations is as
12 bad as ever. So bad, that in 2017 the private start-up company AbiliTrek launched. AbiliTrek
13 describes its mission as follows:

14 "AbiliTrek, like many other companies, began as an innovative idea; AbiliTrek is
15 geared toward bettering the travel experience for people with disabilities. **Currently,**
16 **the travel industry lacks the information needed for travelers with disabilities.**
17 **This makes traveling a daunting and exhausting task for many in the disability**
18 **community.** AbiliTrek was created as a fundamental resource for any traveler with a
19 disability. **AbiliTrek's goal is to counteract the current state of the travel industry**
20 **and make traveling with a disability a fulfilling experience"** AbiliTrek Updates posted
21 December 31, 2017. [https://abilitrek.com/wrapping-up-2017-our-end-of-year-review-](https://abilitrek.com/wrapping-up-2017-our-end-of-year-review-package/)
22 [package/](https://abilitrek.com/wrapping-up-2017-our-end-of-year-review-package/). (Emphasis added).

23 10. Defendant is part of the problem addressed by the hotel reservations provisions
24 of the ADA and private firms like AbiliTrek.

25 11. As a result of Defendant's violations of law, and to correct them, Plaintiff
26 seeks statutory damages where available, declaratory relief, and injunctive relief establishing
27 that Defendant has engaged in violations of Disability Access Laws that require Defendant to
28 provide individuals with disabilities the ability to independently make reservations for
accessible guest rooms in the same manner as individuals who do not need accessible rooms,
including the identification and description of the accessible features in the Defendant's hotel
and the guest rooms offered through Defendant's service sufficient to ensure that individuals

1 with disabilities receive the information they need to benefit from Defendant services.

2 JURISDICTION AND VENUE

3 12. This Court has subject matter jurisdiction over this action. This Court has
4 personal jurisdiction over Defendant because it conducted and continues to conduct
5 substantial business and Plaintiff's claims arose in the State of California and Defendant's
6 offending Website is available throughout California. The access barriers described in this
7 Complaint were experienced by Plaintiff on her computer when she attempted to access and
8 was then denied equal access to the reservations service offered through Defendant's
9 Website.

10 13. Venue is proper in this Court because Defendant conducts substantial business
11 in this County. Venue is also proper because a substantial portion of the conduct complained
12 of herein occurred in this District.

13 PARTIES

14 14. Plaintiff Donna Dugo is an Orange County, California resident. Plaintiff is
15 substantially limited in performing one or more major life activities, including but not limited
16 to: walking, standing, ambulating, and sitting. As a result of these disabilities, Plaintiff relies
17 upon mobility devices, including at times a wheelchair, to ambulate. At the time of Plaintiff's
18 attempt to make room reservations at Defendant's hotel and prior to instituting this action,
19 Plaintiff suffered from a "qualified disability" under the Americans with Disabilities Act
20 ("ADA"), 42 U.S.C. §12102(2) and the regulations implementing the ADA set forth at 28
21 C.F.R. §§ 36.101 et seq.

22 15. As a result of Plaintiff's disability, she requires an accessible room to fully and
23 equally utilize the goods, services, and facilities provided by Defendant.

24 16. Plaintiff is a tester in this litigation and a consumer who wishes to access
25 Defendant's hotel reservation service and enjoy Defendant's place of lodging. Plaintiff is
26 being deterred from reserving a room with Defendant and from access to the services offered
27 at Defendant's hotel on particular occasions, but intends to return to the Website for the dual
28 purpose of availing herself of the services offered to the public and to ensure that Defendant

1 ceases evading its responsibilities under federal and state law.

2 17. The access barriers Plaintiff encountered on Defendant's reservation system
3 and Website have deterred Plaintiff from patronizing the Defendant's hotel.

4 18. If informed of any claim that the Website has become fully and equally
5 accessible within the meaning of Disability Access Laws, Plaintiff will visit the Website
6 within 45 days to test such a claim of compliance with the law.

7 19. Plaintiff is informed and believes, and upon such information and belief
8 alleges, that Defendant is a California limited liability company with its Bay Bridge Inn - San
9 Francisco (the "Subject Property" and/or the "Hotel") located in San Francisco, California.
10 Defendant's hotel location constitutes a place of public accommodation. Defendant's
11 location provides to the public important goods and/or services. Defendant also provides the
12 Website to the public. The Website provides access to the array of services, including
13 descriptions of its hotel, rooms, and services, the ability to make room reservations, and many
14 other benefits related to these facilities and services. The hotel location is a public
15 accommodation within the definition of Title III of the ADA, 42 U.S.C. § 12181(7) and is
16 likewise a "business establishment" within the meaning of the Unruh Act. The Website is a
17 service, privilege, and advantage of Defendant's hotel locations and services. The Website is
18 a service that is by and integrated with this location.

19 FACTUAL ALLEGATIONS

20 20. As part of its operations, Defendant provides the public access to reservations
21 services, including but not limited to the ability to make reservations online at the Website.

22 21. Within the applicable limitations period, on or about March 18, 2019, Plaintiff
23 visited the Website, to view the accessible features in the hotel and guest rooms of the
24 Defendant's hotel.

25 22. Plaintiff desired to visit a hotel in the San Francisco area, which she planned
26 to visit on March 23, 2019 through March 30, 2019. Plaintiff also desired to test Defendant's
27 compliance with Disability Access Laws related to its acceptance of reservations. As a result
28 of her disability, Plaintiff required information about the features of the accessible rooms and

1 the hotel to independently make a reservation. The information required by Plaintiff was
2 unavailable so Plaintiff could not make a reservation for an accessible room or suite using the
3 Website in the same manner as individuals who do not need accessible rooms.

4 23. Plaintiff was unable to independently identify the material accessible features
5 of the hotel and guest rooms of the Subject Property owned and operated by Defendant. The
6 description of the accessible rooms and features of the Subject Property is substantially
7 limited to the following vague, ambiguous, cursory, and inadequate (for Plaintiff's purposes).
8 information:

- 9 a. On the homepage of www.baybridgeinn.com, there is a general description of
10 the Hotel's location and features; however, none of the information provided
11 relates to accessibility as required by Disability Access Laws.
- 12 b. There is a link labeled "Rooms" which offers photos, a description, and a
13 "Book It Now" link for each of the Hotel's four room options. One room
14 option is labeled as "Single Queen Non Smoking - Accessible" and provides a
15 room description with some accessible information; however, the information
16 provided lacks specificity and is insufficient for Plaintiff to see if it meets her
17 accessibility needs.
- 18 c. There is a link labeled "Overview" which offers a list of the Hotel's various
19 amenities and policies. There is a section labeled "ADA/Accessible Features
20 for the Overall Property" which offers a list of the Hotel's accessible features;
21 however, the information provided lacks specificity and does not provide
22 sufficient detail for Plaintiff to determine whether the Subject Property will
23 meet her accessibility needs.
- 24 d. There is a link labeled "Accessibility" which offers the following statement:
25 "If you have difficulty learning about or booking our hotel, we invite you to
26 contact us via telephone or email and our friendly staff will gladly assist you"
27 followed by the Hotel's front desk number. This is inaccessible, however, as it
28 requires Plaintiff to contact the Hotel in order to obtain the information

1 necessary to determine whether the Subject Property will meet her
2 accessibility needs.

- 3 e. Remaining links from the homepage do not contain information regarding
4 accessibility as required by Disability Access Laws.
- 5 f. When attempting to make a reservation, Plaintiff encountered one room option
6 labeled "Single Queen Non Smoking - Accessible" and was provided with a
7 room description and list of amenities; however, the information provided
8 lacks specificity and does not provide sufficient detail for Plaintiff to
9 determine whether the Subject Property will meet her accessibility needs.
- 10 g. The Website, including the reservations aspect, does not indicate with any
11 degree of detail whether the Subject Property offers accessible features,
12 including but not limited to parking and/or accessible pathways to the
13 accessible entrance(s), or accessible pathways to resort amenities.
- 14 h. The Website does not permit reservation of accessible rooms in the same
15 manner as other rooms including the identification of accessible features of
16 rooms and of the Subject Property in enough detail to reasonably permit
17 Plaintiff to assess independently whether a given hotel or guest room meets
18 their accessibility needs.

19 24. An investigation performed on Plaintiff's behalf confirmed the allegations
20 made by Plaintiff above.

21 25. On information and belief, Plaintiff also alleges Defendant currently has no
22 policy to ensure that:

- 23 a. Accessible guest rooms are held for use by individuals with disabilities until
24 all other guest rooms of that type have been rented and the accessible room
25 requested is the only remaining room of that type;
- 26 b. Accessible guest rooms or specific types of guest rooms may be reserved on
27 request and ensuring that the guest rooms requested are blocked and removed
28 from all reservations systems;

- 1 c. The specific accessible guest room reserved through its reservations service is
2 held for the reserving customer, regardless of whether a specific room is held
3 in response to reservations made by others; and
4 d. The Subject Property provides the statutorily required minimum number of
5 accessible rooms and accessible room types and that the accessible rooms
6 available, if any, are distributed among the types of rooms available at the
7 Subject Property so as to provide equal access to the Subject Property by
8 persons with disabilities.

9 26. The Website lacks information required by Plaintiff to fully and equally access
10 the reservations services of the Website as a result of her disability. In particular, due to
11 Plaintiff's mobility disability that affects her balance, walking, standing, ambulating, and
12 sitting, if Plaintiff is to fully, equally, and safely enjoy Defendant's Hotel, Plaintiff needs to
13 know about the presence of accessible parking and its relationship to the accessible entrance,
14 because in particular these spots are closest to the accessible entrance. Further, for Plaintiff to
15 fully, equally, and safely enjoy Defendant's guest rooms and other amenities at the Hotel, she
16 also needs information about accessible routes through the Hotel and other accessible features
17 and amenities at the Hotel that accommodate her mobility disability. The Website lacks this
18 information.

19 27. Plaintiff has been, and in the absence of an injunction will continue to be,
20 injured by Defendant's policy and practice of failing to make reasonable modifications to its
21 reservations policies, practices, and procedures applicable to its reservations service offered
22 online on the Website so as to allow individuals with disabilities the ability to make
23 reservations for accessible guest rooms in the same manner as individuals who do not need
24 accessible rooms including the identification and description of the accessible features in the
25 Defendant's hotel and the guest rooms sufficient to ensure that individuals with disabilities
26 receive the information they need to benefit from the services offered by Defendant.

27 28. Given the obvious and blatant violation alleged hereinabove, Plaintiff alleges,
28 on information and belief, that there are other violations of 28 CFR § 36.302(e), the ADA and

1 the Unruh Act, that relate to Plaintiff's disabilities. Plaintiff will amend the complaint, to
2 provide proper notice regarding the scope of this lawsuit, after discovery. However,
3 Defendant is hereby on notice that Plaintiff seeks to have all barriers related to their
4 disabilities remedied. See *Doran v. 7-11*, 524 F.3d 1034 (9th Cir. 2008).

5 **FIRST CAUSE OF ACTION**

6 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT, CALIFORNIA CIVIL CODE §**

7 **51 et seq. (Injunctive Relief and Damages on Behalf of Plaintiff)**

8 **(By Plaintiff Against All Defendants)**

9 29. Plaintiff re-alleges and incorporates by reference all paragraphs alleged above
10 and each and every other paragraph in this Complaint necessary or helpful to state this cause
11 of action as though fully set forth herein.

12 30. California Civil Code § 51 et seq. guarantees equal access for people with
13 disabilities to the accommodations, advantages, facilities, privileges, and services of all
14 business establishments of any kind whatsoever. Defendant is systematically violating the
15 UCRA, Civil Code § 51 et seq.

16 31. The Unruh Act guarantees, inter alia, that persons with disabilities are entitled
17 to full and equal accommodations, advantages, facilities, privileges, or services in all business
18 establishments of every kind whatsoever within the jurisdiction of the state of California. Cal.
19 Civ. Code § 51(b).

20 32. Defendant through the Subject Property provides lodging to the general public
21 in California is a business establishment within the jurisdiction of the state of California, and
22 as such is obligated to comply with the provisions of the Unruh Act, California Civil Code §§
23 51, et seq.

24 33. The Unruh Act provides, inter alia, that a violation of the Americans with
25 Disabilities Act, 42 U.S.C. § 12181 et seq. as amended by the ADA Amendments Act of 2008
26 (P.L. 110-325), also constitutes a violation of the Unruh Act. Cal. Civ. Code § 51(f).

27 34. Defendant's discriminatory conduct alleged herein includes, inter alia, the
28 violation of the rights of persons with disabilities set forth in Title III of the ADA and

1 therefore also violates the Unruh Act. Cal. Civ. Code § 51(f).

2 35. The actions of Defendant were and are in violation of the Unruh Act,
3 California Civil Code §§ 51, et seq. Plaintiff is aware of Defendant's unlawful actions, and
4 this knowledge of discrimination has deterred Plaintiff from attempting to access and use
5 Defendant's reservations service and hotel on several occasions. Therefore, Plaintiff is
6 entitled to injunctive relief remedying the discrimination pursuant to California Civil Code §
7 52. Unless the Court enjoins Defendant from continuing to engage in these unlawful
8 practices, Plaintiff will continue to suffer irreparable harm.

9 36. Plaintiff is also entitled to statutory minimum damages pursuant to California
10 Civil Code § 52 for each and every offense in violation of the Unruh Act. Cal. Civ. Code §
11 52(a), and so Plaintiff requests relief as set forth below.

12 **SECOND CAUSE OF ACTION**

13 **(Declaratory Relief on Behalf of Plaintiff)**

14 37. Plaintiff re-alleges and incorporates by reference all paragraphs alleged above
15 and each and every other paragraph in this Complaint necessary or helpful to state this cause
16 of action as though fully set forth herein.

17 38. An actual controversy has arisen and now exists between the parties in that
18 Plaintiff contends, and is informed and believes that Defendant denies, that by failing to
19 provide a reservations service through the Website that allows persons with mobility
20 impairments to independently identify accessible features of Defendant's hotel and rooms and
21 to independently reserve accessible rooms in the hotel Defendant fails to comply with
22 applicable laws, including but not limited to Title III of the Americans with Disabilities Act,
23 Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.* as amended by the ADA
24 Amendments Act of 2008 (P.L. 110-325) and California's Unruh Act, California Civil Code
25 §§ 51-52.

26 39. An actual controversy has arisen and now exists between the parties in that
27 Plaintiff contends, and is informed and believes that Defendant denies, that by failing to
28 comply in all respects with 28 CFR § 36.302(e)(1) et seq. Defendant fails to comply with

1 applicable laws, including but not limited to Title III of the Americans with Disabilities Act,
2 42 U.S.C. §§ 12101, et seq. and California's Unruh Act, California Civil Code §§ 51-52.

3 40. A judicial declaration is necessary and appropriate at this time in order that
4 each of the parties may know their respective rights and duties and act accordingly and so
5 Plaintiff requests relief as set forth below.

6 **PRAYER**

7 **WHEREFORE, Plaintiff prays for judgment against Defendant, as follows:**

8 1. A preliminary and permanent injunction enjoining Defendant from further
9 violations of the Unruh Act, Civil Code § 51 *et seq.* requiring Defendant to take the steps
10 necessary to ensure that Defendant's maintain and implement policies and procedures:

- 11 a. Allow persons with mobility impairments to independently identify
12 accessible features of Defendant's hotel;
- 13 b. Allow persons with mobility impairments to independently reserve
14 accessible rooms in the hotel;
- 15 c. Hold reserved accessible rooms for use by persons with mobility
16 impairments;
- 17 d. Block and remove reserved accessible rooms from all reservations
18 systems;
- 19 e. Guarantee that the specific accessible guest room reserved is held for
20 that reserving customer, regardless of whether a specific room is held in
21 response to reservations made by others; and
- 22 f. Guarantee the Subject Property includes at least the minimum statutorily
23 required number of accessible rooms and accessible room types and that
24 those rooms are distributed throughout the Subject Property in
25 compliance with applicable laws.
- 26 g. If any of the preceding conditions are not implemented within 120 days
27 of service of the Summons and Complaint, Defendant shall cease
28 accepting any and all reservations via the Website that are processed in

1 an unlawful and discriminatory manner, including those that violate 28
2 CFR § 36.302(e), until Defendant can show that its reservations service
3 has been brought into compliance with applicable laws.

4 **Note: Plaintiff is not invoking section 55 of the California Civil Code and is not**
5 **seeking injunctive relief under the Disable Persons Act;**

6 2. A declaration that since March 15, 2012, Defendant discriminated against
7 persons with mobility impairments by failing to ensure that Defendant's reservations service
8 offered through the Website allowed persons with mobility impairments to independently
9 identify accessible features of Defendant's hotel and rooms and independently reserve
10 accessible rooms in the hotel, and that Defendant did not comply with the requirements of 28
11 CFR § 36.302(e)(1) et seq. in violation of Title III of the Americans with Disabilities Act, 42
12 U.S.C. § 12181 et seq. as amended by the ADA Amendments Act of 2008 (P.L. 110-325), 28
13 CFR § 36.302(e)(1) et seq., and California's Unruh Act, California Civil Code §§ 51-52.;

14 3. Statutory damages pursuant to California Civil Code § 52(a), for each and every
15 violation of law.

16 4. For attorneys' fees and expenses pursuant to all applicable laws including,
17 without limitation, Civil Code § 52(a);

18 5. An order awarding Plaintiff's post-judgment interest; and

19 6. For such other and further relief as this Court deems just and proper.

20 **DEMAND FOR JURY TRIAL**

21 Plaintiff hereby respectfully requests a trial by jury on all appropriate issues raised in
22 this Complaint.

23
24 Dated: May 28, 2019

MANNING LAW, APC

25
26 By: 

Joseph R. Manning Jr., Esq.

Michael J. Manning, Esq.

Tristan P. Jankowski, Esq.

Craig G. Côté, Esq.

Osman M. Taher, Esq.

27
28

COMPLAINT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, State Bar number, and address):
 Joseph R. Manning, Jr. SBN: 223381
 Law Offices of Joseph R. Manning, Jr., APC
 20062 SW BIRCH STREET, Suite 200, NEWPORT BEACH, CA 92660-8860
 TELEPHONE NO.: 949-200-8755 FAX NO.: 866-843-8308
 ATTORNEY FOR (Name): Donna Dugo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
 STREET ADDRESS: 400 McAllister Street
 MAILING ADDRESS: 400 McAllister Street
 CITY AND ZIP CODE: San Francisco, 94102-4515
 BRANCH NAME: Civic Center Courthouse

CASE NAME: Donna Dugo v Bridge Bkd, LLC, et al.

FOR COURT USE ONLY

FILED
 Superior Court of California
 County of San Francisco

MAY 29 2019

CLERK OF THE COURT

BY: [Signature]
 Deputy Clerk

CIVIL CASE COVER SHEET

☒ **Unlimited** ☐ **Limited**
 (Amount (Amount
 demanded demanded is
 exceeds \$25,000) \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder

Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CGC-19-576311

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other P/DPD/WD (23)

Non-P/DPD/WD (Other) Tort

- ☒ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-P/DPD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 1; ONE

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/28/19

Joseph R. Manning, Jr.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX
ONE LEGAL LLC

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
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Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph R. Manning, Jr. SBN: 223381 Law Offices of Joseph R. Manning, Jr., APC 20062 SW BIRCH STREET, Suite 200, NEWPORT BEACH, CA 92660-8860 TELEPHONE NO.: 949-200-8755 FAX NO.: 866-843-8308 ATTORNEY FOR (Name): Donna Dugo		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, 94102-4515 BRANCH NAME: Civic Center Courthouse		CASE NUMBER: JUDGE: DEPT:
CASE NAME: Donna Dugo v Bridge Bkd, LLC, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
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e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
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Joseph R. Manning, Jr.

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Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition