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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DISABILITY RIGHTS ADVOCATES  
 2001 CENTER STREET, FOURTH FLOOR  
 BERKELEY, CALIFORNIA 94704-1204  
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CALIFORNIA FOUNDATION FOR  
 INDEPENDENT LIVING CENTERS, on  
 behalf of itself and others similarly situated,  
 and RUTHEE GOLDKORN, on behalf of  
 herself and others similarly situated,

Plaintiffs,

v.

COUNTY OF SACRAMENTO,

Defendant.

Case No.

**CLASS ACTION**

**COMPLAINT FOR INJUNCTIVE AND  
 DECLARATORY RELIEF AND  
 DAMAGES IN VIOLATION OF  
 AMERICANS WITH DISABILITIES  
 ACT; SECTION 504 OF THE  
 REHABILITATION ACT OF 1973; CAL.  
 CIV. CODE § 51, *et seq.*; CAL. CIV. CODE  
 § 54, *et seq.*; and CAL. GOV'T CODE §  
 11135, *et seq.***

INTRODUCTION

1  
2 1. Sacramento County (the “County” or “Defendant”) spent approximately \$1  
3 billion to construct the new Terminal B at the Sacramento International Airport (“Terminal  
4 B.”). Despite such a massive investment of public money, the County ignored relevant  
5 standards with respect to the needs of thousands of travelers with mobility disabilities in the  
6 design of Terminal B, including in key areas such as service counters, drop off zones,  
7 restrooms, and seating. This class-action lawsuit seeks to remedy this systemic and pervasive  
8 discrimination against people with mobility disabilities at this newly constructed terminal.

9 2. In spite of legal mandates requiring accessible features for travelers with  
10 disabilities, Terminal B contains widespread barriers that prevent travelers who use wheelchairs  
11 and scooters from accessing basic airport services. For instance, because the counters at the  
12 ticketing and gate areas are too high, travelers who use wheelchairs and scooters cannot easily  
13 access services such as ticketing, requesting flight assistance, and changing seat assignments.  
14 Similarly, at retail shops, the high service counters make it difficult for travelers who use  
15 wheelchairs and scooters to interact with retail personnel and complete checkout transactions.  
16 As a result of excessively heavy restroom doors, travelers who use wheelchairs and scooters can  
17 only enter the restrooms with great difficulty or assistance. Outside the building, wheelchair  
18 and scooter users who are dropped off at the “accessible” loading zones are forced to traverse  
19 the path of traffic once they alight because there are no curb cuts in these zones, creating unsafe  
20 conditions.

21 3. In addition, despite the particular vulnerability of airports to emergencies and  
22 disasters and in an era of heightened security, the County has failed to adequately address the  
23 emergency needs of people with disabilities at Terminal B. Indeed, the County has no plan to  
24 evacuate travelers who use wheelchairs and scooters. These barriers are compounded by the  
25 failure to adequately train Airport staff regarding the needs of travelers with mobility  
26 disabilities, particularly those who use wheelchairs and scooters.

27 4. Organizational Plaintiff the California Foundation for Independent Living Centers  
28 (“CFILC”) is a statewide, non-profit trade organization made up of twenty-five independent

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1 living centers, all dedicated towards removing barriers and promoting equal opportunity for  
2 people with disabilities to participate in community life. One of CFILC's statewide priorities is  
3 to improve the accessibility of all publicly-funded modes of transportation. CFILC also hosts  
4 statewide disability conferences in Sacramento for persons with disabilities and makes use of  
5 Sacramento International Airport as a primary point of entry to the City for visitors to such  
6 events.

7 5. Named Plaintiff Ruthee Goldkorn is a wheelchair user and a frequent traveler to  
8 Sacramento International Airport. During each of her trips to Sacramento, Ms. Goldkorn  
9 encountered a number of physical access barriers at the new Terminal B, including service  
10 counters at the ticketing area, gate area, and Southwest baggage claim office that were too high  
11 for her as a wheelchair user, dangerous conditions at the accessible loading zones, and restroom  
12 doors that require too much force for wheelchair users to open them.

13 6. Through the Americans with Disabilities Act, Congress provided a clear and  
14 national mandate for the elimination of discrimination against individuals with disabilities.  
15 Such discrimination includes barriers to full integration, independent living, and equal  
16 opportunity for persons with disabilities. Similarly, California state law requires full and equal  
17 access to all business establishments and places where the public is invited. By refusing to  
18 provide travelers with mobility disabilities who use wheelchairs and scooters legally mandated  
19 access to the programs, services, and facilities of Terminal B, the County is discriminating on  
20 the basis of disability in violation of Title II of the Americans with Disabilities Act ("ADA"),  
21 and its accompanying regulations, Section 504 of the Rehabilitation Act of 1973 ("Section  
22 504"), and its accompanying regulations, California's Unruh Civil Rights Act (the "Unruh  
23 Act"), California Civil Code § 51 *et seq.*, the California Disabled Persons Act ("CDPA"),  
24 California Civil Code § 54, *et seq.*, and California Government Code § 11135, *et seq.*

25 7. Plaintiffs and the proposed class seek declaratory and injunctive relief pursuant  
26 to the above statutes, as well as an award of attorneys' fees and costs under applicable law.

27 8. Named Plaintiff Ruthie Goldkorn attempted to resolve this matter without a  
28 lawsuit, but was unable to secure a commitment from the County to remedy the barriers to full

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1 and equal access to facilities and services of Terminal B. Ms. Goldkorn joins in the class claims  
2 and also seeks individual damages based on the harm she has experienced because of the  
3 accessibility barriers at Terminal B.

4 **JURISDICTION**

5 9. This is an action for declaratory and injunctive relief sought pursuant to Title II of  
6 the ADA, 42 U.S.C. §§ 12101-12213, and Section 504, 29 U.S.C. § 794, as well as California  
7 Civil Code § 51 *et seq.*, California Civil Code § 54, *et seq.*, and California Government Code §  
8 11135, *et seq.*

9 10. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and  
10 1343 for the federal law claims, and it has supplemental jurisdiction over the state law claims  
11 pursuant to 28 U.S.C. § 1367. This Court has jurisdiction to issue a declaratory judgment  
12 pursuant to 28 U.S.C. §§ 2201 and 2202.

13 **VENUE**

14 11. Venue is proper in the Eastern District of California pursuant to 28 U.S.C. §  
15 1391(b) because: (i) Defendant is located within the District and (ii) the acts and omissions  
16 giving rise to this claim have occurred within the District.

17 **PARTIES**

18 12. Plaintiff CFILC is a statewide, non-profit trade association made up of twenty-  
19 five Independent Living Centers, all employing and providing services to persons with  
20 disabilities. CFILC is based in Sacramento and hosts numerous events for its member  
21 organizations and others in the disability community in Sacramento. For nearly all of its  
22 statewide events, CFILC makes use of Sacramento International Airport as a point of entry or  
23 take off. CFILC's members have and will continue to encounter barriers at Sacramento  
24 International Airport. CFILC also advocates for accessible transportation systems on behalf of  
25 its member organizations and the disability community in California. Defendant's failure to  
26 design and construct Terminal B with features that are usable by persons with mobility  
27 impairments frustrates CFILC's advocacy efforts. CFILC sues on behalf of itself and in  
28 furtherance of its extensive efforts and expenditure of resources in promoting the independence

1 of persons with disabilities through removal of barriers to their participation in all aspects of  
2 community life, including transportation.

3 13. Plaintiff Ruthee Goldkorn is a resident of Riverside County, California. Ms.  
4 Goldkorn is an individual with a disability under all applicable statutes due to her mobility  
5 disability. Ms. Goldkorn is a wheelchair user who often travels to Sacramento for business  
6 purposes. When she travels to Sacramento, Ms. Goldkorn flies into Terminal B of the Airport.  
7 Ms. Goldkorn flew in and out of newly constructed Terminal B on numerous occasions,  
8 including but not limited to, on April 30, 2012, May 2, 2012, May 7, 2012, May 8, 2012, May  
9 15, 2012, May 29, 2012, May 31, 2012, August 21, 2012, August 22, 2012, August, 27, 2012,  
10 and September 1, 2012. Ms. Goldkorn was and currently is directly harmed by the County's  
11 denial of equal access to Terminal B.

12 14. Plaintiff Class consists of all persons with disabilities who use wheelchairs and  
13 scooters as mobility aids who have used or will use Terminal B of Sacramento International  
14 Airport.

15 15. Defendant County is the government entity that owns and operates the  
16 Sacramento County Airport System, which oversees four public airports including Sacramento  
17 International Airport. Defendant County is responsible for constructing, maintaining, repairing,  
18 and regulating the Sacramento County Airport System and the individual public airports.  
19 Defendant County funded and constructed the new Terminal B at the Sacramento International  
20 Airport. Presently, and at all times relevant to this Complaint, the County has been a public  
21 entity within the meaning of Title II of the ADA and has received federal financial assistance  
22 within the meaning of Section 504, as well as state financial assistance within the meaning of  
23 Government Code Section 11135.

24 **CLASS ALLEGATIONS**

25 16. Plaintiffs seek certification of the following class pursuant to Rules 23(a) and  
26 23(b)(2) of the Federal Rules of Civil Procedure: "all persons with disabilities who use  
27 wheelchairs and scooters as mobility aids who have used or will use Terminal B of Sacramento  
28 International Airport."

1 17. This case arises out of Defendant's common policy and practice to deny persons  
2 who use wheelchairs and scooters access to the facilities of Terminal B pursuant to applicable  
3 legal standards.

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

7 19. The claims of the Named Plaintiffs are typical of the claims of the class as a  
8 whole because the Named Plaintiffs are similarly affected by Defendant's failure to provide  
9 equal access to Terminal B.

10 20. The Named Plaintiffs are adequate class representatives because they are directly  
11 impacted by Defendant's discrimination by failing to provide equal access to Terminal B. The  
12 interests of the Named Plaintiffs are not antagonistic to, or in conflict with, the interests of the  
13 class as a whole. The attorneys representing the class are experienced in representing clients  
14 with disabilities with class action civil rights claims.

15 21. Defendant has acted and/or failed to act on grounds generally applicable to the  
16 class as a whole, thereby making appropriate final declaratory and injunctive relief with respect  
17 to the class as a whole.

18 22. Common questions of law and fact predominate, including questions raised by  
19 Plaintiffs' allegations that Defendant has discriminated against them by failing to provide them  
20 with equal access to the facilities, programs, and services of Terminal B. A class action is  
21 superior to other available methods for fairly and efficiently adjudicating this controversy.

22 **FACTUAL ALLEGATIONS**

23 23. The County owns and operates the Sacramento County Airport System. The  
24 Sacramento Airport System comprises of four public airports: Sacramento International Airport,  
25 Mather Airport, Executive Airport, and Franklin Field. Sacramento International Airport is the  
26 main airport that provides passenger air travel and has two terminals, 25 gates, 11 passenger  
27 airlines (plus 10 cargo air carriers), 14 food outlets, and 10 retail shops.

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1           24.     In 2008, the County began construction on Terminal B in order to replace the old  
2 terminal. The new Terminal B building is three times the size of the previous terminal and  
3 includes many appealing new attributes, such as the latest security upgrades, state of the art  
4 technology, an automated People-Mover, and many contemporary pieces of art, including a  
5 giant, 56-foot-long, aluminum red rabbit suspended from the ceiling. There are several  
6 ancillary amenities, such as free Wi-Fi and pod-seating with built-in electrical outlets and USB  
7 plugs. The construction of Terminal B totaled approximately \$1 billion and was financed by the  
8 County with grants and bonds.

9           25.     Terminal B became operative on October 6, 2011. Aeromexico, Alaska/Horizon,  
10 American Airlines, Frontier Airlines, Hawaiian Airlines, JetBlue Airways, and Southwest  
11 Airlines currently operate out of Terminal B, which has 19 gates. Terminal B has three levels  
12 open to the public. The first level of Terminal B contains the baggage claim machines and  
13 baggage claim offices. The second level of Terminal B comprises of the check-in ticketing  
14 counters, security, and gates. The third level of Terminal B contains the automated People  
15 Mover.

16           26.     The barriers for travelers with disabilities who use wheelchairs and scooters at  
17 Terminal B include but are not limited to the following:

- 18           • Inaccessible service counters at the ticketing area, baggage claim offices, and all
- 19           gates;
- 20           • Inaccessible service counters at retail shops;
- 21           • Inaccessible seating;
- 22           • No curb cuts at loading zones designated for people with disabilities;
- 23           • Extremely heavy restroom doors;
- 24           • Restrooms with inaccessible baby-changing tables;
- 25           • Inadequate emergency evacuation procedures for travelers who use wheelchairs
- 26           and scooters; and
- 27           • Inadequate training for Airport staff regarding the needs of travelers who use
- 28           wheelchairs and scooters.

1 **Curb Cuts**

2 27. Immediately outside of the first and second level of Terminal B are the arrival and  
3 departure areas where travelers are dropped off and picked up. There are designated  
4 “accessible” loading zones on each of these levels but no curb cuts available for wheelchair and  
5 scooter users to use that are adjacent to these zones. As a result, travelers who use wheelchairs  
6 and scooters are forced to traverse into the path of traffic in order to access the closest curb  
7 ramp and face extremely dangerous and unsafe conditions. Additionally, the curb cuts are  
8 placed so that another vehicle can park behind the loading area and block access to the closest  
9 adjacent ramp near the crosswalk.

10 **Counter Heights**

11 28. The baggage claim offices, ticketing, and gate areas contain service counters that  
12 do not have a lowered service counter. Instead, the service counters at each of these sections of  
13 Terminal B are built at inaccessible heights and contain a small “shelf” built into the middle of  
14 the counters, which extend the entire length of the counters. Travelers who use wheelchairs and  
15 scooters are unable to see over any of these counters because they are too high and do not have  
16 lowered sections.

17 **Inaccessible Tables**

18 29. Throughout Terminal B, there are non-fixed tables located outside of retail shops  
19 and in hallways. Although the chairs to these tables can be moved, the tables contain a very  
20 wide base and as a result, wheelchair and scooter users are unable to access the tables because  
21 there is insufficient clearance.

22 **Lack of Accessible Seating**

23 30. The fixed seating areas throughout Terminal B waiting areas are inaccessible.  
24 Some seats are identified as “accessible,” however, if a wheelchair is parked in the space  
25 adjacent to the “accessible” seat, the entire aisle is blocked. And, there are no accessible seating  
26 spaces provided near any of the electrical outlets, a key feature in any modern airport.

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1 **Restrooms**

2 31. In addition, the restrooms throughout Terminal B contain doors that are extremely  
3 heavy to operate. Travelers who use wheelchairs and scooters are unable to open the restrooms  
4 doors without great difficulty or assistance. The baby-changing tables in the restrooms also  
5 lack the required knee space.

6 **Retail and Commercial Services**

7 32. Many of the retail and commercial services available at Terminal B are also  
8 inaccessible to wheelchair and scooter users. The credit card readers of the vending machines  
9 are mounted too high and exceed minimum reach ranges. Retail shops contain similar access  
10 barriers. For instance, there are no wheelchair accessible tables at Cafeteria 15L and Jack's. A  
11 number of retail locations have inaccessible service counters, including but not limited to,  
12 Starbucks, Erwin Pearl, Vino Volo, Dos Coyotes, Peets Coffee, Good Day News, and Esquire  
13 Grill.

14 **Barriers Involving the People Mover**

15 33. The automated People Mover on the third floor contains an extremely wide gap  
16 between the floor of the People Mover and the platform, which creates a safety hazard for  
17 people using mobility devices. The change in level between the train car and platform has a  
18 change in level greater than ½ inch.

19 **Lack of Emergency Planning for People with Disabilities**

20 34. The County has also failed to provide an adequate emergency evacuation plan for  
21 people with disabilities. There are "Exit route" signs posted throughout Terminal B.  
22 Emergency signs located near the elevators advise people to use the stairs in the event of an  
23 emergency because the elevators will not work. The first and second levels of the terminal  
24 contain various exit routes leading to the sidewalks outside. On the third level, there are  
25 pedestrian bridges leading to the parking garages. The pedestrian bridges and a flight of stairs  
26 leading to the second level are the only exit routes available from the third level. However,  
27 upon information and belief, there are no wheelchair evacuation chairs available for the safe  
28 transport of wheelchair and scooter users to exit using the stairs. There are also no signs

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1 instructing wheelchair or scooter users how to evacuate in the event of an emergency. The  
2 County's emergency plans for the Airport also acknowledge that there will be "certain elements  
3 of the population that may have difficult complying with an evacuation directive" and lists the  
4 mobility impaired, sight impaired, and hearing impaired, but does not provide a plan for what to  
5 do in that event.

6 **Staff Training**

7 35. The presence of these access barriers are compounded by the Airport's failure to  
8 adequately train staff regarding the needs of travelers with disabilities, including those who use  
9 wheelchairs and scooters. As a result, airport staff are often unequipped to deal with inquiries  
10 made by travelers who use wheelchairs and scooters and are simply ignorant on what to do  
11 when faced with a traveler who cannot access a certain service.

12 **FACTUAL ALLEGATIONS OF NAMED PLAINTIFF RUTHIE GOLDKORN**

13 36. Named Plaintiff Ruthee Goldkorn is a resident of Riverside County, California  
14 who is physically disabled and uses a wheelchair. Ms. Goldkorn often travels to Sacramento for  
15 business purposes and has flown in and out of Terminal B eleven times in 2012: April 30, May  
16 2, May 7, May 8, May 15, May 29, May 31, August 21, August 22, August 27, and September  
17 1. On these dates, when Ms. Goldkorn traveled in and out of Terminal B, she encountered  
18 many access barriers. For instance, when arriving at Terminal B, Ms. Goldkorn was unloaded  
19 at the designated "accessible" loading zone at the ground transportation area, which did not  
20 contain a curb cut. During the check-in process, Ms. Goldkorn was unable to see over the  
21 ticketing counter in order to check in and show her identification. Ms. Goldkorn was also  
22 unable to see over the counter in the office of Southwest baggage service because there were no  
23 lowered customer service counters in the office. In fact, Ms. Goldkorn did not observe any  
24 accessible lowered service counters anywhere in Terminal B.

25 37. During one visit, Ms. Goldkorn was also unable to easily open the family  
26 restroom door near gate B12 because the door pressure was too heavy. There was also no strike  
27 clearance that allowed space to angle away from the latch side of the door to allow for egress,  
28 and the door did not open to a 90 degree angle or stay open for three seconds. As a result, Ms.

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1 Goldkorn struggled to open the door and had to twist her body to try to exit the restroom,  
2 causing her pain. Ms. Goldkorn spoke to a member of the airport staff regarding the heavy  
3 restroom door and the employee was unaware of how to measure the door pressure for  
4 compliance with access standards and could not otherwise assist her.

5 38. Ms. Goldkorn also could not sit at any of the tables throughout Terminal B, both  
6 pre- and post-security, or at any of the seats near the gate areas. Furthermore, there was  
7 insufficient signage directing Ms. Goldkorn from the automated People Mover to the baggage  
8 claim and ground transport area. When Ms. Goldkorn used the automated People Mover, the  
9 floor level of the automated People Mover and the platform were uneven and there was a very  
10 wide gap in between, creating a safety hazard. The doors to the automated People Mover also  
11 closed very quickly while Ms. Goldkorn was still embarking the train. When Ms. Goldkorn  
12 arrived at the baggage claim area, there was no skycap or assistance readily available to assist  
13 Ms. Goldkorn in carrying her bags to the ground transportation area where she was being picked  
14 up.

15 39. When Ms. Goldkorn asked airport staff regarding assistance for her complaints,  
16 she was told that there was a courtesy phone but that it would be too high for her to reach in her  
17 wheelchair. She also observed no signage regarding where to go or whom to contact for  
18 assistance or access complaints. Additionally, Ms. Goldkorn did not observe any posted  
19 information regarding emergency evacuation. The airport staff that Ms. Goldkorn spoke to did  
20 not know where or to whom public complaints, concerns, and requests for assistance should be  
21 directed. She was instead given a small slip of paper with a website address.

22 40. On May 6, 2012, Ms. Goldkorn filed an initial complaint with the County's  
23 Disability Compliance Office detailing the access barriers she encountered at Terminal B. She  
24 filed an amended complaint with the Disability Compliance Office on May 17, 2012. The  
25 amended complaint included grievances relating to the door pressure in the family restroom  
26 near gate B12, the lack of accessible, lowered counters, barriers involving the People Mover,  
27 the lack of curb cuts near the loading zones at the ground transportation area, and the lack of  
28 accessible seating, both pre- and post-security. Ms. Goldkorn requested a full scale access

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1 compliance review by a qualified expert of all parts of Terminal B that are used by the public  
2 and a public workshop before the Board of Supervisors to obtain input and feedback from the  
3 public regarding disability access barriers and problems with Terminal B.

4 41. On June 18, 2012, the Disability Compliance Office responded to Ms. Goldkorn's  
5 complaint, enclosing the Sacramento County Airport System's letter dated June 14, 2012  
6 recommending that neither of Ms. Goldkorn's requests be implemented because "[t]he design of  
7 new Terminal B complies with all applicable State Building Codes and Americans with  
8 Disabilities Act provisions."

9 42. On July 30, 2012, Ms. Goldkorn timely filed a Tort Claim to the County of  
10 Sacramento regarding the failure of the County to comply with legally required standards of  
11 access for persons with disabilities at Terminal B.

12 43. On August 21, 2012, Ms. Goldkorn received a Notice of Rejection of Claim from  
13 George Hills Company, Inc. stating that her claim presented to the County of Sacramento was  
14 rejected.

15 **CLAIMS OF THE CLASS**

16 **FIRST CAUSE OF ACTION**

17 **Violation of Title II of the Americans with Disabilities Act**

18 **42 U.S.C. § 12132, *et seq.***

19 44. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1 through  
20 43, inclusive.

21 45. Title II of the ADA prohibits a public entity from excluding a person with a  
22 disability from participating in, or denying the benefits of, the goods, services, programs and  
23 activities of the entity or otherwise discriminating against a person on the basis of disability. 42  
24 U.S.C. § 12132.

25 46. The implementing regulations of Title II of the ADA require that, in providing  
26 any aid, benefit or service, a public entity may not deny a qualified individual with a disability  
27 the opportunity to benefit from any such aid, benefit or service. 28 C.F.R. § 35.130(b)(1)(i).

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1           47.     The Title II implementing regulations further provide that an individual with a  
2     disability shall not be excluded from participation in, or be denied the benefits of the services,  
3     programs, or activities of a public entity because a public entity's facilities are inaccessible to or  
4     unusable by individuals with disabilities. 28 C.F.R. § 35.149.

5           48.     The Title II implementing regulations further provide that each facility or part of a  
6     facility contracted by, on behalf of, or for the use of a public entity shall be designed and  
7     constructed in such manner that the facility or part of the facility is readily accessible to and  
8     usable by individuals with disabilities, if construction began after January 26, 1992. 28 C.F.C.  
9     § 35.151.

10          49.     Plaintiffs consist of qualified individuals with disabilities within the meaning of  
11     the ADA.

12          50.     Defendant is a public entity within the meaning of the ADA.

13          51.     The construction of Terminal B began after January 26, 1992.

14          52.     Defendant has discriminated against Plaintiffs, excluded Plaintiffs from  
15     participation in, and denied Plaintiffs of the benefits of the facilities, services and programs of  
16     Terminal B because Terminal B is inaccessible and not usable by Plaintiffs.

17          53.     Defendant has violated the ADA by failing to develop emergency policies,  
18     practices and/or procedures that address the emergency evacuation needs of individuals with  
19     disabilities.

20          54.     Defendant has also violated the ADA by failing to comply with the ADA's new  
21     construction standards so that Terminal B is readily accessible to and usable by individuals with  
22     disabilities, and, as such, denying these individuals the opportunity to benefit from basic and  
23     necessary airport services.

24          55.     Defendant's conduct constitutes ongoing and continuous violations of the ADA,  
25     and unless restrained from doing so, Defendant will continue to violate the ADA. This conduct,  
26     unless enjoined, will continue to inflict injuries for which Plaintiff Class has no adequate  
27     remedy at law. Consequently, Plaintiff Class is entitled to injunctive relief pursuant to Section  
28     308 of the ADA (42 U.S.C. § 12188), as well as reasonable attorneys' fees and costs.

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WHEREFORE, Plaintiffs pray for relief as set forth below.

**SECOND CAUSE OF ACTION**

**Violation of Section 504 of the Rehabilitation Act of 1973**

**29 U.S.C. § 794**

56. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1 through 43, inclusive.

57. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulations, prohibit discrimination against people with disabilities by recipients of federal funding. Section 504 provides, in pertinent part, that:

No otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . .

58. Plaintiffs consist of qualified individuals with disabilities within the meaning of Section 504.

59. Defendant has and continues to receive federal financial assistance for its Airport system, including funds for construction and maintenance of the facilities, programs, and services at Terminal B.

60. Defendant's actions as alleged herein discriminate against Plaintiffs on the basis of disability, deny them participation in, and deny them the benefits of, solely by reason of their disabilities, the programs, facilities, and services of Terminal B, in violation of 29 U.S.C. § 794,

61. As a proximate result of Defendant's violations of Section 504 of the Rehabilitation Act, Plaintiffs have been injured as set forth herein.

62. Plaintiffs have no adequate remedy at law and unless the relief requested herein is granted, Plaintiffs will suffer irreparable harm in that they will continue to be discriminated against and denied access to Terminal B and its services. Consequently, Plaintiffs are entitled to injunctive relief, as well as reasonable attorneys' fees and costs.

WHEREFORE, Plaintiffs pray for relief as set forth below.

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**THIRD CAUSE OF ACTION**

**Violation of the California Unruh Civil Rights Act**

**California Civil Code § 51, *et seq.***

1  
2  
3  
4 63. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1 through  
5 43, inclusive.

6 64. Defendant operates business establishments within the jurisdiction of the state of  
7 California, and as such is obligated to comply with the provisions of the Unruh Act, California  
8 Civil Code § 51, *et seq.*

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

13 66. The Airport is a “business establishment” within the meaning of the Unruh Act.

14 67. By denying equal access to Terminal B and its services, Defendant intentionally  
15 denies wheelchair and scooter users full and equal access to the accommodations, advantages,  
16 facilities, privileges, and services that Defendant makes available to the non-disabled public, in  
17 violation of the Unruh Act. These violations are ongoing.

18 68. Defendant has been aware of these ongoing violations and has indicated that it has  
19 no plans to remedy barriers at Terminal B that deny full and equal access to the  
20 accommodations, advantages, facilities, privileges or services of Terminal B to persons with  
21 mobility disabilities.

22 69. Defendant’s failure to guarantee equal access for persons with disabilities to its  
23 accommodations, advantages, facilities, privileges, and services as required by the Unruh Act is  
24 also demonstrated by its violation of the existing accessibility standards for new construction  
25 relating to, among others, seating, bathroom facilities, rail-to-platform heights, and sales and  
26 service counter heights in the California Building Code at 24 CCR § 1101B *et al.* Failure to  
27 comply with the building code also demonstrates a failure to provide full and equal access to  
28 people with disabilities.

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1 70. Defendant's discriminatory conduct alleged herein includes, *inter alia*, the  
2 violation of the rights of persons with disabilities set forth in Title II of the ADA and, therefore,  
3 also violates the Unruh Act. Cal. Civ. Code § 51(f).

4 71. The actions of Defendant have violated and continue to violate the Unruh Act  
5 and, therefore, Plaintiffs are entitled to injunctive and declaratory relief to remedy such  
6 violations.

7 72. Plaintiffs are also entitled to reasonable attorneys' fees and costs. Cal. Civ. Code  
8 § 52(h).

9 WHEREFORE, Plaintiffs pray for relief as set forth below.

10 **FOURTH CAUSE OF ACTION**

11 **Violation of the California Disabled Persons Act**

12 **California Civil Code §§ 54-54.3**

13 73. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1 through  
14 43, inclusive.

15 74. The CDPA guarantees, *inter alia*, that persons with disabilities are entitled to full  
16 and equal access, as other members of the general public, to accommodations, advantages,  
17 facilities, and privileges of all "places of public accommodation" and "other places to which the  
18 general public is invited" within the jurisdiction of the state of California. Cal. Civ. Code §  
19 54.1(a)(1).

20 75. Defendant offers an airport facility and airport services to the general public at a  
21 place of public accommodation and in a place to which the general public is invited, within the  
22 jurisdiction of the state of California, and therefore is obligated to comply with the following  
23 provisions of the CDPA.

24 76. The Airport is a "place of public accommodation" or "other place where the  
25 public is invited" within the meaning of the CDPA.

26 77. The CDPA provides, *inter alia*, that a violation of the ADA, 42 U.S.C. §§ 12101  
27 *et seq.*, also constitutes a violation of the CDPA. Cal. Civ. Code § 54.1(d).

28

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1 78. By denying equal access to Terminal B and its services, Defendant has violated  
2 the CDPA by failing to provide disabled persons full and equal access to its services and  
3 facilities.

4 79. Defendant’s violation of existing accessibility standards for new construction  
5 relating to, among others, seating, bathroom facilities, rail-to-platform heights, and sales and  
6 service counter heights in the California Building Code at 24 CCR § 1101B *et al.* also  
7 constitutes a violation of Civil Code §§ 54-54.3. Failure to comply with the California Building  
8 Code also demonstrates a failure to provide full and equal access to people with disabilities.

9 80. The actions of Defendant have violated and continue to violate the CDPA and,  
10 therefore, Plaintiffs are entitled to declaratory relief to remedy the discrimination.

11 81. Plaintiffs are entitled to “attorney’s fees as may be determined by the court” for  
12 each offense of the CDPA.

13 WHEREFORE, Plaintiffs pray for relief as set forth below.

14 **FIFTH CAUSE OF ACTION**

15 **Violation of California Government Code § 11135, *et seq.***

16 82. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1 through  
17 43, inclusive.

18 83. California Government Code Section 11135 and the regulations promulgated  
19 thereunder prohibit discrimination against people with disabilities by any program or activity  
20 funded by the State. Section 11135 provides, in pertinent part, that:

21 No person in the State of California shall, on the basis of . . .  
22 disability, be unlawfully denied the benefits of, or be unlawfully  
23 subjected to discrimination under, any program or activity that is  
24 funded directly by the state or receives any financial assistance from  
25 the State.

25 84. Defendant receives financial assistance from the state of California for  
26 construction and to provide and maintain airport services.

27 85. By denying full and equal access to Terminal B and its services, Defendant has  
28 denied Plaintiffs the benefit of, or unlawfully subjected them to discrimination in, such

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1 programs and activities solely because of their disabilities in violation of Government Code  
2 Section 11135 and the regulations promulgated thereunder.

3 86. Defendants have also violated Section 11135 by failing to design and construct  
4 Terminal B in compliance with the California Building Code's existing accessibility standards  
5 for new construction relating to, among others, seating, bathroom facilities, rail-to-platform  
6 heights, and sales and service counter heights in the California Building Code at 24 CCR §  
7 1101B *et al.*

8 87. As a proximate result of Defendant's violations of Section 11135, Plaintiffs have  
9 been injured as set forth herein.

10 88. Plaintiffs have no adequate remedy at law. Unless the relief requested herein is  
11 granted, Plaintiffs will suffer irreparable harm in that they will continue to be discriminated  
12 against and denied full access to Defendant's facilities, programs, services, and activities on the  
13 basis of disability. Consequently, Plaintiffs are entitled to injunctive and declaratory relief and  
14 reasonable attorneys' fees and costs.

15 WHEREFORE, Plaintiffs pray for relief as set forth below.

16 **SIXTH CAUSE OF ACTION**

17 **Declaratory Relief**

18 89. Plaintiffs incorporate, by reference herein, the allegations in paragraphs 1 through  
19 43, inclusive.

20 90. Defendant denies failing to comply with applicable laws prohibiting  
21 discrimination against persons with disabilities, specifically, the ADA, Section 504, California  
22 Civil Code § 51, *et seq.*, California Civil Code § 54, *et seq.*, and California Government Code §  
23 11135, *et seq.*

24 91. A judicial declaration is necessary and appropriate at this time in order that each  
25 of the parties may know their respective rights and duties and act accordingly.

26 WHEREFORE, Plaintiffs pray for relief as set forth below.

27 **ADDITIONAL CLAIMS OF NAMED PLAINTIFF RUTHEE GOLDKORN**

28

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1 92. Named Plaintiff Ruthee Goldkorn incorporates, by reference herein, the allegations  
2 in paragraphs 1 through 43, inclusive.

3 93. Named Plaintiff Ruthee Goldkorn specifically incorporates, by reference herein,  
4 the causes of actions in paragraphs 44 through 91, inclusive.

5 94. Named Plaintiff Ruthee Goldkorn is additionally entitled to damages for violations  
6 of Title II of the ADA.

7 95. Named Plaintiff Ruthee Goldkorn is additionally entitled to damages for violations  
8 of Section 504 of the Rehabilitation Act.

9 96. Named Plaintiff Ruthee Goldkorn is additionally entitled to statutory minimum  
10 damages pursuant to California Civil Code § 52 for each and every offense she has and  
11 continued to experience in violation of the Unruh Act. Cal. Civ. Code § 52(b).

12 97. Named Plaintiff Ruthee Goldkorn is additionally entitled to statutory minimum  
13 damages for each offense she has and continued to experience in violation of the CDPA. Cal.  
14 Civ. Code § 54.3(a).

15 WHEREFORE, Named Plaintiff Ruthee Goldkorn prays for relief as set forth below.

16 **REQUEST FOR RELIEF**

17 WHEREFORE, Plaintiffs prays for relief as follows:

18 98. A declaration that the denial of equal access to Terminal B of Sacramento  
19 International Airport to travelers who use wheelchairs and scooters violates the Americans with  
20 Disabilities Act, Section 504 of the Rehabilitation Act of 1973, California Civil Code § 51, *et*  
21 *seq.*, California Civil Code § 54, *et seq.*, and California Government Code § 11135, *et seq.*

22 99. An order and judgment enjoining Defendant from violating the Americans with  
23 Disabilities Act, Section 504 of the Rehabilitation Act of 1973, California Civil Code § 51, *et*  
24 *seq.*, and California Government Code § 11135, *et seq.*, and requiring Defendant to address and  
25 remedy the access barriers described herein with respect to Terminal B of Sacramento  
26 International Airport;

27 100. Award of damages to Named Plaintiff Ruthee Goldkorn to the extent provided by  
28 law;

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101. Plaintiffs' reasonable attorneys' fees and costs;

102. For such other and further relief as the Court deems just and proper.

Dated: December 20, 2012

Respectfully Submitted,

DISABILITY RIGHTS ADVOCATES

By: \_\_\_\_\_/s/\_\_\_\_\_  
Shawna L. Parks  
Attorneys for Plaintiffs

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CIVIL COVER SHEET

Case 2:12-cv-03056-KJM-GGH Document 1-1 Filed 12/20/12 Page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the local docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
California Foundation for Independent Living Centers and Ruthee Goldkorn on behalf of themselves and all others similarly situated
(b) County of Residence of First Listed Plaintiff Sacramento County, CA
(c) Attorneys (Firm Name, Address, and Telephone Number) (see attached)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
REAL PROPERTY
PERSONAL INJURY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
24 U.S.C. 12132 et. seq.; 29 U.S.C. 794
Brief description of cause:
ADA Title II claims re: discrimination by public entity; Cal. Civ. Codes 51 & 54; Cal. Gov. Code 11135

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ Statutory min damages to named P Goldkorn
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 12/20/2012
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**Attachment A**

DISABILITY RIGHTS ADVOCATES  
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