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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

1 **EISENBERG RAIZMAN THURSTON & WONG LLP**  
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10 Attorneys for Defendants  
 11 Walt Disney Parks and Resorts U.S., Inc.,  
 12 Walt Disney Parks & Resorts Worldwide  
 13 and The Walt Disney Company

14 **UNITED STATES DISTRICT COURT**  
 15 **CENTRAL DISTRICT OF CALIFORNIA**

16 CARI SHIELDS and AMBER BOGGS,  
 17 on behalf of themselves and all others  
 18 similarly situated,

19 Plaintiffs,

20 vs.

21 WALT DISNEY PARKS AND  
 22 RESORTS US, INC., WALT DISNEY  
 23 PARKS AND RESORTS  
 24 WORLDWIDE, INC., THE WALT  
 25 DISNEY COMPANY, DOES 1-100,  
 26 INCLUSIVE

27 Defendants.

**CV10 5810 DMG**

**(JEMx)**

Case No.

**NOTICE OF REMOVAL OF STATE  
COURT ACTION UNDER 28 U.S.C.  
§§ 1331, 1441(b) AND 1446 BY  
DEFENDANTS**

[Los Angeles Superior Court Case No.  
BC438241]

**EISENBERG RAIZMAN THURSTON & WONG LLP**  
10880 Wilshire Blvd, Eleventh Floor  
Los Angeles, California 90024

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO  
2 PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that defendants Walt Disney Parks and Resorts  
4 U.S., Inc., Walt Disney Parks & Resorts Worldwide and The Walt Disney Company  
5 (collectively, "Defendants") hereby invoke this Court's jurisdiction and remove the  
6 state court action described below from the Superior Court of the State of California  
7 for the County of Los Angeles to the United States District Court for the Central  
8 District of California.

9 1. This Notice of Removal is filed pursuant to, and this Court has  
10 jurisdiction by virtue of, the provisions of 28 U.S.C. §§ 1331, 1369, 1441(b) and  
11 1446.

12 2. On May 21, 2010, plaintiffs Cari Shields and Amber Boggs  
13 ("Plaintiffs") commenced an action in the Superior Court of the State of California  
14 for the County of Los Angeles entitled *Cari Shields and Amber Boggs v. Walt*  
15 *Disney Parks and Resorts US, Inc., Walt Disney Parks & Resorts Worldwide, Inc.,*  
16 *The Walt Disney Company, and Does 1 through 100, inclusive*, Los Angeles  
17 Superior Court Case No. BC488241 (the "State Court Action").

18 3. Defendants were served in the State Court Action on July 7, 2010,  
19 including with a copy of the Summons, Complaint and related documents (the  
20 "Complaint"). A true and correct copy of the Complaint is attached as Exhibit A to  
21 this Notice.

22 4. To Defendants' knowledge, the documents attached as Exhibit A to this  
23 Notice are the only pleadings that have been served on, or filed by, Defendants to  
24 date in the State Court Action.

25 5. This is a civil action over which this Court has original subject matter  
26 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1369, and is one which may be  
27 removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b), in that  
28 original jurisdiction is founded on a claim or right arising under a law of the United

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1 States, *i.e.*, the Americans with Disabilities Act (42 U.S.C. §§ 12101 *et seq.*) (the  
2 “ADA”). (See Complaint ¶¶ 56-61.)

3 6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)  
4 in that it is filed within thirty (30) days of receipt of the Complaint by any  
5 defendant. The date on which Defendants were served was July 7, 2010.

6 7. The territorial coverage of the United States District Court for the  
7 Central District of California embraces the county and court in which the State  
8 Court Action is now pending. 28 U.S.C. § 84(c). Therefore, this action is properly  
9 removed to this Court pursuant to 28 U.S.C. § 1441(a).

10 8. This removal is authorized by each of the Defendants, the sole named  
11 defendants in this action. Defendants are informed and believe, and on that basis  
12 allege, that none of the Doe defendants in the State Court Action have been named  
13 or served. Therefore, it is unnecessary to obtain any other defendant’s consent to or  
14 joinder in this removal.

15 9. As required by 28 U.S.C. § 1446(d), Defendants will provide written  
16 notice of the filing of this Notice of Removal to all other parties to this action and  
17 will promptly file a copy of this Notice of Removal with the Clerk of the Superior  
18 Court of the State of California for the County of Los Angeles.

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10880 Wilshire Blvd, Eleventh Floor  
Los Angeles, California 90024

1 WHEREFORE, pursuant to 28 U.S.C. §§ 1331, 1441(b) and 1446,  
2 Defendants hereby remove this action from the Superior Court of the State of  
3 California for the County of Los Angeles to the United States District Court for the  
4 Central District of California.

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6  
7 Date: August 4, 2010

Respectfully submitted,

8 **EISENBERG RAIZMAN THURSTON & WONG LLP**  
9 David H. Raizman  
10 Elena S. Min

11 By: Elena Min  
12 Elena S. Min

13 Attorneys for Defendants  
14 Walt Disney Parks and Resorts U.S., Inc.,  
15 Walt Disney Parks & Resorts Worldwide  
16 and The Walt Disney Company  
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# **EXHIBIT A**

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7 A. Anderson B. Dogali, Esq.,  
8 (Pro Hac Vice applications to be filed)  
9 Brian A. Hohman, Esq.,  
10 (Pro Hac Vice applications to be filed)  
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16 Attorneys for Plaintiffs and Class Plaintiffs

17 SUPERIOR COURT OF CALIFORNIA

18 COUNTY OF LOS ANGELES

19 CARI SHIELDS and AMBER BOGGS,  
20 on behalf of themselves and all others  
21 similarly situated,

22 Plaintiffs,

23 v.

24 WALT DISNEY PARKS AND RESORTS  
25 US, INC., WALT DISNEY PARKS &  
26 RESORTS WORLDWIDE, INC., THE  
27 WALT DISNEY COMPANY,  
28 DOES 1-100,  
INCLUSIVE,

Defendants.

Case No.

BC488841

Class Action

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF FOR  
VIOLATIONS OF:

1. VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT (42 U.S.C. §12131, et seq.)
2. VIOLATIONS OF THE UNRUH ACT (Cal. Civil Code §51, et seq.)
3. VIOLATIONS OF THE CDPA (Cal. Civil Code §54.1, et seq.)

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

MAY 21 2010

John A. Clarke, Executive Officer/Clerk

By RUGENA LOPEZ Deputy

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**CLASS ACTION COMPLAINT**

COME NOW the Plaintiffs, CARI SHIELDS and AMBER BOGGS, on their own behalf and on behalf of all others similarly situated (Collectively known as "PLAINTIFFS"), and sue the Defendants, THE WALT DISNEY COMPANY, WALT DISNEY PARKS & RESORTS WORLDWIDE, INC. and WALT DISNEY PARKS AND RESORTS US, INC. (Collectively known as "DEFENDANTS") and allege:

**INTRODUCTION**

- 1. This action arises out of discriminatory practices by DEFENDANTS violating California statutes and common law, as well as federal law designed to protect individuals with a disability.
- 2. These practices include, *inter alia*, the denial of access to places of public accommodation and the discriminatory treatment given to individuals because of their physical disabilities.
- 3. As a result of these practices, the PLAINTIFF CLASSES were not able to benefit from the full use and enjoyment of DEFENDANTS' recreation facilities and theme parks and were discriminated against on account of physical disability, i.e. visual impairment.

**JURISDICTION AND VENUE**

- 4. This Court has jurisdiction over this action pursuant to California Code of Civil Procedure §410.10. The action is brought pursuant to California Code of Civil Procedure §382, California Civil Code §1781 *et seq.* and the procedural provisions of Rule 23 of the Federal Rules of Civil Procedure.
  - 5. Plaintiffs bring this action on their own behalf and on behalf of all persons within the PLAINTIFF CLASSES defined herein.
- This action is brought by the PLAINTIFFS to enforce the Title III of the Americans with Disabilities Act "ADA", 42 U.S.C. §12131, *et seq.*, the Unruh Civil Rights Act, California Civil Code §51, *et seq.*, and the California Disabled Persons Act, California Civil Code §54

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*et seq.* (CDPA).

7. Venue is proper in this Court pursuant to California Code of Civil Procedure §§395 and 395.5 because DEFENDANTS maintains corporate managerial business offices within the County of Los Angeles.

**PARTIES**

**PLAINTIFFS**

- 8. Plaintiff Amber Boggs is an individual who, at all relevant times herein mentioned:
  - a. Was a resident of the County of Los Angeles, State of California;
  - b. Had a physical disability that affects her neurological and/or special sense organs and substantially limits major life activities, namely visual impairment;
  - c. Was a person with a disability as that term is defined in 42 U.S.C. §12102 and the California Government Code Section 12926;
  - d. Owns year long passes to Disneyland and has regularly patronized the park facilities operated by DEFENDANTS within the last two years;
  - e. Has visited Disneyland with her service animal;
  - f. Suffered discrimination by the DEFENDANTS;
  - g. Was a member of all PLAINTIFF CLASSES alleged in paragraph 18 except PLAINTIFF DISNEY CHARACTER CLASS;
  - h. Intends to visit DEFENDANTS' theme parks in California and/or Florida in the future.
  
- 9. Plaintiff Cari Shields is an individual who, at all relevant times herein mentioned:
  - a. Was a resident of the County of Riverside, State of California;
  - b. Had a physical disability that affects her neurological and/or special sense organs and substantially limits major life activities, namely visual impairment;
  - c. Was a person with a disability as that term is defined in 42 U.S.C. §12102 and the California Government Code §12926;

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- 1 d. Owns year-long passes to Disneyland and has regularly patronized the park facilities
- 2 operated by DEFENDANTS in both Florida and California within the last two years;
- 3 e. Has visited Disneyland in California and Disney World in Florida with her service
- 4 animal including on or about November 1, 2009. Ms. Shields reserved seating for
- 5 6:45 p.m. for the Character Dining at the Crystal Palace with "Winnie Pooh and
- 6 Friends" at Walt Disney World Resort in Orlando, Florida.
- 7 f. She was denied interaction with costumed Disney characters as part of her dining
- 8 experience. Upon complaining to management and staff she was told by two cast
- 9 members that it was Disney policy that characters were not allowed to interact with
- 10 guests with service animals because of their service animals. She then went to guest-
- 11 services in the Magic Kingdom to which she was told by two more cast members that
- 12 it was DEFENDANTS policy that characters were not allowed to interact with guests
- 13 with service animals because of their service animals.
- 14 g. Suffered discrimination by the Defendants;
- 15 h. Was a member of all PLAINTIFF CLASSES alleged in paragraph 18;
- 16 i. Intends to visit Defendants' theme parks in California and/or Florida in the future.

17 DEFENDANTS

- 18 10. Defendant WALT DISNEY PARKS AND RESORTS, U.S. INC. ("PARKS") is a Florida
- 19 corporation which at all times herein mentioned:
- 20 a. Maintained its principal place of business in Orange County, Florida and is
- 21 authorized to conduct business in the State of California and is conducting business
- 22 in Los Angeles County in the City of Burbank.
- 23 b. PARKS owns and operates and/or is the lessor or lessee of the Walt Disney World
- 24 Resort located in Orange and Osceola Counties in Florida. The Walt Disney World
- 25 Resort is comprised of theme parks, hotels, restaurants, and shops, each of which are
- 26 public accommodations. PARKS also owns and operates and/or is the lessor or lessee
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of the Disneyland/California Adventure in Anaheim, Orange County, California. The Disneyland/California Adventure is similarly comprised of theme parks, hotels, restaurants, and shops, each of which are public accommodations.

- c. Discriminated against the PLAINTIFF CLASS by, *inter alia*:
- d. Maintaining a policy of refusing to allow costumed Disney characters to interact with visually impaired patrons with service animals at the theme parks at Walt Disney World Resort in Florida and Disneyland in California.
- e. Failing to provide Braille signage and/or large print within the aforementioned theme parks so as to orient visually impaired patrons as to the location of rides, restaurants and facilities;
- f. (1) Failing to provide schedules and menus in accessible alternative formats such as Braille and/or large print; (2) Failing to provide Braille maps in a mobile format; and (3) Failing to provide Braille maps in a reasonable number of locations within the theme parks;
- g. Providing auxiliary aids and services, specifically, audio description devices which are designed to shut off automatically after a given time interval but cannot be re-set by a visually impaired user so as to render the device inaccessible;
- h. Failing to provide reasonable accommodations to visually impaired patrons using service animals by: (1) failing to provide reasonable designated areas within the theme parks for service animals to defecate and (2) charging visually impaired patrons using service animals a \$20.00 fee for the use of kennel facilities; (3) locating the kennel facilities outside of the park; and (4) refusing to allow service animals to be tied to any locations within the park while the visually impaired owner is using park rides.
- i. Failing to provide reasonable accommodations to visually impaired patrons by simultaneously refusing to provide a Disney employee to assist a visually impaired

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- patron and also requiring visually impaired patrons to pay full price for a ticket for an aide or attendant to serve the function of assisting the patron in navigating around the park.
- j. By maintaining a policy at parades, such as the Main Street Electric Parade, that only wheelchair users are allowed to use the area designated for handicapped guests and not guests with other disabilities such as visual impairments.
  - k. Renting lockers to park visitors which are inaccessible to persons with visual impairments because the lockers: 1) utilize an inaccessible touch screen; 2) have no attendant to assist the visually impaired and 3) provide only a printed receipt with the combination to open the rented locker.
11. THE WALT DISNEY COMPANY ("WDC") is a Delaware corporation which at all times herein mentioned:
- a. Maintained its principal place of business in the City of Burbank, County of Los Angeles, State of California;
  - b. Along with Defendant PARKS and WORLDWIDE owns and operates and/or is the lessor or lessee of the Walt Disney World Resort located in Orange and Osceola Counties in Florida. The Walt Disney World Resort is comprised of theme parks, hotels, restaurants, and shops, each of which are public accommodations. WDC also owns and operates and/or is the lessor or lessee of Disneyland/California Adventure in Anaheim, Orange County, California. Disneyland/California Adventure is similarly comprised of theme parks, hotels, restaurants, and shops, each of which are public accommodations.
  - c. Discriminated against the PLAINTIFF CLASS by, *inter alia*:
  - d. Maintaining a policy of refusing to allow costumed Disney characters to interact with visually impaired patrons with service animals at the theme parks at the Walt Disney World Resort in Florida and Disneyland/California Adventure in California.

- 1 e. Failing to provide Braille signage and/or large print within the aforementioned theme  
2 parks so as to orient visually impaired patrons as to the location of rides, restaurants  
3 and facilities;
- 4 f. (1) Failing to provide schedules and menus in accessible alternative formats such as  
5 Braille and/or large print; (2) Failing to provide Braille maps in a mobile format; and  
6 (3) Failing to provide Braille maps in a reasonable number of locations within the  
7 theme parks;
- 8 g. Providing auxiliary aids and services, specifically, audio description devices which  
9 are designed to shut off automatically after a given time interval but cannot be re-set  
10 by a visually impaired user so as to render the device inaccessible;
- 11 h. Failing to provide reasonable accommodations to visually impaired patrons using  
12 service animals by: (1) failing to provide reasonable designated areas within the  
13 theme parks for service animals to defecate and (2) charging visually impaired  
14 patrons using service animals a \$20.00 fee for the use of kennel facilities and (3)  
15 locating the kennel facilities outside of the park; and (4) refusing to allow service  
16 animals to be tied to any locations within the park while the visually impaired owner  
17 is using park rides.
- 18 i. Failing to provide reasonable accommodations to visually impaired patrons by  
19 simultaneously refusing to provide a Disney employee to assist a visually impaired  
20 patron and also requiring visually impaired patrons to pay full price for a ticket for  
21 an aide or attendant to serve the function of assisting the patron in navigating around  
22 the park.
- 23 j. By maintaining a policy at parades, such as the Main Street Electric Parade, that only  
24 wheelchair users are allowed to use the area designated for handicapped guests and  
25 not guests with other disabilities such as visual impairments.
- 26 k. Renting lockers for use to guests which are inaccessible to persons with visual  
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1           impairments because the lockers: 1) utilize an inaccessible touch screen; 2) have no  
2           attendant to assist the visually impaired and 3) provide only a printed receipt with the  
3           combination to open the rented locker.

4 12. WALT DISNEY PARKS & RESORTS WORLDWIDE, INC. ("WORLDWIDE") is a  
5 California corporation which at all times herein mentioned:

6 a. Maintained its principal place of business in the City of Burbank, County of Los  
7 Angeles, State of California;

8 b. Along with Defendants WDC and PARKS, WORLDWIDE owns and operates  
9 and/or is the lessor or lessee of the Walt Disney World Resort located in Orange and  
10 Osceola Counties in Florida. The Walt Disney World Resort is comprised of theme  
11 parks, hotels, restaurants, and shops, each of which are public accommodations.  
12 WDC also owns and operates and/or is the lessor or lessee of the Disneyland  
13 Resort/California Adventure in Anaheim, California. The Disneyland Resort is  
14 similarly comprised of theme parks, hotels, restaurants, and shops, each of which are  
15 public accommodations

16 c. Discriminated against the Plaintiff Classes by, *inter alia*:

17 d. Maintaining a policy of refusing to allow costumed Disney characters to interact with  
18 visually impaired patrons with service animals at its theme parks at Disney World in  
19 Florida and Disney Land in California;

20 e. Failing to provide Braille signage and/or large print within the aforementioned theme  
21 parks so as to orient visually impaired patrons as to the location of rides, restaurants  
22 and facilities;

23 f. (1) Failing to provide schedules and menus in accessible alternative formats such as  
24 Braille and/or large print; (2) Failing to provide Braille maps in a mobile format and  
25 (3) Failing to provide Braille maps at a variety of locations within the theme parks;

26 g. Providing auxiliary aids and services, specifically, audio description devices which  
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are designed to shut off automatically after a given time interval but can not be re-set by a visually impaired user so as to render the device inaccessible;

- h. Failing to provide reasonable accommodations to visually impaired patrons using service animals by: (1) failing to provide reasonable designated areas within the theme parks for service animals to defecate; (2) charging visually impaired patrons using service animals a \$20.00 fee for the use of kennel facilities and (3) locating the kennel facilities outside of the park; and (4) refusing to allow service animals to be tied to any locations within the park while the visually impaired owner is using park rides.
- i. Failing to provide reasonable accommodations to visually impaired patrons by simultaneously refusing to provide a Disney employee to assist a visually impaired patron and also requiring visually impaired patrons to pay full price for a ticket for an aide or attendant to serve the function of assisting the patron in navigating around the park.
- j. By maintaining a policy at parades, such as the Main Street Electric Parade, that only wheelchair users are allowed to use the area designated for handicapped guests and not guests with other disabilities such as visual impairments.
- k. Renting lockers for use to guests which are inaccessible to persons with visual impairments because the lockers: 1) utilize an inaccessible touch screen; 2) have no attendant to assist the visually impaired and 3) provide only a printed receipt with the combination to open the rented locker.

13. The true names and capacities, whether individual, corporate, partnership, associate or otherwise of Defendants Does 1-100, inclusive, are unknown to the PLAINTIFFS who therefore sue these DEFENDANTS by such fictitious names pursuant to California Code of Civil Procedure Section 474. PLAINTIFFS will seek leave to amend this Complaint to allege the true names and capacities of Does 1 through 100, inclusive, when they are

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ascertained.

14. PLAINTIFFS are informed and believe, and based upon that information and belief allege, that each of the DEFENDANTS named in this Complaint, including Does 1 through 100, inclusive, are responsible in some manner for one or more of the events and happenings that proximately caused the injuries and damages hereinafter alleged.

15. PLAINTIFFS are informed and believe, and based upon that information and belief allege, that each of the DEFENDANTS named in this Complaint, including Does 1 through 100, inclusive, acted in concert with respect to the acts and omissions alleged hereinafter and to all appearances, DEFENDANTS and each of them, represented a united body so that the actions of one DEFENDANT were accomplished in concert with, and with knowledge, ratification, authorization and approval of each of the other DEFENDANTS.

16. PLAINTIFFS are informed and believe, and based upon that information and belief allege, that each of the DEFENDANTS named in this complaint, including Does 1 through 100, inclusive, is and at all times mentioned herein was, the agent, servant and/or employee of each of the other DEFENDANTS and that each DEFENDANT was acting within the course and scope of his, her or its authority as the agent, servant and/or employee of each of the other DEFENDANTS. Consequently, all of the DEFENDANTS are jointly and severally liable to the Plaintiffs for the damages sustained as a proximate result of their conduct.

17. At all times set forth herein, the acts and omissions of each Defendant caused, led and/or contributed to the various acts and omissions of each and all of the other DEFENDANTS, legally causing PLAINTIFFS' injuries and damages as set forth.

**CLASS REPRESENTATION ALLEGATIONS**

**Definition of the Alleged Class**

This action consists of the following PLAINTIFF CLASSES who are residents of the United States:

a. **PLAINTIFF DISNEY CHARACTER CLASS:** All visually impaired individuals

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considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926, who were customers of the theme parks at Disneyland/California Adventure in California or Walt Disney World Resort in Florida and were denied interaction and equal treatment by Disney employees dressed as Disney characters.

b. **PLAINTIFF SIGNAGE CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926 who have not been provided signage, menus or schedules in an alternative format, such as Braille and/or large print, at Disneyland/California Adventure in California or Walt Disney World Resort in Florida.

c. **PLAINTIFF MAP CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926 who have not been provided maps in an alternative format, such as Braille and/or large print, at Disneyland/California Adventure in California or Walt Disney World Resort in Florida.

d. **PLAINTIFF KENNEL CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926 who have either (1) paid a fee for the use of a kennel for his/her service animal at Disneyland/California Adventure in California or Walt Disney World Resort in Florida; or

(2) were deterred from visiting Disneyland/California Adventure in California or Walt Disney World Resort in Florida on account of the kennel fee for his/her service animal.

e. **PLAINTIFF AUDIO DESCRIPTION DEVICE CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42

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U.S.C. §12102 and California Government Code Section 12926 who have used or attempted to use an audio description device at Disneyland/California Adventure in California or Walt Disney World Resort in Florida and been deprived of the full use and enjoyment of the device.

f. **PLAINTIFF COMPANION TICKET CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926 who have paid for an additional ticket for a companion or aide to assist the visually impaired individual to utilize the accommodations at Disneyland/California Adventure in California or Walt Disney World Resort in Florida.

g. **PLAINTIFF PARADE CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926 who, have experienced discrimination due to DEFENDANTS' policy of excluding persons with disabilities, other than wheelchair users, from preferential locations to stand or sit during the parade at Disneyland/California Adventure in California or Walt Disney World Resort in Florida.

h. **PLAINTIFF LOCKER CLASS:** All visually impaired individuals considered to have a physical disability, as that term is defined in 42 U.S.C. §12102 and California Government Code Section 12926 who have been unable to utilize a locker at Disneyland/California Adventure in California or Walt Disney World Resort in Florida.

**Maintenance of the Action**

PLAINTIFFS bring this action individually and on behalf of themselves and as representatives of all similarly situated persons, pursuant to California Code of Civil Procedure Section 382, and the provisions of Rule 23 of the Federal Rules of Civil

1 Procedure.

2 **Class Action Requisites**

3 20. At all material times, PLAINTIFF SHIELDS was and is a member of all PLAINTIFF  
4 CLASSES described in paragraph 18. At all material times, PLAINTIFF BOGGS was and  
5 is a member of all PLAINTIFF CLASSES described in paragraph 18 except PLAINTIFF  
6 DISNEY CHARACTER CLASS.

7 21. This Class Action meets the statutory prerequisites for the maintenance of a Class Action as  
8 set forth in California Code of Civil Procedure Section 382, and the provisions of Rule 23  
9 of the Federal Rules of Civil Procedure in that:

10 a. In 2008, the Social Security Administration estimated there were in excess of 6.3  
11 million persons visually impaired and over the age of 18 in the United States.  
12 According to the Disney Vacation Tips website, the daily attendance at Disneyland  
13 in Anaheim is 4,000. Additionally, according to the Themed Entertainment  
14 Association/Economic Research Associates Attraction Attendance Report 2008, the  
15 Magic Kingdom/Disney World Resort in Florida had over 17 million visitors in 2008  
16 while Disneyland/California Adventure had over 14 million visitors in 2008. While  
17 the number of visitors with visual impairments cannot be precisely calculated, it is  
18 reasonable to estimate that thousands of visitors were visually impaired among the  
19 14 million who visited Disneyland in Anaheim in 2008. As such, the class of qualified  
20 individuals who are visually impaired and have visited either Disneyland/California  
21 Adventure in California and/or Walt Disney World Resort in Florida is so numerous  
22 that joinder of all members is impracticable.

23 b. Nearly all factual, legal, statutory, declaratory and injunctive relief issues that are  
24 raised in this Complaint are common to the PLAINTIFF CLASSES and will apply  
25 uniformly to each member of the PLAINTIFF CLASSES. There are questions of law  
26 and fact common to the class. The Unruh Civil Rights Act and California Public  
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Accommodations law requires that public accommodations, such as the ones operated by DEFENDANTS, be accessible to persons with disabilities, which is a question of law common to all members of the class. The failure of DEFENDANTS to provide accommodations and remove policies that discriminate against persons with disabilities presents a question of fact common to all members of the class. Furthermore, the primary relief that the class is seeking is equitable in nature, in that the class is asking for final injunctive relief asking that Defendants provide accommodations and discontinue discriminating policies in their theme parks, restaurants, hotels, and other facilities it operates. Furthermore, prosecutions of separate actions would create the risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the DEFENDANTS.

- c. The claims of SHIELDS and BOGGS are typical of the claims of the class of persons with disabilities that sustained and continue to sustain injuries arising out of the DEFENDANTS' conduct or omissions in violation of state and federal law as complained of herein. PLAINTIFFS, like all other members of the Class, claim that DEFENDANTS have violated the ADA and California Statutes by discriminating against persons with disabilities and excluding the PLAINTIFFS, and other similarly situated persons, from full and equal enjoyment of the goods, services, programs, facilities, privileges, advantages, or accommodations of DEFENDANTS theme parks, restaurants, hotels, and other facilities it operates; and subjecting PLAINTIFFS to discrimination by denying, segregated or excluding visually impaired guests from enjoying their facilities and other goods, services, programs, privileges, advantages or accommodations to the PLAINTIFFS, as well as other similarly situated persons.
- d. SHIELDS and BOGGS will fairly and adequately protect the interests of the Class, and have retained counsel competent and experienced in class action litigation.

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PLAINTIFFS have no interests antagonistic to, or in conflict with, those of the Class. Counsel for the Classes will vigorously assert the claims of all Class Members.

- e. Moreover, judicial economy will be served by the maintenance of this lawsuit as a class action, in that it is likely to avoid the burden which would be otherwise placed upon the judicial system by the filing of thousands of similar suits by disabled people across the country.
- f. Class Action treatment of these claims will avoid the risk of inconsistent or varying adjudications with respect to individual members of the PLAINTIFF CLASSES which would establish incompatible standards of conduct for the parties opposing the PLAINTIFF CLASSES. There are no obstacles to effective and efficient management of this lawsuit as a class action.
- g. The parties opposing the PLAINTIFF CLASSES have acted or refused to act on grounds generally applicable to the PLAINTIFF CLASSES, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the PLAINTIFF CLASSES as a whole; or
- h. Common questions of law and fact exist as to the members of the PLAINTIFF CLASSES and predominate over any questions affecting only individual members, and a Class Action is superior to other available methods for the fair and efficient adjudication of the controversy, including consideration of:
  - i. The interests of the members of the PLAINTIFF CLASSES in individually controlling the prosecution or defense of separate actions;
  - ii. The extent and nature of any litigation concerning the controversy already commenced by or against members of the PLAINTIFF CLASSES;
  - iii. The desirability or undesirability of concentrating the litigation of the claims in the particular forum; and
  - iv. The difficulties likely to be encountered in the management of a class action.

1 22. This Court should permit this action to be maintained as a Class Action pursuant to  
2 California Code of Civil Procedure Section 382 because:

- 3 a. The questions of law and fact common to the PLAINTIFF CLASSES predominate  
4 over any questions affecting only individual members;
- 5 b. A Class Action is superior to any other available method for the fair and efficient  
6 adjudication of the claims of the members of the PLAINTIFF CLASSES;
- 7 c. PLAINTIFFS and the other members of the PLAINTIFF CLASSES will not be able  
8 to obtain effective and economic legal redress unless the action is maintained as a  
9 Class Action;
- 10 d. There is a community of interest in obtaining appropriate legal and equitable relief  
11 for the common law and statutory violations and other improprieties, and in obtaining  
12 adequate compensation for the damages and injuries which DEFENDANTS' actions  
13 have inflicted upon the PLAINTIFF CLASSES; and,
- 14 e. There is a community of interest in ensuring that the combined assets and available  
15 insurance of DEFENDANTS is sufficient to adequately compensate the members of  
16 the PLAINTIFF CLASSES for the injuries sustained.

17 23. PLAINTIFFS contemplate the eventual issuance of notice to the proposed Class Members  
18 of each of the PLAINTIFF CLASSES which would set forth the subject and nature of the  
19 instant action. The DEFENDANTS' own business records may be utilized for assistance in  
20 the preparation and issuance of the contemplated notices. To the extent that any further  
21 notices may be required, PLAINTIFFS would contemplate the use of additional media and/or  
22 mass mailings.

23 24. Among the many questions of law and fact common to the class are:

- 24 a. Whether the DEFENDANTS and its entities maintained a policy of refusing to allow  
25 costumed Disney characters to interact with visually impaired patrons with service  
26 animals at DEFENDANTS theme parks and properties at the Walt Disney World  
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- Resort in Florida and Disneyland/California Adventure in California.
- b. Whether the DEFENDANTS and its entities failed to provide Braille signage and/or large print within the theme parks so as to orient visually impaired patrons as to the location of rides, restaurants and facilities;
  - c. Whether the DEFENDANTS and its entities failed to provide schedules and menus in accessible alternative formats such as Braille and/or large print;
  - d. Whether the DEFENDANTS failed to provide Braille maps in a portable format;
  - e. Whether DEFENDANTS failed to provide Braille maps at a reasonable number of locations within the theme parks;
  - f. Whether the audio description devices are reasonably accessible to the visually impaired;
  - g. Whether it was lawful for the DEFENDANTS to charge a \$20 fee for the use of kennel facilities at the park for service animals;
  - h. Whether the DEFENDANTS were legally required to have designated areas within the theme parks for service animals to defecate or to be tied up while visually impaired owners used the rides;
  - i. Whether DEFENDANTS are legally required to provide a free or discounted ticket to the aid or companion of a visually impaired visitor to the theme parks as a reasonable accommodation.
  - j. Whether DEFENDANTS and its entities maintained a policy at parades, such as the Main Street Electric Parade, that only wheelchair users are allowed to use the area designated for handicapped guests and not guests with other disabilities such as visual impairments.
  - k. Whether it was lawful for DEFENDANTS and its entities to rent lockers for use to guests which are inaccessible to persons with visual impairments because the lockers: 1) utilize an inaccessible touch screen; 2) have no attendant to assist the

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visually impaired and 3) provide only a printed receipt with the combination to open the rented locker.

- l. Whether DEFENDANTS violated California Civil Code §51 *et seq.* in failing to provide full and equal access to disabled persons with visually impairments.
- m. Whether DEFENDANTS violated California Civil Code §54 *et seq.* in failing to provide full and equal access to disabled persons with visual impairments.
- n. Whether DEFENDANTS violated the Americans with Disabilities Act in failing to provide full and equal access to disabled persons with visual impairments.

25. As to the issues raised in this case, a Class Action is superior to all other methods for the fair and efficient adjudication of this controversy, since joinder of all class members is impracticable. Class members may be residents from anywhere in the country. It is essential that many legal and factual questions be adjudicated uniformly to all class members. Further, as the economic or other loss suffered by vast numbers of class members may be relatively small, the expense and burden of individual actions make it difficult for the class members to individually redress the wrongs they have suffered.

26. Moreover, in the event disgorgement is ordered, a class action is the only mechanism that will permit the employment of a fluid fund recovery to insure that equity is achieved. There will be relatively little difficulty in managing this case as a Class Action.

27. The Class Action is superior to other available methods for a fair and efficient adjudication of the claims presented by this complaint and would reduce the financial, administrative and procedural burdens on the parties and on the Court which individual action would otherwise impose.

**THE AMERICANS WITH DISABILITIES ACT**

**History & Purpose**

In 1990, the United States Congress made findings regarding physically disabled persons, finding that laws were needed to more fully protect "some 43 million Americans [with] one

1 or more physical or mental disabilities”; that “historically society has tended to isolate and  
2 segregate individuals with disabilities”; and that “such forms of discrimination against  
3 individuals with disabilities continue to be a serious and pervasive social problem”; that “the  
4 Nation’s proper goals regarding individuals with disabilities are to assure equality of  
5 opportunity, full participation, independent living and economic self sufficiency for such  
6 individuals”; and that “the continuing existence of unfair and unnecessary discrimination and  
7 prejudice denies people with disabilities the opportunity to compete on an equal basis and  
8 to pursue those opportunities for which our free society is justifiably famous....” 42 U.S.C.  
9 §12101.

10 **STATUTORY PROTECTION FOR DISABLED PERSONS**

11 **Public Accommodations**

12 29. Title III of the ADA establishes the general rule that: [n]o individual shall be discriminated  
13 against on the basis of disability in the full equal enjoyment of the goods, services, facilities,  
14 privileges, advantages or accommodations by any person who owns, leases, or operates a  
15 place of public accommodation. 42 U.S.C. §12182 (a).

16 30. The ADA goes on to define “discrimination” to include: a failure to make reasonable  
17 modifications in policies, practices or procedures, when such modifications are necessary to  
18 afford such goods, services, facilities, privileges, advantages, or accommodations to  
19 individuals with disabilities, unless the entity can demonstrate that making such modification  
20 would fundamentally alter the nature of such goods, services, facilities, privileges,  
21 advantages or accommodations. 42 U.S.C. §12182 (b)(2)(A)(ii).

22 31. The regulations promulgated by the United States Department of Justice provide:

23 a. Denial of participation. A public accommodation shall not subject an individual or  
24 class of individuals on the basis of a disability or disabilities of such individual or  
25 class, directly, or through contractual, licensing, or other arrangements, to a denial  
26 of the opportunity of the individual or class to participate in or benefit from the  
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goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation. 28 C.F.R. §36.202(a)

b. Participation in unequal benefit. A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals. 28 C.F.R. §36.202(b).

c. Separate benefit. A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others. 28 C.F.R. §36.202(c).

32. Service animals. Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability. 28 C.F.R. §36.302(c).

33. Additionally, 42 U.S.C.A. §12181 (6) defines private entity as "any entity other than a public entity,," and §12181 (7) Public accommodation states, in part: the following private entities are considered public accommodations for purposes of this sub-chapter, if the operations of such entities affect commerce:

- a. a restaurant, bar, or other establishment serving food or drink;
- b. a motion picture house, theater, concert hall, stadium, or other place of exhibition entertainment;

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c. a park, zoo, amusement park, or other place of recreation;

34. Further, 42 U.S.C.A. §12182 (Prohibition of discrimination by public accommodations) states, in part, the following:

a. General rule-No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

i. Specific prohibitions (in part)-

(1) Discrimination-For purposes of subsection (a) of this section, discrimination includes:

(a) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;

(b) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden.

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**THE UNRUH CIVIL RIGHTS ACT**

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35. §51 of the California Civil Code, "The Unruh Civil Rights" Act provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex and sexual orientation.

36. Specifically, §51 (b) provides that all persons within the jurisdiction of this State are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

37. Further, §51.5 provides that: (a) No business establishment of any kind whatsoever shall discriminate against, boycott or blacklist, or refuse to buy from, contract with, sell to, or trade with any person in this state on account of any characteristic listed or defined in subdivision (b) or (e) of §51, or of the person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, because the person is perceived to have one or more of those characteristics, or because the person is associated with a person who has, or is perceived to have, any of those characteristics.

38. Additionally, §51 (f) provides that a violation of the right of any individual under the Americans with Disabilities Act shall also constitute a violation of this section.

**CALIFORNIA CIVIL CODE §§54 THROUGH 55.2**

39. California Civil Code §54 (a) states that: Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places.

40. Further, California Civil Code §54.1 (a) (1) states: Individuals with disabilities shall be

1 entitled to full and equal access, as other members of the general public, to accommodations,  
2 advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices,  
3 and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses,  
4 streetcars, boats, or any other public conveyances or modes of transportation (whether  
5 private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities,  
6 adoption agencies, private schools, hotels, lodging places, places of public accommodation,  
7 amusement, or resort, and other places to which the general public is invited, subject only  
8 to the conditions and limitations established by law, or state or federal regulation, and  
9 applicable alike to all persons.

10 41. Additionally, §54.1 (a) (3) states that "Full and equal access," for purposes of this section in  
11 its application to transportation, means access that meets the standards of Titles II and III of  
12 the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations  
13 adopted pursuant thereto, except that, if the laws of this state prescribe higher standards, it  
14 shall mean access that meets those higher standards.

15 42. Further, §54.1 (d) states that a violation of the right of an individual under the Americans  
16 with Disabilities Act also constitutes a violation of this section, and nothing in this section  
17 shall be construed to limit the access of any person in violation of that act.

18 43. California Civil Code §54.2 states: (a) Every individual with a disability has the right to be  
19 accompanied by a guide dog, signal dog, or service dog, especially trained for the purpose,  
20 in any of the places specified in Section 54.1 without being required to pay an extra charge  
21 or security deposit for the guide dog, signal dog, or service dog. However, the individual  
22 shall be liable for any damage done to the premises or facilities by his or her dog.

23 44. Finally, California Civil Code §54.4 states: A blind or otherwise visually impaired pedestrian  
24 shall have all of the rights and privileges conferred by law upon other persons in any of the  
25 places, accommodations, or conveyances specified in Sections 54 and 54.1, notwithstanding  
26 the fact that the person is not carrying a predominantly white cane (with or without a red tip),  
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1 or using a guide dog.

2 **GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

3 45. The DEFENDANTS collectively operate theme parks in California and Florida which have  
4 millions of visitors annually.

5 46. PLAINTIFFS are visually impaired individuals who each own yearly passes to Disneyland  
6 in Anaheim. Plaintiff SHIELDS has also visited the Walt Disney World Resort in Florida.  
7 Both PLAINTIFFS utilize guide dogs to assist them on a daily basis.

8 47. DEFENDANTS theme parks are public accommodations and PLAINTIFFS visit these  
9 facilities with the expectation of being treated with the rights and dignities guaranteed them  
10 by California law. Due to their visual impairments and physical disabilities, however,  
11 PLAINTIFFS have suffered consistent discrimination at the hands of DEFENDANTS and  
12 its affiliated companies and employees.

13 48. As a member of the Disney Character Class, PLAINTIFF SHIELDS was subjected to public  
14 humiliation and discrimination in being ignored at the restaurant, when an essential element  
15 of the dining experience was the interaction with the costumed Disney Character. Two of  
16 these characters articulated the restaurant policy of not interacting with patrons using service  
17 animals. Whether this policy is driven by malice, ignorance or simply fear, it is a violation  
18 of California and federal law.

19 49. As members of the Kennel Class, both PLAINTIFFS have been denied reasonable  
20 accommodations for their service animals because in order to use the kennel at all they must  
21 pay a \$20.00 fee. Furthermore, the kennel is located outside of the theme parks so as to be  
22 extremely inconvenient when using the rides. Moreover, the policy of requiring that the  
23 animal be with someone at all times means that a visually impaired visitor has no where to  
24 leave the service animal while using certain rides. Universal Studios, a competing theme  
25 park, however, do not have such obstructions at its respective theme parks. Finally, there are  
26 no designated areas for the animal to relieve itself.

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1 50. As members of the Signage Class, both PLAINTIFFS have been discriminated against due  
2 to the lack of Braille signage, in addition to a lack of alternate communications for the  
3 visually impaired such as Braille and/or large print with respect to schedules and menus.

4 51. As members of the Audio Description Device Class, both PLAINTIFFS have been deterred  
5 from fully utilizing this otherwise helpful technology due to a design defect. Once the device  
6 shuts off automatically, a visually impaired user cannot re-set the device and must return to  
7 the guest services department to have it re-set.

8 52. As members of the Map Class, PLAINTIFFS have experienced discrimination based on the  
9 fact that only one permanent Braille map is available at the theme parks in one location at  
10 Guest Relations. No portable Braille maps are available.

11 53. As members of the Companion Ticket Class, PLAINTIFFS have experienced discrimination  
12 due to DEFENDANTS' failure to provide the necessary accommodations for a visually  
13 impaired individual to be oriented in the theme parks. The lack of reasonable  
14 accommodations, in combination with the DEFENDANTS' policy of not providing an  
15 employee to assist a visually impaired person, forces a visually impaired person to bring and  
16 pay full price for a companion to fully utilize the park facilities. Universal Studios, a  
17 competing theme park, however, allows the visually impaired guest in at no cost and requires  
18 the companion to pay full price.

19 54. As to members of the Parade Class, PLAINTIFFS have experienced discrimination due to  
20 DEFENDANTS maintaining a policy at parades, such as the Main Street Electric Parade, that  
21 only wheelchair users are allowed to use the area designated for handicapped guests and not  
22 guests with other disabilities such as visual impairments.

23 55. As to members of the Locker Class, PLAINTIFF have experienced discrimination by  
24 DEFENDANTS renting lockers for use to guests which are inaccessible to persons with  
25 visual impairments because the lockers: 1) utilize an inaccessible touch screen; 2) have no  
26 attendant to assist the visually impaired and 3) provide only a printed receipt with the  
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1 combination to open the rented locker.

2 **FIRST CAUSE OF ACTION**

3 **For a Violation of the Americans with Disabilities Act**

4 **42 U.S.C. §12131, et. seq.**

5 **(by All Plaintiffs and Against All Defendants)**

6 56. The PLAINTIFF CLASSES re-allege and incorporate by reference, as though fully set forth  
7 herein, paragraphs 1 through 55 of this Complaint.

8 57. DEFENDANTS have discriminated against PLAINTIFFS by denying them full and equal  
9 access to the benefits, privileges and public accommodations afforded to other patrons solely  
10 on account of disability. In addition, the DEFENDANTS have violated the ADA by failing  
11 or refusing to provide PLAINTIFFS with reasonable accommodations and other services  
12 related to their disability.

13 58. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS and their  
14 employees and agents have failed and continue to:

15 a. Provide necessary accommodations, modifications and services to provide equal  
16 access to the facilities within its theme parks in Florida and California so as to allow  
17 the visually impaired to participate on an equal basis in activities, rides, restaurants  
18 and programs;

19 b. Provide the necessary training and discipline to its employees as to the legal  
20 obligation of a public accommodation to provide full and equal service to persons  
21 with disabilities under the ADA and other relevant state statutes, including California  
22 Civil Code 51 *et seq.* and Civil Code Section 54 *et seq.*

23 59. PLAINTIFFS have been subjected to the denial, separate and unequal opportunity to  
24 participate in the DEFENDANTS services, facilities, privileges, advantages, or  
25 accommodations as a result of the DEFENDANTS discriminatory policy of not allowing  
26 characters to interact with visually impaired persons who have their service animal with  
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them.

60. As a direct and proximate result of the aforementioned acts, PLAINTIFFS have suffered and continue to suffer from the lack of character interaction due to DEFENDANTS' failure to address the services, facilities, privileges, advantages or accommodations that should be given to persons similarly situated as SHIELDS and BOGGS.

61. Due to the continuous nature of DEFENDANTS' discriminatory conduct, which is ongoing, declaratory and injunctive reliefs are appropriate remedies. Moreover, as a result of DEFENDANTS' actions PLAINTIFFS are suffering irreparable harm, and thus immediate relief is appropriate. PLAINTIFFS are entitled to reasonable attorneys' fees and costs in filing this action. 42 U.S.C.A. § 12205, as prayed below.

**SECOND CAUSE OF ACTION**

**For a Violation of the Unruh Civil Rights Act**

**California Civil Code §51 and 52 et seq.**

**(by All Plaintiffs and Against All Defendants)**

62. The PLAINTIFF CLASSES re-allege and incorporate by reference, as though fully set forth herein, paragraphs 1 through 55 of this Complaint.

63. This claim is brought by the PLAINTIFF CLASSES, on behalf of themselves and on behalf of the PLAINTIFF CLASSES thereof.

64. §51 of the California Civil Code, "The Unruh Civil Rights" Act provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex and sexual orientation.

65. §52 of the California Civil Code provides that whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to §51 is liable for each and every offense.

66. Through the acts and omissions described herein, DEFENDANTS have violated California Civil Code §51.



1 67. Pursuant to California Civil Code §51 (f), a violation of the ADA also constitutes a violation  
2 of California Civil Code §51 et seq.

3 68. The DEFENDANTS are a "business establishment" within the meaning of the California  
4 Code §51 et seq.

5 69. DEFENDANTS have violated the law by denying PLAINTIFFS full and equal access to its  
6 program comparable to access that it offers to others.

7 70. As a direct and proximate result of the aforementioned acts, PLAINTIFFS have suffered, and  
8 continue to suffer hardship and anxiety due to DEFENDANTS' failures to address  
9 accommodations and access required for PLAINTIFFS' disabilities.

10 71. Due to the continuous nature of DEFENDANTS' discriminatory conduct, which is ongoing,  
11 declaratory and injunctive reliefs are appropriate remedies. Moreover, as a result of  
12 DEFENDANTS' actions PLAINTIFFS are suffering irreparable harm, and thus immediate  
13 relief is appropriate. PLAINTIFFS are entitled to reasonable attorneys' fees and costs in  
14 filing this action. California Civil Code §52, as prayed below.

15 **THIRD CAUSE OF ACTION**

16 **For a Violation of the California Public Accommodations Law**

17 **California Civil Code §54 et. seq.**

18 **(by All Plaintiffs and Against All Defendants)**

19 72. The PLAINTIFF CLASSES re-allege and incorporate by reference, as though fully set forth  
20 herein, paragraphs 1 through 55 of this Complaint.

21 73. The DEFENDANTS operate theme parks which are public accommodations open to the  
22 public in California and Florida.

23 74. Through the acts and omissions described herein above, DEFENDANTS are violating  
24 California Civil Code §54.

25 75. Under California Civil Code §54 (c), a violation of the ADA also constitutes a violation of  
26 California Civil Code §54 et seq.

27 [REDACTED]

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1 76. PLAINTIFFS are persons with disabilities within the meaning of the California Civil Code  
2 §54 (b)(1) and California Government Code § 12926.

3 77. The DEFENDANTS provide public services within the meaning of the California Civil Code  
4 §54 et seq.

5 78. By failing to provide accommodations and services to visually impaired guests, as set forth  
6 at length elsewhere in this Complaint, DEFENDANTS are violating California Civil Code  
7 §54, by denying visually impaired guests full access to DEFENDANTS' programs, services,  
8 and activities.

9 79. As a direct and proximate result of the aforementioned acts, PLAINTIFFS have suffered, and  
10 continue to suffer hardship and anxiety as well as deteriorating physical conditions, due to  
11 DEFENDANTS' failures to address accommodations and services required for  
12 PLAINTIFFS' disabilities.

13 80. Due to the continuous nature of DEFENDANTS' discriminatory conduct, which is ongoing,  
14 declaratory and injunctive relief are appropriate remedies. Moreover, as a result of  
15 DEFENDANTS' actions, PLAINTIFFS are suffering irreparable harm, and thus immediate  
16 relief is appropriate. PLAINTIFFS are also entitled to reasonable attorneys' fees and costs  
17 in filing this action. California Civil Code §55.

18 81. DEFENDANTS and each of them are charged by law and public policy as well as their own  
19 code of business responsibility to refrain from discriminating against the PLAINTIFF  
20 CLASSES on account of their physical disability. As a result of the actions and conduct  
21 described herein, the PLAINTIFF CLASSES have no adequate remedy at law to redress their  
22 grievances and recover their damages.

23 **PRAYER FOR RELIEF**

24 The PLAINTIFF CLASSES pray as follows:

- 25 1. For an injunction ordering DEFENDANTS and each of them to comply with the  
26 statutes set forth herein;

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- 2. Additionally, the PLAINTIFF CLASSES request the following equitable, injunctive and declaratory relief:
  - a. That a judicial determination and declaration be made of the rights of the PLAINTIFF CLASSES, and of the Court approved remedial measures that DEFENDANTS and each of them must take to prevent discrimination of the visually impaired by all employees of DEFENDANTS respectively;
  - b. That DEFENDANTS and each of them be forever enjoined from continuing to engage in the practices described in this Complaint and from any practices that deviate from any orders of this Court;
  - c. That this Court mandate that DEFENDANTS and each of them, provide Braille signage within its theme parks in Florida and California;
  - d. That this Court mandate that DEFENDANTS and each of them, provide permanent Braille maps at multiple locations and portable maps in alternative formats such as Braille and/or large print within Disney theme parks in Florida and California
  - e. That this Court mandate that DEFENDANTS and each of them, provide menus and schedules in alternative formats such as Braille and/or large print within Disney theme parks in Florida and California;
  - f. That this Court mandate that each DEFENDANT provide reasonable accommodations for service animals, including designated places to defecate within Disney theme parks in Florida and California, and places where the service animal can be tied within the park while visually impaired persons use rides.
  - g. That this Court mandate that DEFENDANTS and each of them provide a free or reduced fare admission ticket to one person accompanying a paid visually impaired ticket holder to act as a guide within Disney theme parks in Florida

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and California;

h. That this Court mandate that DEFENDANTS are enjoined from maintaining a policy at parades, such as the Main Street Electric Parade, that only wheelchair users are allowed to use the area designated for handicapped guests and not guests with other disabilities such as visual impairments.

i. That this Court mandate that DEFENDANTS provide reasonable accommodations for visually impaired quests when renting lockers.

j. That this Court make a determination as to the legality of the fees Defendants charge visually impaired visitors at Disney theme parks in Florida and California for accommodations and auxiliary aids and services including: kennels.

- 3. For reasonable attorneys' fees as may be determined by the Court for all causes of action.
- 4. For costs of suit; and
- 5. For such other and further relief as the Court may deem just and proper

Date: May 19, 2010

EUGENE FELDMAN ATTORNEY AT LAW, APC

By: Eugene Feldman  
Eugene Feldman  
Attorney for Plaintiffs

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>EUGENE FELDMAN, ESQ.</b> SBN: 118497 Eugene Feldman Attorney at Law, APC e-mail: genefeldman@mindspring.c 555 Pier Avenue, Suite 4, Hermosa Beach, CA 90254 TELEPHONE NO.: 310 372-4636 FAX NO.: 310 376-3531		FOR COURT USE ONLY  <div style="font-size: 2em; font-weight: bold; opacity: 0.5;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  MAY 21 2010  John A. [Signature] Clerk By: [Signature] Deputy EUGENA LOPEZ
ATTORNEY FOR (Name): <b>Cari Shields and Amber Boggs</b> SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: <b>CARI SHIELDS and AMBER BOGGS vs. WALT DISNEY PARKS &amp; RESORTS US, INC., a Florida corporation, WALT DISNEY PARKS &amp; RESORTS WOR</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:  JUDGE: DEPT: <b>BC438241</b>

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:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PVPD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <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) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <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) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <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)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <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) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | 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 |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> 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):
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: May 12, 2010

**EUGENE FELDMAN, ESQ.**  
(TYPE OR PRINT NAME)

*Eugene Feldman*  
(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.

Form Adopted for Mandatory Use  
Judicial Council of California  
CM-010 (Rev. July 1, 2007)

**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 complete 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**

<p><b>Auto Tort</b>                  Auto (22)—Personal Injury/Property Damage/Wrongful Death                  Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)</p> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>                  Asbestos (04)                  Asbestos Property Damage                  Asbestos Personal Injury/Wrongful Death                  Product Liability (<i>not asbestos or toxic/environmental</i>) (24)                  Medical Malpractice (45)                  Medical Malpractice—Physicians &amp; 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</p> <p><b>Non-PI/PD/WD (Other) Tort</b>                  Business Tort/Unfair Business Practice (07)                  Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)                  Defamation (e.g., slander, libel) (13)                  Fraud (16)                  Intellectual Property (19)                  Professional Negligence (25)                  Legal Malpractice                  Other Professional Malpractice (<i>not medical or legal</i>)                  Other Non-PI/PD/WD Tort (35)</p> <p><b>Employment</b>                  Wrongful Termination (36)                  Other Employment (15)</p>	<p><b>Contract</b>                  Breach of Contract/Warranty (06)                  Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)                  Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>)                  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 (<i>not provisionally complex</i>) (18)                  Auto Subrogation                  Other Coverage                  Other Contract (37)                  Contractual Fraud                  Other Contract Dispute</p> <p><b>Real Property</b>                  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 (<i>not eminent domain, landlord/tenant, or foreclosure</i>)</p> <p><b>Unlawful Detainer</b>                  Commercial (31)                  Residential (32)                  Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)</p> <p><b>Judicial Review</b>                  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                  Other Judicial Review (39)                  Review of Health Officer Order                  Notice of Appeal—Labor Commissioner Appeals</p>	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</b>                  Antitrust/Trade Regulation (03)                  Construction Defect (10)                  Claims Involving Mass Tort (40)                  Securities Litigation (28)                  Environmental/Toxic Tort (30)                  Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)</p> <p><b>Enforcement of Judgment</b>                  Enforcement of Judgment (20)                  Abstract of Judgment (Out of County)                  Confession of Judgment (<i>non-domestic relations</i>)                  Sister State Judgment                  Administrative Agency Award (<i>not unpaid taxes</i>)                  Petition/Certification of Entry of Judgment on Unpaid Taxes                  Other Enforcement of Judgment Case</p> <p><b>Miscellaneous Civil Complaint</b>                  RICO (27)                  Other Complaint (<i>not specified above</i>) (42)                  Declaratory Relief Only                  Injunctive Relief Only (<i>non-harassment</i>)                  Mechanics Lien                  Other Commercial Complaint Case (<i>non-tort/non-complex</i>)                  Other Civil Complaint (<i>non-tort/non-complex</i>)</p> <p><b>Miscellaneous Civil Petition</b>                  Partnership and Corporate Governance (21)                  Other Petition (<i>not specified above</i>) (43)                  Civil Harassment                  Workplace Violence                  Elder/Dependent Adult Abuse                  Election Contest                  Petition for Name Change                  Petition for Relief From Late Claim                  Other Civil Petition</p>
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SHORT TITLE: Shields v. Walt Disney Parks & Resorts, Inc. et. al.	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL \_\_\_\_\_  HOURS/  DAYS

Item II. Select the correct district and courthouse location (4 steps – if you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |   |  |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District.      | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.  | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                      | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                    | 10. Location of Labor Commissioner Office.                 |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 2, 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 2, 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 2, 3, 4, 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 2, 4.
<input type="checkbox"/> A7240 Other Professional Health Care Malpractice		1, 2, 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 2, 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 2, 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 2, 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 2, 4.
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3.	
Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3.	
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3.	
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3.	

Non-Personal Injury/Property Damage/  
 Wrongful Death Tort (Cont'd.)  
 Employment  
 Contract  
 Real Property  
 Unlawful Detainer  
 Judicial Review

SHORT TITLE: Shields v. Walt Disney Parks & Resorts, Inc. et. al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.



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Judicial Review (Cont'd.)  
  
Provisionally Complex Litigation  
  
Enforcement of Judgment  
  
Miscellaneous Civil Complaints  
  
Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Shields v. Walt Disney Parks & Resorts, Inc. et. al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 111 N. Hill St.
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: May 14, 2010

  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

**PROOF OF SERVICE BY MAIL/FAX/FEDERAL EXPRESS**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 10880 Wilshire Blvd., Eleventh Floor, Los Angeles, California 90024.

On August 4, 2010, I served the foregoing document, described as **NOTICE OF REMOVAL OF STATE COURT ACTION UNDER 28 U.S.C. §§ 1331, 1441(b) AND 1446 BY DEFENDANTS**, on each interested party in this action, as follows:

Persons Served	Parties Represented
Eugene Feldman, Esq. EUGENE FELDMAN ATTORNEY AT LAW, APC 555 Pier Avenue, Suite 4 Hermosa Beach, California 90254	Plaintiffs Cari Shields and Amber Boggs
A. Anderson B. Dogali, Esq. Brian A. Hohman, Esq. FORIZS & DOGALI, P.A. 4301 Anchor Plaza Parkway, Suite 300 Tampa, Florida 33634	Plaintiffs Cari Shields and Amber Boggs

(BY MAIL) I placed a true copy of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at EISENBERG RAIZMAN THURSTON & WONG LLP in Los Angeles, California. I am readily familiar with EISENBERG RAIZMAN THURSTON & WONG LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

(FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 4, 2010, at Los Angeles, California.

  
 \_\_\_\_\_  
 Mary Avila

EISENBERG RAIZMAN THURSTON & WONG LLP  
 10880 Wilshire Blvd, Eleventh Floor  
 Los Angeles, California 90024

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

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

**CV10- 5810 DMG (JEMx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself )  
CARI SHIELDS and AMBER BOGGS, on behalf of themselves and all others  
similarly situated

DEFENDANTS  
WALT DISNEY PARKS AND RESORTS U.S., INC., WALT DISNEY PARKS  
& RESORTS WORLDWIDE, THE WALT DISNEY COMPANY, DOES 1  
through 100, Inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing  
yourself, provide same.)  
Eugene Feldman Attorney at Law, APC, Eugene Feldman, Esq.  
555 Pier Avenue, Suite 4, Hermosa Beach, CA 90254  
Telephone: (310) 372-4636

Attorneys (If Known)  
Eisenberg Raizman Thurston & Wong LLP  
David H. Raizman, Esq. and Elena S. Min, Esq.  
10880 Wilshire Boulevard, 11th Floor, Los Angeles, CA 90024  
Telephone: (310) 445-4400

II. BASIS OF JURISDICTION (Place an X in one box only.)

- 1 U.S. Government Plaintiff  
 3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. 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 Multi-District Litigation  
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND:  Yes  No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23:  Yes  No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
Plaintiffs allege discriminatory practices in public accommodations in violation of the Americans with Disabilities Act (42 U.S.C. sec 12101, et seq.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input checked="" type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV10 5810

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Amber Boggs: Los Angeles Cari Shields: Riverside	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Walt Disney Parks and Resorts U.S., Inc.: Orange Walt Disney Parks and Resorts Worldwide: Los Angeles The Walt Disney Company: Los Angeles	Walt Disney Parks and Resorts U.S., Inc.: Florida The Walt Disney Company: Delaware

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	Florida

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Elena Min* Date August 4, 2010

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))