

CIV-140828-CIV-DS1413010-CASEEN-113602



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Complaint and Party information entered



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SCANNED

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION

AUG 28 2014

BY Martha A. Quintana DEPUTY

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF SAN BERNARDINO

16 STEPHANIE GALLO, an individual,

17 Plaintiff,

18 v.

19 CANYON RIDGE HOSPITAL, INC., a
20 California corporation; CANYON RIDGE
21 HOSPITAL, a business organization form
22 unknown; and DOES 1 through 10, inclusive,

23 Defendants.

) Case No.

CIVDS1413010

) **COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:**

-) 1. Violation of Cal. Civ. Code §§ 51 and 52
(Unruh Civil Rights Act); and
) 2. Violation of Cal. Civ. Code §§ 54.1 and
54.3 (Disabled Persons Act).

) **DEMAND FOR JURY TRIAL**

24 Plaintiff Stephanie Gallo ("Plaintiff" or "Ms. Gallo") alleges:

- 25 1. All of the matters complained of herein occurred in the County of San Bernardino,
26 California.
- 27 2. Defendant Canyon Ridge Hospital, Inc., is, and at all relevant times alleged herein
28 was, a California corporation, conducting business in the County of San Bernardino, California.
- 29 3. Defendant "Canyon Ridge Hospital" is, and at all relevant times alleged herein was,
30 a business organization form unknown, conducting business in the County of San Bernardino,
31 California.
- 32 4. The true names and capacities of defendants named as Does 1 through 10, inclusive,
33 whether individual, corporate, associate, or otherwise, are unknown to Plaintiff, who, therefore, sues

1 such defendants by fictitious names, pursuant to Cal. Civ. Proc. Code § 474. Plaintiff is informed
2 and believes, and thereon alleges that, Does 1 through 10 are California residents. Plaintiff will
3 amend this complaint to substitute true names and capacities when they have been ascertained.

4 5. In committing the acts herein alleged, Plaintiff is informed and believes, and thereon
5 alleges that, at all relevant times mentioned herein, each of the defendants was the agent and/or
6 employee of each of the other defendants and, in doing the things alleged below, was acting within
7 the course and scope of their authority as agents and/or employees with the permission and consent
8 of their co-defendants, who therefore ratified the conduct of the other defendants. The defendants
9 identified in paragraphs 2 through 4 above shall collectively be referred to throughout this complaint
10 as "Defendants."

11 **FACTUAL BACKGROUND**

12 6. Ms. Gallo is deaf. Her primary form of communication is American Sign Language
13 ("ASL").

14 7. In March 2014, Ms. Gallo was admitted to Defendants' hospital for medical care,
15 treatment and observation. While Ms. Gallo was Defendants' patient, Ms. Gallo requested that
16 Defendants provide her with a sign language interpreter so that she could communicate effectively
17 with doctors and hospital staff regarding her medical care and/or treatment. However, Defendants
18 failed to provide Ms. Gallo with a sign language interpreter in certain instances, including, but not
19 limited to, group meetings and communications with staff. Defendants also refused to allow Ms.
20 Gallo to communicate with her husband using a method that would have allowed for effective
21 communication between Ms. Gallo and her husband. Ms. Gallo's stay at Defendants' hospital was
22 extended because of communication problems between Ms. Gallo and Defendants' staff.

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1 **FIRST CAUSE OF ACTION**

2 **[Violation of Cal. Civ. Code §§ 51 and 52 (Unruh Civil Rights Act)]**

3 **(By Plaintiff against Defendants)**

4 8. Plaintiff incorporates by reference paragraphs 1 through 7 of this complaint as if fully
5 set forth herein.

6 9. At all relevant times alleged herein, Ms. Gallo suffered from a physical disability
7 within the meaning of Cal. Gov't Code § 12926 and the Americans with Disabilities Act ("ADA"),
8 as described above.

9 10. At all relevant times alleged herein, Ms. Gallo was entitled to the protections of Cal.
10 Civ. Code § 51 and the ADA.

11 11. At all relevant times alleged herein, Defendants were business establishments within
12 the meaning of Cal. Civ. Code § 51.

13 12. At all relevant times alleged herein, Ms. Gallo was entitled to the full and equal
14 accommodations, advantages, facilities, privileges, or services of Defendants.

15 13. At all relevant times alleged herein, Defendants discriminated against and/or denied
16 Ms. Gallo full and equal accommodations, advantages, facilities, privileges, or services of
17 Defendants because of Ms. Gallo's physical disability, as described in paragraphs 6 through 7 above.

18 14. At all relevant times alleged herein, Defendants' unlawful conduct as described in
19 paragraph 13 above also constituted a violation of Ms. Gallo's rights under Title III of the ADA and,
20 by incorporation pursuant to Cal. Civ. Code § 51(f), a violation of Cal. Civ. Code § 51.

21 15. As a proximate result of Defendants' conduct, Ms. Gallo has sustained, and continues
22 to sustain, substantial non-economic damages, in an amount according to proof.

23 16. Defendants' conduct was a substantial factor in causing Ms. Gallo's harm.

24 17. As a result of Defendants' unlawful conduct as alleged herein, Ms. Gallo has no plain,
25 adequate or complete remedy at law, and Ms. Gallo is informed and believes, and thereon alleges
26 that, Defendants continue to engage in said alleged unlawful conduct in violation of Cal. Civ. Code
27 §§ 51 and 52, as described above. Therefore, Ms. Gallo requests: (1) that Ms. Gallo be made whole
28 and afforded all advantages, facilities, privileges, or services she would have been afforded but for

1 said discrimination, and (2) that Defendants and their employees (and those acting in concert with
2 them) be enjoined permanently from engaging in the unlawful conduct set forth herein.

3 **SECOND CAUSE OF ACTION**

4 **[Violation of Cal. Civ. Code §§ 54.1 and 54.3 (Disabled Persons Act)]**

5 **(By Plaintiff against Defendants)**

6 18. Plaintiff incorporates by reference paragraphs 1 through 17 of this complaint as if
7 fully set forth herein.

8 19. At all relevant times alleged herein, Ms. Gallo was entitled to the protections of Cal.
9 Civ. Code § 54.1 and the ADA.

10 20. At all relevant times alleged herein, Defendants were public accommodations,
11 medical facilities and/or hospitals within the meaning of Cal. Civ. Code § 54.1.

12 21. At all relevant times alleged herein, Defendants denied Ms. Gallo full and equal
13 access to Defendants' advantages and/or facilities, as described in paragraphs 6 through 7 above.

14 22. At all relevant times alleged herein, Defendants' unlawful conduct as described in
15 paragraph 21 above also constituted a violation of Ms. Gallo's rights under Title III of the ADA and,
16 by incorporation pursuant to Cal. Civ. Code § 54.1(d), a violation of Cal. Civ. Code § 54.1.

17 23. As a proximate result of Defendants' conduct, Ms. Gallo has sustained, and continues
18 to sustain, substantial non-economic damages, in an amount according to proof.

19 24. Defendants' conduct was a substantial factor in causing Ms. Gallo's harm.

20 25. As a result of Defendants' unlawful conduct as alleged herein, Ms. Gallo has no plain,
21 adequate or complete remedy at law, and Ms. Gallo is informed and believes, and thereon alleges
22 that, Defendants continue to engage in said alleged unlawful conduct in violation of Cal. Civ. Code
23 §§ 54.1 and 54.3, as described above. Therefore, Ms. Gallo requests: (1) that Ms. Gallo be made
24 whole and afforded all advantages, facilities, privileges, or services she would have been afforded
25 but for said discrimination, and (2) that Defendants and their employees (and those acting in concert
26 with them) be enjoined permanently from engaging in the unlawful conduct set forth herein.

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