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

JULIAN VARGAS and ANNE WEST,
individually on behalf of themselves and
all others similarly situated,

Plaintiff,

v.

QUEST DIAGNOSTICS CLINICAL
LABORATORIES, INC., QUEST
DIAGNOSTICS HOLDINGS, INC.,
QUEST DIAGNOSTICS
INCORPORATED; and DOES 1-10,
inclusive,

Defendants.

CASE NO.: 2:19-cv-8108

CLASS ACTION COMPLAINT

1. Violation of Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*)
2. Violation of California's Unruh Civil Rights Act (Cal. Civil Code § 51 *et seq.*)
3. Violation of California Disabled Persons Act (Cal. Civil Code § 54-54.3)

JURY TRIAL DEMANDED

Plaintiffs Julian Vargas and Anne West (hereinafter "Plaintiffs"), individually and on behalf of all others similarly situated, by their attorneys, assert the following upon information and belief, except for those allegations pertaining to Plaintiffs, which are based on their personal knowledge:

NATURE OF THE ACTION

1. Plaintiffs Julian Vargas and Anne West are visually impaired individuals who rely upon auxiliary aids and services such as screen reading software, accessible electronic and information technologies, and other effective

1 methods of making visually delivered materials available to persons who are blind
2 or have low vision.

3 2. Defendants Quest Diagnostics Clinical Laboratories, Inc., Quest
4 Diagnostics Holdings, Inc., Quest Diagnostics Incorporated, and Does 1 through 10
5 (collectively “Defendants” and/or “Quest Diagnostics”) discriminated against
6 Plaintiffs by refusing and failing to provide auxiliary aids and services to Plaintiffs,
7 and by requiring Plaintiffs to rely upon other means of communication that are
8 inadequate to provide equal opportunity to participate in and benefit from
9 Defendants’ health care services free from discrimination. Specifically, all Quest
10 Diagnostics patient service centers make use of an exclusively visual, touch-screen
11 interface that is inaccessible to the blind.

12 3. Plaintiffs bring this action individually and on behalf of all others
13 similarly situated to compel Defendants to cease unlawful discriminatory practices
14 and implement policies and procedures that will ensure Plaintiffs effective
15 communication, full and equal enjoyment, and a meaningful opportunity to
16 participate in and benefit from Defendants’ services. Plaintiffs seek declaratory,
17 injunctive, and equitable relief and attorneys’ fees and costs to redress Defendants’
18 unlawful discrimination on the basis of disability in violation of Title III of the
19 Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (the “ADA”), and its
20 implementing regulations. Additionally, Plaintiff Vargas bring this action
21 individually and on behalf of all other similarly situated California residents and
22 seeks declaratory, injunctive, and equitable relief and attorneys’ fees and costs to
23 redress Defendant’s unlawful discrimination on the basis of disability in violation of
24 California’s Unruh Civil Rights Act, California Civil Code § 51 *et seq.* (“Unruh
25 Act”) and California’s Disabled Persons Act, California Civil Code § 54, *et seq.*
26 (“Disabled Persons Act”), and for statutory damages in accordance with California
27 Civil Code §§ 52(a) and 54.3.

28 4. Plaintiffs have visited Defendants’ facilities in California and in

1 Connecticut, and were denied full and equal access as a result of Defendants’
2 inaccessible e-Check-in touchscreen kiosks for self-service check-in. Defendants
3 require all patients use the inaccessible e-Check-in touchscreen kiosks to sign in
4 and/or register for their appointments.

5 5. Defendants’ e-Check-in touchscreen kiosks for self-service check-in do
6 not contain the necessary technology that would enable a person with a visual
7 impairment to a) enter any personal information necessary to process a transaction
8 in a manner that ensures the same degree of personal privacy afforded to those
9 without visual impairments; or b) use the device independently and without the
10 assistance of others in the same manner afforded to those without visual
11 impairments. As a result, Plaintiffs and all other visually impaired individuals are
12 forced to seek the assistance of a sighted person, and thereafter divulge their
13 personal medical information to that sighted person in a nonconfidential setting in
14 order to register.

15 6. By failing to make their e-Check-in touchscreen kiosks accessible to
16 visually impaired persons, Defendants, public accommodations subject to Title III of
17 the ADA, the Disabled Persons Act, and the Unruh Act, deprive blind and visually-
18 impaired individuals the full benefits of Defendants’ health care services—all
19 benefits they afford nondisabled individuals—thereby increasing the sense of
20 isolation and stigma among these Americans that Title III of the ADA, the Disabled
21 Persons Act, and the Unruh Act were meant to redress.

22 7. Defendants have demonstrated through their interactions with Plaintiffs
23 that they have adopted a policy and/or pattern and practice of refusing to provide
24 accessible e-Check-in touchscreen kiosks for their visually impaired patients, and
25 that this decision, on information and belief, is based purely on financial
26 considerations, that resulted in the violation of Plaintiffs’ civil rights, in order for
27 Defendants to realize a three per cent (3%) quarterly cost savings through its
28 “Invigorate” program while reporting \$236,000,000 of net income in the quarter

1 ending June 30, 2019.

2 8. Defendants have further demonstrated through their interactions with
 3 Plaintiffs that Defendants' employees are not properly trained regarding the civil
 4 rights, communication needs, privacy considerations, or how to interact with
 5 visually impaired individuals.

6 9. Defendants' discrimination sends a message that it is acceptable for
 7 medical providers to adopt policies, procedures and practices that deprive blind and
 8 visually impaired individuals of the opportunity to be full partners in their receipt of
 9 health care services in order for a 3% cost savings.

10 10. The ADA and the Unruh Act expressly contemplate injunctive relief
 11 aimed at modification of a policy or practice that Plaintiffs seek in this action. In
 12 relevant part, the ADA states:

13 Where appropriate, injunctive relief shall also include requiring the
 14 provision of an auxiliary aid or service, modification of a policy, or
 15 provision of alternative methods...

16 42 U.S.C. § 12188(a)(2); Cal. Civ. Code, § 52(c)(1).

17 11. Consistent with 42 U.S.C. § 12188(a)(2) and the Unruh Act, Plaintiffs
 18 seek a permanent injunction requiring that:

19 a. Defendants take all steps necessary to bring their e-Check-in
 20 touchscreen kiosks into full compliance with the requirements set forth
 21 in the ADA, and its implementing regulations, so that their e-Check-in
 22 touchscreen kiosks are fully accessible to, and independently usable by
 23 individuals with visual disabilities, through the implementation of
 24 necessary technology that would enable persons with a visual
 25 impairment to enter any personal information necessary to process a
 26 transaction in a manner that ensures the same degree of personal
 27 privacy afforded to those without visual impairments and use the
 28 device independently and without the assistance of others in the same
 manner afforded to those without visual impairments;

c. Plaintiffs' representatives monitor Defendants' facilities to ensure the injunctive relief ordered pursuant to Paragraph 11.a. and 11.b. has been implemented and will remain in place.

Subdivision(b)(2). This subdivision is intended to reach situations where a party has taken action or refused to take action with respect to a class, and final relief of an injunctive nature or a corresponding declaratory nature, settling the legality of the behavior with respect to the class as a whole, is appropriate Illustrative are various actions in the civil rights field where a party is charged with discriminating unlawfully against a class, usually one whose members are incapable of specific enumeration.

13. In addition, Plaintiff Vargas' claims for statutory damages pursuant to California Civil Code §§ 52(a) and 54.3 are asserted as a California statewide class claim pursuant to Fed. R. Civ. P. 23(b)(3).

PARTIES

15. Plaintiff Anne West has at all material times to this Complaint resided in Hartford County, Connecticut. Plaintiff West is legally blind. Plaintiff West's mother had rubella during pregnancy, and as a result Plaintiff West was born totally blind. She has been a business owner for several years and every day relies upon

1 auxiliary aids and services such as screen reading software, accessible electronic and
 2 information technologies, and other methods of making visually delivered materials
 3 available to persons who are blind or have low vision in her personal and
 4 professional life.

5 16. Plaintiffs are therefore members of a protected class under the ADA,
 6 42 U.S.C. § 12102(2), and the regulations implementing the ADA set forth at 28
 7 C.F.R. §§ 36.101 *et seq.*, the Unruh Act, Cal. Civ. Code, § 51 *et seq.*, and the
 8 Disabled Persons Act, Cal. Civ. Code § 54, *et seq.*

9 17. Quest Diagnostics Clinical Laboratories, Inc., is a Delaware
 10 corporation, doing business in California since 1976. Quest Diagnostics Clinical
 11 Laboratories, Inc., is a wholly owned (100%) subsidiary of Quest Diagnostics
 12 Holdings Incorporated.

13 18. Quest Diagnostics Holdings Incorporated is a Delaware corporation
 14 and is a wholly owned (100%) subsidiary of Quest Diagnostics Incorporated.

15 19. Quest Diagnostics Incorporated is and at all times relevant hereto was,
 16 a Delaware Corporation, and has been doing business in California since 2004. Each
 17 of the Quest Defendants has its principal place of business in Secaucus, New Jersey.

18 20. Defendants own and operate laboratories, patient service centers,
 19 offices, and other facilities throughout the United States. Defendants are “the
 20 world’s leading provider of diagnostic testing, information and services that patients
 21 and doctors need to make better healthcare decisions. [Its] services range from
 22 routine blood tests – such as total cholesterol, Pap testing and white blood cell count
 23 – to complex, gene-based and molecular testing.” See, “Our Products & Services,”
 24 at <https://www.questdiagnostics.com/home/about/products-services.html> (last
 25 accessed July 26, 2019). Defendant Quest Diagnostic Incorporated “annually serves
 26 one in three adult Americans and half the physicians and hospitals in the United
 27 States...” See, “Fact Sheet,” at [http://newsroom.questdiagnostics.com/](http://newsroom.questdiagnostics.com/index.php?s=30664)
 28 [index.php?s=30664](http://newsroom.questdiagnostics.com/index.php?s=30664) (last accessed July 26, 2019).

21. The Quest Diagnostics location which Plaintiff Vargas encountered was at 4849 Van Nuys Boulevard, Sherman Oaks, California. The Quest Diagnostics locations which Plaintiff West encountered were 365 Queen Street, Unit C, Southington, Connecticut, and 183 North Mountain Road, New Britain, Connecticut.

22. Defendants' facilities are places of public accommodation as defined in 42 U.S.C. §12181(7)(G) and Defendants are subject to the requirements of the ADA, the Unruh Act, and the Disabled Persons Act.

23. The true names and capacities, whether individual, corporate, associate, or otherwise of the Defendants named herein as Does 1 through 10, are unknown to Plaintiffs at this time. Plaintiffs will amend this Complaint to allege their true names and capacities when known. Plaintiffs are informed and believe and thereon allege that each of the fictitiously-named Defendants is responsible in some manner for the occurrences alleged in this Complaint.

24. Plaintiffs allege that Defendants, including Doe Defendants, and each of them at all times mentioned in this Complaint were the alter egos, agents and/or employees and/or employers of their Co-Defendants and in doing the things alleged in this Complaint were acting within the course of such agency and/or employment and with the permission and consent of their Co-Defendants.

FACTUAL BACKGROUND

Plaintiffs Have Been Denied Full and Equal Access to Defendants' Facilities

25. Plaintiff Vargas visited Defendant's patient service center located at 4849 Van Nuys Boulevard, Sherman Oaks, California, on June 25, 2019. In order to sign in at the Quest location, Plaintiff Vargas was required to use an inaccessible touchscreen kiosk, such that Plaintiff Vargas was denied the benefits of Defendants' health care services, facilities, privileges, and advantages, and was segregated and otherwise treated differently than sighted individuals. Defendants maintain e-Check-in touchscreen kiosks for patients to sign in and register, but for visually impaired

1 persons there is no way to navigate the system and indicate to Defendants' staff that
2 they are there for an appointment. It was by chance that an employee appeared to
3 call another patient back that Plaintiff Vargas was able to ask that person for help,
4 informing the employee he was there for routine bloodwork. Plaintiff Vargas had to
5 provide this private information in a nonconfidential setting, causing him significant
6 distress and embarrassment.

7 26. Plaintiff West visited Defendants' patient service centers located at 365
8 Queen Street, Unit C, Southington, Connecticut, and 183 North Mountain Road,
9 New Britain, Connecticut. Like Plaintiff Vargas, in order to sign in, Plaintiff West
10 was required to use an inaccessible touchscreen kiosk, such that Plaintiff West was
11 denied the benefits of Defendants' health care services, facilities, privileges, and
12 advantages, and was segregated and otherwise treated differently than sighted
13 individuals. Defendants maintain e-Check-in touchscreen kiosks for patients to sign
14 in and register, but for visually impaired persons there is no way to navigate the
15 system and indicate to Defendants' staff that they are there for an appointment.

16 27. As a result of Defendants' failure to ensure effective communications
17 with Plaintiffs, and denial of auxiliary aid and services, Plaintiffs received services
18 that were objectively substandard, inaccessible, and inferior to those provided to
19 sighted patients, and were subjected to discriminatory treatment because of their
20 disability.

21 28. Despite this difficulty, frustration, and unequal treatment, Plaintiffs will
22 seek Defendants' health care services in the future, as Defendants partner with
23 nearly every major medical institution for lab work,¹ and further, because of the
24 proximity of Defendant's facilities to their homes and their insurance coverage.
25 Specifically, both named Plaintiffs will have to return to Defendants' facilities and
26

27 ¹ See, <http://newsroom.questdiagnostics.com/index.php?s=30664> (last accessed
28 Sept. 15, 2019) (Quest "[s]erves about half of the physicians and hospitals in the U.S.")

1 anticipate being required to do so in order to have additional testing completed, but
 2 are deterred from doing so due to the discrimination they have faced and expect to
 3 face in the future. Furthermore, Plaintiffs intend to return to Defendants' facilities to
 4 ascertain whether those facilities remain in violation of accessibility standards.

5 **Defendants Repeatedly Deny Individuals With Disabilities Full and Equal**
 6 **Access to Defendants' Facilities.**

7 29. As the owner and manager of their properties, Defendants employ
 8 centralized policies, practices, and procedures with regard to its company-wide
 9 policy of electronic check-in at its patient service centers. Defendants' SEC filings
 10 indicate they rolled out the e-check-in touchscreen kiosks in 60% of their locations
 11 by 2017, and by the first quarter of 2018, the touchscreen kiosks were in every
 12 location.

13 30. Though Defendants may have centralized policies regarding the roll-
 14 out of company-wide e-Check-in touchscreen kiosks, and the maintenance and
 15 operation of its e-Check-in touchscreen kiosks, Defendants have never had a plan or
 16 policy that is reasonably calculated to make their e-Check-in touchscreen kiosks
 17 fully accessible to, and independently usable by, individuals with vision related
 18 disabilities.

19 31. As a result of Defendants' non-compliance with the ADA, Disabled
 20 Persons Act, and Unruh Act, Plaintiffs have been denied the benefit of full and equal
 21 enjoyment of Defendants' goods, services, facilities, privileges, advantages, or
 22 accommodations, have been denied participation in and have been treated unequally
 23 by Defendants, and Defendants have failed to provide effective and accessible
 24 auxiliary aids or services that protect Plaintiffs' privacy and independence.

25 32. If Defendants' e-Check-in touchscreen kiosks were accessible, i.e. if
 26 Defendants removed and remediated the access barriers described above, Plaintiffs
 27 could independently and privately utilize Defendants' products and services.
 28

33. Unfortunately, Defendants deny approximately 8.1 million² Americans who have difficulty seeing access to their goods, products, and services because the e-Check-in touchscreen kiosks are not readily accessible and usable by persons with visual impairments.

JURISDICTION AND VENUE

34. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 12188. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(d) because there are more than 100 class members and the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest, fees, and costs, and at least one Class member is a citizen of a state different from Defendant. This Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

35. This Court has personal jurisdiction over Defendants because Defendants maintains their headquarters in California, have sufficient minimum contacts with California, or have otherwise purposely availed themselves of the markets in California through the promotion, marketing, and sale of their products and services in California to render the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice. Specifically, Defendants are registered to do business in California and have been doing business in California, including the Central District of California. Quest has 6,600 patient access points, and 2,250 of Quest's own patient service centers.³

² Press Release, United States Census Bureau, Nearly 1 in 5 People Have a Disability in the U.S., Census Bureau Reports *Report Released to Coincide with 22nd Anniversary of the ADA* (Jul. 25, 2012), available at <https://www.census.gov/newsroom/releases/archives/miscellaneous/cb12-134.html> (last accessed April 25, 2019) ("About 8.1 million people had difficulty seeing, including 2.0 million who were blind or unable to see.").

³ See, <http://newsroom.questdiagnostics.com/index.php?s=30664> (last accessed Sept. 15, 2019).

1 Defendants do substantial business in this judicial district, operating a Quest
 2 Diagnostics Nichols Institute in San Juan Capistrano, clinical trial laboratories in
 3 San Juan Capistrano and Northridge, and major laboratory facilities in West Hills,⁴
 4 in addition to over 120 Quest Diagnostics patient service centers in the District.⁵

5 36. Venue is proper under 28 U.S.C. § 1391(a) and (b)(2) because
 6 Defendants are subject to personal jurisdiction in this District because Defendants
 7 do substantial business in this District, and a substantial part of the events or
 8 omissions giving rise to these claims occurred in this District. Defendant engaged in
 9 the extensive promotion, marketing, distribution, and sales of the services at issue in
 10 this District.

11 CLASS ALLEGATIONS

12 37. Plaintiffs bring this matter on behalf of themselves and those similarly
 13 situated.

14 38. Plaintiffs seek certification of the following Nationwide Class: “all
 15 legally blind individuals who visited a Quest Diagnostics patient service center in
 16 the United States and were denied full and equal enjoyment of the goods, services,
 17 facilities, privileges, advantages, or accommodations due to Quest Diagnostic’s
 18 failure to comply with the ADA’s auxiliary aids and services requirements during
 19 the Class Period.” (the “Nationwide Injunctive Class”). Plaintiffs reserve the right to
 20 amend or modify the Class definition in connection with a motion for Class
 21 certification and/or the result of discovery.

22 39. Plaintiff Vargas also seeks certification of the following California sub-
 23 class: “all legally blind individuals who visited a Quest Diagnostics patient service
 24 center in California and were denied full and equal enjoyment of the goods,
 25 _____

26 ⁴ See, [https://www.questdiagnostics.com/home/about/locations/regional-](https://www.questdiagnostics.com/home/about/locations/regional-contact.html)
 27 [contact.html](https://www.questdiagnostics.com/home/about/locations/regional-contact.html) (last accessed September 15, 2019).

28 ⁵ See, <https://appointment.questdiagnostics.com/patient/findlocation> (last accessed
 September 15, 2019).

1 services, facilities, privileges, advantages, or accommodations due to Quest's use of
 2 touchscreen check-in kiosks." Plaintiff Vargas reserves the right to amend or modify
 3 the sub-Class definition in connection with a motion for Class certification and/or
 4 the result of discovery.

5 40. The California sub-class seeks classwide damages pursuant to
 6 California Civil Code § 52(a) in the amount of \$4,000 per violation and, pursuant to
 7 California Civil Code § 54.3 in the amount of \$1,000 per violation, based on
 8 Defendants' wrongful policy and practice of failing to provide full and equal access
 9 to visually impaired Californians as alleged herein. This action does not seek class
 10 recovery for actual damages, personal injuries or emotional distress that may have
 11 been caused by Defendants' conduct alleged herein.

12 41. This action should be certified as a class action under Federal Rule of
 13 Civil Procedure 23(a) and (b)(2) for the Nationwide Injunctive Class. It satisfies the
 14 class action prerequisites of numerosity, commonality, typicality, and adequacy
 15 because:

16 A. Numerosity: Class Members are so numerous that joinder of all
 17 members is impracticable. Plaintiffs anticipate there are tens of
 18 thousands of legally blind individuals who are Class Members who
 19 have been harmed and suffered discrimination due to Defendants'
 20 failure to comply with the ADA's auxiliary aids and services
 21 requirements.

22 B. Commonality: There is a well-defined community of interest and
 23 common questions of fact and law affecting members of the class in
 24 that they all have been and/or are denied their civil rights to full and
 25 equal access to, and use and enjoyment of Defendants' facilities and/or
 26 services due to Defendants' failure to make their facilities fully
 27 accessible and independently usable as described above.

28 C. Typicality: Plaintiffs' claims are typical of the claims of the members

of the proposed Nationwide Injunctive Class. The claims of Plaintiffs and members of the class are based on the same legal theories and arise from the same unlawful conduct.

D. Adequacy: The Plaintiffs are all adequate Class representatives. None of their interests conflict with the interests of the Class Members they seek to represent; Plaintiffs will fairly, adequately, and vigorously represent and protect the interests of the members of the class, all of whom are similarly situated individuals with visual impairments, and they have a strong interest in vindicating their own and others civil rights; and, they have retained counsel competent and experienced in complex class action litigation, generally, and who possess specific expertise in the context of class litigation under the ADA and Unruh Act.

42. Class certification of the Nationwide Injunctive Class is appropriate under Fed. R. Civ. P. 23(b)(2) because Defendants have acted on or refused to act on grounds generally applicable to the Class, making appropriate declaratory, injunctive, and equitable relief with respect to Plaintiffs and the Class as a whole.

43. This action should be further certified as a class action under Federal Rule of Civil Procedure 23(a) and (b)(3) for the California Unruh and Disabled Persons Damages Sub-Class. Plaintiff Vargas asserts the subclass, limited to class members who are, or during the relevant time were, residents of California, satisfies the class action prerequisites of numerosity, commonality, typicality, and adequacy for the same reasons set forth in preceding paragraph. In addition:

A. Predominance: Pursuant to Rule 23(b)(3), the common issues of law and fact identified above predominate over any other questions affecting only individual members of the California Unruh and Disabled Persons Damages Sub-Class. The Class issues fully predominate over any individual issue because no inquiry into

individual conduct is necessary; all that is required is a narrow focus on Defendants' encounters with legally blind California residents in its facilities.

B. Superiority: A class action is superior to the other available methods for the fair and efficient adjudication of this controversy because:

- i. The joinder of thousands of individual Class Members is impracticable, cumbersome, unduly burdensome, and a waste of judicial and/or litigation resources;
- ii. The individual claims of the Class Members are relatively modest compared with the expense of litigating the claims, thereby making it impracticable, unduly burdensome, and expensive—if not totally impossible—to justify individual actions;
- iii. When Defendants' liability has been adjudicated, all Class Members' claims can be determined by the Court and administered efficiently in a manner far less burdensome and expensive than if it were attempted through filing, discovery, and trial of all individual cases;
- iv. This class action will promote orderly, efficient, expeditious, and appropriate adjudication and administration of Class claims;
- v. Plaintiffs know of no difficulties to be encountered in the management of this action that would preclude its maintenance as a class action;
- vi. A class action will assure uniformity of decisions among Class Members;
- v. The Class is readily identifiable from Defendants' own records and prosecution of this action as a class action will eliminate the possibility of repetitious litigation; and,

vi. Class Members' interests in individually controlling the prosecution of separate actions is outweighed by their interest in efficient resolution by single class action.

43. Accordingly, this case should be maintained as a class action under Rule 23(b)(3) because questions of law or fact common to Class Members predominate over any questions affecting only individual members, and because a class action is superior to other available methods for fairly and efficiently adjudicating this controversy.

FIRST CAUSE OF ACTION

VIOLATION OF THE ADA, TITLE III

[42 U.S.C. §§ 12101 *et seq.*]

(Against all Defendants)

44. Plaintiffs restate each and every allegation set forth in the foregoing paragraphs of this Complaint with the same force and effect as if more fully set forth herein.

45. At all times relevant to this action, Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12181, *et seq.* was in full force and effect and applied to Defendant's conduct.

46. At all times relevant to this action, the United States Department of Justice regulations implementing Title III of the ADA, 28 C.F.R. Part 36, were in full force and effect and applied to the Defendants' conduct.

47. At all times relevant to this action, Plaintiffs have been substantially limited in the major life activities of seeing. Accordingly, they are considered individuals with a disability as defined under the ADA, 42 U.S.C. § 12102(2).

48. Defendants own, lease, and/or operate patient service centers that are places of public accommodation as defined under Title III of the ADA, 42 U.S.C. § 12181(7)(F).

1 49. Title III of the ADA prohibits discrimination on the basis of disability
2 “in the full and equal enjoyment of the goods, services, facilities, privileges,
3 advantages, or accommodations of any place of public accommodations.” 42 U.S.C.
4 § 12182(a).

5 50. Pursuant to Title III of the ADA and its implementing regulations, a
6 public accommodation cannot deny participation or offer unequal or separate
7 benefits to individuals with disabilities. 42 U.S.C. § 12182(b)(1)(A); 28 C.F.R. §§
8 36.202.

9 51. Pursuant to Title III of the ADA and its implementing regulations it
10 “shall be discriminatory to exclude or otherwise deny equal goods, services,
11 facilities, privileges, advantages, accommodations, or other opportunities to an
12 individual or entity because of the known disability of an individual with whom the
13 individual or entity is known to have a relationship or association.” 42 U.S.C. §
14 12182(b)(1)(E).

15 52. Pursuant to Title III of the ADA and its implementing regulations, a
16 public accommodation shall furnish appropriate auxiliary aids and services to ensure
17 effective communication with individual with disabilities. 42 U.S.C. §
18 12182(b)(2)(A)(iii); 28 C.F.R. § 36.303(b)(1).

19 53. Pursuant to Title III of the ADA and its implementing regulations, a
20 public accommodation, in choosing the type of auxiliary aid or service to ensure
21 effective communication, must consider the “method of communication used by the
22 individual; the nature, length, and complexity of the communication involved; and
23 the context in which the communication is taking place.” 28 C.F.R. §
24 36.303(c)(1)(ii).

25 54. Pursuant to Title III of the ADA and its implementing regulations, in
26 order to be effective, the type of auxiliary aid or service provided by the public
27 accommodations “must be provided in accessible formats, in a timely manner, and
28 in such a way as to protect the privacy and independence of the individual with a

1 disability.” 28 C.F.R. § 36.303(c)(1)(ii). To this end, the Ninth Circuit has
 2 explained, “assistive technology is not frozen in time: as technology advances, []
 3 accommodations should advance as well.” *Enyart v. Nat’l Conference of Bar*
 4 *Examiners, Inc.*, 630 F.3d 1153, 1163 (9th Cir. 2011)

5 55. Auxiliary aids and services include, but are not limited to, audio
 6 recordings, screen reader software, magnification software, optical readers,
 7 secondary auditory programs, large print materials, accessible electronic and
 8 information technology, other effective methods of making visually delivered
 9 materials available to individuals who are blind or have low vision, and other similar
 10 services and actions. 28 C.F.R. §§ 36.303(b)(2), (4).

11 56. Defendants discriminated against the individual Plaintiffs on the basis
 12 of their disability by denying access to full and equal enjoyment of the goods,
 13 services, facilities, privileges, advantages, and/or accommodations of their places of
 14 public accommodation, and equal opportunity to participate in and benefit from
 15 Defendants’ health care services, in violation of the ADA.

16 57. Defendants further discriminated against the individual Plaintiffs by
 17 failing to ensure effective communication through the specific provision of
 18 accessible and effective auxiliary aids and services.

19 58. Defendants violated Title III by, without limitation, failing to take the
 20 steps necessary to make their e-Check-in touchscreen kiosks readily accessible and
 21 usable by persons with visual impairments, thereby denying individuals with visual
 22 disabilities the benefits of the e-Check-in touchscreen kiosks and electronic check-
 23 in, providing them with benefits that are not equal to those they provide others, and
 24 denying them effective communication.

25 59. Defendants further violated Title III by, without limitation, utilizing
 26 administrative methods, practices, and policies that allow their e-Check-in
 27 touchscreen kiosks to be made available without consideration of consumers who
 28

1 can only participate in and benefit from Defendants' health care services with screen
2 reader programs.

3 60. Making their e-Check-in touchscreen kiosks readily accessible and
4 usable by persons with visual impairments does not change the content of
5 Defendants' electronic check-in procedure or result in making the electronic check-
6 in procedure different, but rather enables individuals with visual disabilities to
7 access e-Check-in touchscreen kiosks that Defendants already provide to sighted
8 individuals.

9 61. As set out above, absent injunctive relief there is a clear risk that
10 Defendants' actions will recur with Plaintiffs and/or other visually impaired persons
11 seeking Defendants' laboratory services.

12 62. Plaintiffs are therefore entitled to injunctive relief, as well as an award
13 of attorneys' fees, costs, and disbursements pursuant to the ADA, 42 U.S.C. §
14 12188(a)(1) and/or common law.

15 **SECOND CAUSE OF ACTION**

16 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

17 **[Cal. Civil Code § 51, *et seq.*]**

18 **(Against all Defendants)**

19 63. Plaintiffs restate each and every allegation set forth in the foregoing
20 paragraphs of this Complaint with the same force and effect as if more fully set forth
21 herein.

22 64. The Unruh Civil Rights Act, California Civil Code § 51 provides that:

23 All persons within the jurisdiction of this state are free and equal, and
24 no matter what their sex, race, color, religion, ancestry, national origin,
25 disability, medical condition, marital status, or sexual orientation are
26 entitled to the full and equal accommodations, advantages, facilities,
27 privileges, or services in all business establishments of every kind
28 whatsoever.

Cal. Civ. Code § 51(b).

65. Defendants are a business establishment within the meaning of the

1 Unruh Act. Defendants are the owners and operators of business establishments.

2 66. Defendants violated the Unruh Act by their acts and omissions, as set
3 forth herein. Specifically, Quest's system for offering to the public touchscreen
4 check-in kiosks at thousands of locations throughout California is a business
5 establishment within the meaning of Civil Code § 51, *et seq.* Quest generates
6 hundreds of millions of dollars in revenue from the appointments which patients
7 check-in for through the use of e-Check-in touchscreen kiosks. The Quest kiosks are
8 an accommodation, advantage, facility, privilege, and service provided by Quest,
9 which are inaccessible to blind patrons. This inaccessibility denies blind patients full
10 and equal access to the accommodations, advantages, facilities, privileges, and
11 services that Defendants make available to the non-disabled public, in violation of
12 the Unruh Civil Rights Act, California Civil Code § 51, *et seq.* These violations are
13 ongoing.

14 67. Defendants' actions constitute intentional discrimination against the
15 class on the basis of a disability in violation of California Civil Code §§51, *et seq.*
16 Defendants are aware of the complete lack of access of the touchscreen check-in
17 kiosks to blind persons yet have deliberately chosen to provide a benefit and service
18 that is inaccessible to the blind.

19 68. Defendants are additionally violating California Civil Code § 51, in that
20 the conduct alleged herein constitutes a violation of various provisions of the
21 Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.*, as set forth above.
22 California Civil Code § 51(f) provides that a violation of the right of any individual
23 under the ADA shall also constitute a violation of the Unruh Civil Rights Act.

24 69. The actions of Defendants were and are in violation of the Unruh Civil
25 Rights Act, California Civil Code §§ 51, *et seq.*, and therefore Plaintiffs are entitled
26 to injunctive relief remedying the discrimination. Unless the Court enjoins
27 Defendants from continuing to engage in these unlawful practices, Plaintiffs and
28 members of the class will continue to suffer irreparable harm.

1 70. Plaintiffs are further entitled to statutory minimum damages pursuant to
2 California Civil Code § 52 for every individual violation; i.e., each time a legally
3 blind individual had to try to check-in using the inaccessible touchscreen kiosk.

4 **THIRD CAUSE OF ACTION**

5 **VIOLATION OF THE DISABLED PERSONS ACT**

6 **[Cal. Civil Code §§ 54-54.3.]**

7 **(Against all Defendants)**

8 71. Plaintiffs restate each and every allegation set forth in the foregoing
9 paragraphs of this Complaint with the same force and effect as if more fully set forth
10 herein.

11 72. California Civil Code §§ 54-54.3 guarantee full and equal access for
12 people with disabilities to all accommodations, advantages, facilities, and privileges
13 of “all places of public accommodation” and “other places to which the general
14 public is invited.” Quest’s thousands of patient service center locations throughout
15 California featuring the inaccessible e-Check-in touchscreen kiosks constitute
16 “places of public accommodation” or “other places where the public is invited”
17 within the meaning of California Civil Code §§ 54-54.3.

18 73. Quest’s patient services locations constitute accommodations,
19 advantages, facilities, and privileges provided by Defendants to members of the
20 public in California and are, therefore, subject to the access requirements of
21 California Civil Code § 54.1 applicable to “all places of public accommodation” and
22 “other places to which the general public is invited.”

23 74. Defendants are violating the right of visually disabled persons to full
24 and equal access to public places by denying full and equal access to Quest’s e-
25 Check-in touchscreen kiosks in violation of California Civil Code §§ 54-54.3.

26 75. Defendants are also violating California Civil Code §§ 54-54.3, in that
27 their actions are a violation of the ADA. Any violation of the ADA is also a
28 violation of California Civil Code § 54.1.

76. As a result of Defendants' wrongful conduct, the individually-named Plaintiff Vargas and the California sub-class are entitled to statutory minimum damages under California Civil Code § 54.3 for each offense.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and the members of the Class, pray for:

- a. A Declaratory Judgment that at the commencement of this action Defendants were in violation of the specific requirements of Title III of the ADA described above, and the relevant implementing regulations of the ADA, in that Defendants took no action that was reasonably calculated to ensure that their e-Check-in touchscreen kiosks were fully accessible to, and independently usable by, individuals with visual disabilities;
- b. A permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a), and California Civil Code, § 51 *et seq.*, which directs Defendants to take all steps necessary to bring their e-Check-in touchscreen kiosks into full compliance with the requirements set forth in the ADA, and its implementing regulations, so that their e-Check-in touchscreen kiosks are fully accessible to, and independently usable by individuals with visual disabilities, and which further directs that the Court shall retain jurisdiction for a period to be determined to ensure that Defendants have adopted and is following an institutional policy that will in fact cause it to remain fully in compliance with the law—the specific injunctive relief requested by Plaintiffs are described more fully in paragraph 11 above.
- c. A permanent injunction enjoining Defendants from continuing their discriminatory conduct;
- d. An Order certifying the classes proposed by Plaintiffs, naming

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33 WEST MISSION STREET, SUITE 201
SANTA BARBARA, CALIFORNIA 93101

- 1 Plaintiffs as class representatives, and appointing their counsel as class
- 2 counsel;
- 3 e. Payment of statutory damages, in accordance with California Civil
- 4 Code §§ 52(a) and 54.3 to the California sub-class;
- 5 f. Payment of costs of suit;
- 6 g. Payment of reasonable attorneys' fees, pursuant to 42 U.S.C. § 12205,
- 7 28 CFR § 36.505, Cal. Civil Code §52, and Civ. Proc. Code § 1021.5,
- 8 including costs of monitoring Defendants' compliance with the
- 9 judgment (*see Gniewkowski v. Lettuce Entertain You Enterprises, Inc.*,
- 10 Case No. 2:16-cv-01898-AJS (W.D. Pa. Jan. 11, 2018) (ECF 191)
- 11 ("Plaintiffs, as the prevailing party, may file a fee petition before the
- 12 Court surrenders jurisdiction. Pursuant to *Pennsylvania v. Delaware*
- 13 *Valley Citizens' Council for Clean Air*, 478 U.S. 546, 559 (1986),
- 14 *supplemented*, 483 U.S. 711 (1987), the fee petition may include costs
- 15 to monitor Defendant's compliance with the permanent injunction.");
- 16 *see also Access Now, Inc. v. Lax World, LLC*, No. 1:17-cv-10976-DJC
- 17 (D. Mass. Apr. 17, 2018) (ECF 11) (same);
- 18 h. Award of prejudgment interest pursuant to California Civil Code §
- 19 3291;
- 20 i. An Order retaining jurisdiction over this case until Defendants have
- 21 complied with the Court's Orders; and,
- 22 j. The provision of whatever other relief the Court deems just, equitable
- 23 and appropriate.

24 Dated: September 18, 2019

NYE, STIRLING, HALE & MILLER, LLP

26 By: /s/ Jonathan D. Miller
Jonathan D. Miller, Esq.
Alison M. Bernal, Esq.
Jordan T. Porter, Esq.

28 *Additional Counsel Listed Below.*

THE SWEET LAW FIRM, P.C.

By: /s/ Benjamin J. Sweet
Benjamin J. Sweet, Esq.
[To be admitted Pro Hac Vice]

Attorneys for Plaintiffs Julian Vargas,
Anne West, and the Proposed Class

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33 WEST MISSION STREET, SUITE 201
SANTA BARBARA, CALIFORNIA 93101

DEMAND FOR JURY TRIAL

Plaintiffs JULIAN VARGAS and ANNE WEST hereby demand a trial by jury of all claims so triable in the above-referenced matter.

Dated: September 18, 2019

NYE, STIRLING, HALE & MILLER, LLP

By: /s/ Jonathan D. Miller

Jonathan D. Miller, Esq.

Alison M. Bernal, Esq.

Jordan T. Porter, Esq.

THE SWEET LAW FIRM, P.C.

By: /s/ Benjamin J. Sweet

Benjamin J. Sweet, Esq.

[To be admitted Pro Hac Vice]

Attorneys for Plaintiffs Julian Vargas,
Anne West, and the Proposed Class

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I. (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

JULIAN VARGAS and ANNE WEST, individually on behalf of themselves and all others similarly situated

(b) County of Residence of First Listed Plaintiff Los Angeles

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Jonathan Miller, Esq.
Nye, Stirling, Hale & Miller, LLP
33 W. Mission Street, Suite 201
Santa Barbara, CA 93101**DEFENDANTS** (Check box if you are representing yourself ☐)QUEST DIAGNOSTICS CLINICAL
LABORATORIES, QUEST DIAGNOSTICS HOLDINGS, INC., QUEST DIAGNOSTICS
INCORPORATED; and DOES 1-10, inclusive,

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

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 | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in this State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.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.)
Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), California's Unruh Civil Rights Act (Cal. Civil Code § 51 et seq.), California Disabled Persons Act (Cal. Civil Code § 54-54.3)**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
☐ 375 False Claims Act	☐ 110 Insurance	☐ 240 Torts to Land	☐ 462 Naturalization Application	Habeas Corpus:	☐ 820 Copyrights
☐ 376 Qui Tam (31 USC 3729(a))	☐ 120 Marine	☐ 245 Tort Product Liability	☐ 465 Other Immigration Actions	☐ 463 Alien Detainee	☐ 830 Patent
☐ 400 State Reapportionment	☐ 130 Miller Act	☐ 290 All Other Real Property	TORTS	☐ 510 Motions to Vacate Sentence	☐ 835 Patent - Abbreviated New Drug Application
☐ 410 Antitrust	☐ 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	☐ 530 General	☐ 840 Trademark
☐ 430 Banks and Banking	☐ 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	☐ 370 Other Fraud	Other:	SOCIAL SECURITY
☐ 450 Commerce/ICC Rates/Etc.	☐ 151 Medicare Act	☐ 310 Airplane	☐ 371 Truth in Lending	☐ 540 Mandamus/Other	☐ 861 HIA (1395ff)
☐ 460 Deportation	☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.)	☐ 315 Airplane Product Liability	☐ 380 Other Personal Property Damage	☐ 550 Civil Rights	☐ 862 Black Lung (923)
☐ 470 Racketeer Influenced & Corrupt Org.	☐ 153 Recovery of Overpayment of Vet. Benefits	☐ 320 Assault, Libel & Slander	☐ 385 Property Damage Product Liability	☐ 555 Prison Condition	☐ 863 DIWC/DIWW (405 (g))
☐ 480 Consumer Credit	☐ 160 Stockholders' Suits	☐ 330 Fed. Employers' Liability	BANKRUPTCY	☐ 560 Civil Detainee Conditions of Confinement	☐ 864 SSID Title XVI
☐ 490 Cable/Sat TV	☐ 190 Other Contract	☐ 340 Marine	☐ 422 Appeal 28 USC 158	FORFEITURE/PENALTY	☐ 865 RSI (405 (g))
☐ 850 Securities/Commodities/Exchange	☐ 195 Contract Product Liability	☐ 345 Marine Product Liability	☐ 423 Withdrawal 28 USC 157	☐ 625 Drug Related Seizure of Property 21 USC 881	FEDERAL TAX SUITS
☐ 890 Other Statutory Actions	☐ 196 Franchise	☐ 350 Motor Vehicle	CIVIL RIGHTS	☐ 690 Other	☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 891 Agricultural Acts	REAL PROPERTY	☐ 355 Motor Vehicle Product Liability	☐ 440 Other Civil Rights	LABOR	☐ 871 IRS-Third Party 26 USC 7609
☐ 893 Environmental Matters	☐ 210 Land Condemnation	☐ 360 Other Personal Injury	☐ 441 Voting	☐ 710 Fair Labor Standards Act	
☐ 895 Freedom of Info. Act	☐ 220 Foreclosure	☐ 362 Personal Injury-Med Malpractice	☐ 442 Employment	☐ 720 Labor/Mgmt. Relations	
☐ 896 Arbitration	☐ 230 Rent Lease & Ejectment	☐ 365 Personal Injury-Product Liability	☐ 443 Housing/Accommodations	☐ 740 Railway Labor Act	
☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision		☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability	☐ 445 American with Disabilities-Employment	☐ 751 Family and Medical Leave Act	
☐ 950 Constitutionality of State Statutes		☐ 368 Asbestos Personal Injury Product Liability	☒ 446 American with Disabilities-Other	☐ 790 Other Labor Litigation	
			☐ 448 Education	☐ 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number: _____

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

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? ☐ Yes ☒ No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	☐ Los Angeles, Ventura, Santa Barbara, or San Luis Obispo		Western
	☐ Orange		Southern
	☐ Riverside or San Bernardino		Eastern
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? ☐ Yes ☒ No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. ☐ Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question B.2.	
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Eastern Division. ☐ Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. ☐ Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? ☐ Yes ☒ No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. ☐ Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question C.2.	
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Eastern Division. ☐ Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. ☐ Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☒
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☐
D.1. Is there at least one answer in Column A? ☐ Yes ☒ No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? ☐ Yes ☒ No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
QUESTION E: Initial Division?	INITIAL DIVISION IN CACD		
Enter the initial division determined by Question A, B, C, or D above: →	WESTERN		
QUESTION F: Northern Counties?			
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? ☐ Yes ☒ No			

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?☒ NO☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?☒ NO☐ YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ 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.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY**(OR SELF-REPRESENTED LITIGANT):** /s/ Jonathan D. Miller

DATE: September 18, 2019

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

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. 405 (g))