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JEFFREY GOODMAN and DONALD FORD, individuals

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

JEFFREY GOODMAN, an individual;	)	Case No.:
DONALD FORD, an individual,)	
	)	1. Violations of Santa Monica Municipal
Plaintiffs,	)	Code §4.52 et. seq.
)	
v.	)	2. Violations of the California Unruh Civil
	)	Rights Act, Cal. Civ. Code §51
WESTERN DENTAL SERVICES, INC., a)	
California corporation; and DOES 1 through	)	3. Violations of California Disabled Persons
100, inclusive,	)	Act, Cal. Civ. Code §54.1
)	
Defendant.	)	4. Intentional Infliction of Emotional
	)	Distress;
)	
	)	5. Negligent Infliction of Emotional
	)	Distress
)	
)	
	)	<u>DEMAND FOR JURY TRIAL</u>
)	

Plaintiffs JEFFREY GOODMAN and DONALD FORD, on information and belief, make the following allegations to support their Complaint.

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the defendants because they are residents of _____ and/or doing business in the State of California.

2. Venue is proper in this county in accordance with Section 395(a) of the California Code of Civil Procedure because the defendants, or some of them, reside in this county and/or the alleged wrongs occurred in this county.

PLAINTIFFS JEFFREY GOODMAN & DONALD FORD

3. Plaintiff Jeffrey Goodman is an adult male resident of the City of Santa Monica and County of Los Angeles. Mr. Goodman is HIV positive and therefore is, and at all relevant times was, a member of a class of persons with a physical disability, within the meaning of the Cal. Civil Code §§51 and 54.1, and is within the class of persons protected by Santa Monica Municipal Code (“S.M.M.C.”) §4.52.050. Mr. Goodman sought dental services of defendant, Western Dental Services, in the City of Santa Monica, County of Los Angeles, State of California and disclosed his HIV infection to defendants, who refused, on that basis to provide Mr. Goodman with necessary dental services.

4. Plaintiff Donald Ford is an adult male resident of the City and County of Los Angeles. Mr. Ford is HIV positive and therefore is, and at all relevant times was, a member of a class of persons with a physical disability, within the meaning of Civil Code §§51 and 54.1, and is within the class of persons protected by S.M.M.C. §4.52.050. Mr. Ford sought dental services of defendant, Western Dental Services, in the City of Santa Monica, County of Los Angeles, State of California and disclosed

1 his HIV infection to defendants, who refused, on that basis to provide Mr. Ford with necessary dental
2 services.

3 5. Plaintiffs Jeffrey Goodman and Donald Ford are hereinafter referred collectively as
4 “Plaintiffs” unless otherwise specifically identified.
5

6 **DEFENDANTS**

7 6. Defendant Western Dental Services, Inc. (“Western Dental” or “Defendant”) is a
8 California corporation. Defendant is licensed to do and does business in the State of California, City
9 of Santa Monica and County of Los Angeles, where it engages in the advertising, offering, and
10 provision of dental services and related goods to the general public through its authorized agents at its
11 various places of business. Western Dental, at all times mentioned herein was, a business
12 establishment and place of public accommodation within the meaning of Cal. Civil Code §§51 and
13 54.1. Defendant is located in and conducts business in the City of Santa Monica and is therefore
14 subject to the S.M.M.C. In doing the acts herein alleged, its employees, subcontractors, and agents
15 acted within the course and scope of their employment and agency with defendant Western Dental.
16 Defendant engaged in the acts alleged herein and/or condoned, permitted, authorized, and/or ratified
17 the conduct of its employees, subcontractors, and agents, and is vicariously liable for the wrongful
18 conduct of its employees, subcontractors, and agents alleged herein.
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21 7. Defendants DOES 1 through 100, inclusive, are other possible defendants responsible
22 for the wrongful conduct alleged herein. The true names and capacities of defendants named herein as
23 DOES 1 through 100, inclusive, whether individual, corporate, associate, or otherwise, are unknown to
24 plaintiffs who therefore sue such defendants by such fictitious names pursuant to California Code of
25 Civil Procedure § 474. Plaintiffs are informed and believe that the DOE defendants are California
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1 residents. Plaintiffs will amend this Complaint to show true names and capacities when they have
2 been determined. Plaintiffs are informed and believe, and on the basis of such information and belief
3 alleges, that each defendant DOE herein is in some manner responsible for the denial of dental services
4 and discrimination based on disability (HIV infection), and damages herein alleged.
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6 8. Defendants Western Dental and DOES 1 through 100 are hereinafter referred
7 collectively as “defendants” unless otherwise specifically identified.

8 9. Plaintiffs are informed and believe and thereon allege that each defendant is, and at all
9 times mentioned was, the agent, employee or representative of each other defendant. Each defendant,
10 in doing the acts, or in omitting to act as alleged in this Complaint, was acting within the scope of his
11 or her actual or apparent authority or the alleged acts and omissions of each defendant as agent
12 subsequently were ratified and adopted by each other defendant as principal.
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14 **FACTS COMMON TO ALL CAUSES OF ACTION**

15 **PLAINTIFF JEFFREY GOODMAN**

16 10. Plaintiff Mr. Goodman was diagnosed with HIV in 1986, the year that HIV tests first
17 became available. He is a successful small business owner and serves as a Commissioner on the Los
18 Angeles County Commission on HIV. In that capacity, he co-chairs the Commission’s Priorities and
19 Planning Committee, the central committee charged with developing the county’s priorities and
20 allocation of federal money to the various service categories related to HIV health care. Mr. Goodman
21 is a member of the Commission’s Public Policy Committee and is active in numerous subcommittees
22 and workgroups. He is also the Treasurer and Board Member of Common Ground- Westside HIV
23 Community Center. As Treasurer, Mr. Goodman oversees a budget of \$1.5 million from a variety of
24 revenue streams, including government contracts and private foundations. Mr. Goodman is a graduate
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1 of the Santa Monica Citizen's Police Academy and works with the Los Angeles County Sheriff's
2 Department in revising inmate classification policies.

3 11. On Friday, September 14, 2007, Mr. Goodman began experiencing severe tooth pain.
4 For approximately one year prior, Mr. Goodman had been advised by dental providers that the tooth
5 must be extracted. Based on these medical advisements, Mr. Goodman called Western Dental located
6 at 1670 Lincoln Boulevard, Santa Monica, CA, 90404, and made an appointment for an emergency
7 tooth extraction scheduled for 2:30 p.m. the following day, Saturday, September 15, 2008. Mr.
8 Goodman maintained private dental insurance through Aetna and Western Dental was identified as a
9 preferred provider under Mr. Goodman's Aetna policy.
10

11 12. Mr. Goodman arrived at Western Dental on September 15, 2008 at approximately 2:15
12 p.m. and completed various paperwork including a health history questionnaire that contained inquiries
13 regarding the patients' HIV status. Mr. Goodman disclosed that he was HIV positive on the health
14 questionnaire and returned the completed paperwork to the office assistant. A few minutes later, Mr.
15 Goodman saw the office assistant and a man who appeared to be the dentist (name unknown at this
16 time) discussing his file, and then saw the dentist shaking his head "no." Mr. Goodman noticed a red
17 sticker on his file (refers to extra precautions) and a few seconds later, a woman who appeared to be
18 the hygienist, (name unknown at this time) directed Mr. Goodman to come inside the front office area.
19 Although Mr. Goodman was not in the dental chair, she was wearing a face mask and gloves when
20 addressing him. She advised Mr. Goodman that due to his medical condition, the dentist would not
21 extract his tooth, but would only take x-rays. Although the hygienist refused to specify what she
22 meant by "medical condition," Mr. Goodman has only one medical condition, HIV infection. The
23 hygienist refused to provide further information so Mr. Goodman requested to speak with someone
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1 with authority to make decisions on behalf of Western Dental. A few minutes later, an employee who
2 identified herself to Mr. Goodman as the person “in charge” came to the front office meet him. The
3 employee maintained a distance of several feet from Mr. Goodman while addressing him and merely
4 confirmed the hygienist’s explanation for denial of treatment. The employee finally asked Mr.
5 Goodman to leave if he did not wish to submit to the provision of x-ray services only.
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7 13. As a direct result of defendants’ arbitrary and unjustifiably discriminatory acts, Mr.
8 Goodman was forced to suffer extreme physical and mental pain, anguish, degradation and
9 humiliation. Thereafter, Mr. Goodman underwent a course of antibiotics but was so emotionally
10 distraught that he was unable to seek dental care to accomplish the tooth extraction for almost six
11 months. In or about January 2008, Mr. Goodman obtained a new dentist, who performed the tooth
12 extraction and other dental work without incident. Notwithstanding, to date, Mr. Goodman continues
13 to suffer from severe emotional distress caused be defendants’ discriminatory and unlawful denial of
14 treatment.
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16 **PLAINTIFF DONALD FORD**
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18 14. Plaintiff Donald Ford was diagnosed with HIV in 2004. Mr. Ford is completely
19 disabled and receives Denti-Cal. Denti-Cal is the dental segment of the Medi-Cal program and is
20 administered by a private health care plan; Delta Dental, which is contracted with the California
21 Department of Health Services (“DHS”).
22

23 15. On approximately May 15, 2008, Mr. Ford began experiencing extreme tooth pain from
24 a tooth that required extraction. He checked the Denti-Cal provider list for a provider near his home
25 and decided to contact Western Dental, located at 1670 Lincoln Boulevard, Santa Monica, CA, 90404.
26 Mr. Ford provided his insurance information to the office assistant and advised her that he was in great
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1 pain and that his tooth would need to be extracted. The assistant scheduled his appointment for 3:00
2 p.m. that day.

3 16. When Mr. Ford arrived at Western Dental for his appointment he completed various
4 paperwork including a health history questionnaire that contained inquiries regarding the patient's HIV
5 status. Mr. Ford disclosed that he was HIV positive on the health questionnaire and returned the
6 completed paperwork to the office assistant. A few minutes later, the office assistant directed him into
7 an examination room to undergo x-rays. The x-ray technician was wearing a full dental face shield and
8 gloves. After the x-rays were taken Mr. Ford was directed to go to another examination room where
9 he sat unattended and in severe pain for almost an hour. When the dentist and assistant finally came
10 into the examination room, they were both wearing full dental face shields over masks and other
11 surgical protections. After the dentist made a visual examination of his teeth notating their condition,
12 Mr. Ford pointed to his tooth and told the dentist that his tooth hurt badly and requested that it be
13 extracted. The dentist responded that he could not extract his tooth without proof of HIV diagnosis
14 and approval for the procedure from Mr. Ford's HIV doctor, which would need to be faxed to him
15 before he could perform any dental work.

16 Mr. Ford complied with the dentist's request and contacted his medical doctor who
17 immediately faxed the proof of HIV diagnosis and approval for the tooth extraction to Western Dental.
18 Notwithstanding the approval, the dentist refused to extract Mr. Ford's tooth or provide any other
19 dental services on grounds that Mr. Ford's CD4 count was too low and viral load was too high. Mr.
20 Ford was directed to the front desk and required to pay a \$5.00 co-pay for the x-ray and exam services
21 but was not provided with a further appointment or referral for extraction of the tooth.
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17. As a direct result of defendants' arbitrary and unjustifiably discriminatory acts, Mr. Ford was forced to suffer extreme physical and mental pain and anguish, degradation and humiliation. Due to his limited financial means and emotional distress stemming from defendants' wrongful acts, Mr. Ford did not obtain further dental treatment. As a result, the tooth pain worsened until Mr. Ford ultimately attempted to extract the tooth himself but succeeded only in breaking off a piece of the tooth.

FIRST CAUSE OF ACTION

**Violation of Santa Monica Municipal
Code Section 4.52 et seq.**

(By All Plaintiffs Against All Defendants)

18. Plaintiffs repeat, reallege and incorporate by reference in this paragraph the allegations contained in this Complaint as if fully set forth herein.

19. Section 4.52.010 of the Santa Monica Municipal Code (“SMMC”) provides that “Discrimination against individuals with Acquired Immune Deficiency Syndrome (AIDS), with a history of AIDS, or those regarded as having or transmitting AIDS, exists in the City of Santa Monica. Such discrimination fomenters strife, unrest and discord and deprives the City of the fullest utilization of its resources and development and advancement. Such discrimination poses a substantial threat to the health, safety and welfare of the community“.

20. Santa Monica Municipal Code Section 4.52.050 provides that “It shall be an unlawful business practice for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment because, in whole or in part, the individual as AIDS, a history of AIDS, or is regarded as have transmitting AIDS.”

1 21. At all times mentioned herein, Defendant Western Dental has been a “business
2 establishment” within the meaning of Santa Monica Municipal Code section 4.52.020 which expressly
3 includes “any entity, however organized, which furnishes goods or services to the general public.”
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5 22. Defendants, and each of them, have denied the Plaintiffs the “full and equal enjoyment”
6 of defendants’ dental “services and facilities” otherwise available to the general public or have aided
7 such denial by refusing to provide the Plaintiffs necessary dental services, wholly or partly because the
8 Plaintiffs were suffering from AIDS or an AIDS-related condition, as that term is defined in SMMC
9 section 4.52.050(d).
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11 23. The Plaintiffs, by virtue of their honest and open acknowledgment to defendants of their
12 HIV status, have been harmed by defendants’ denial of full and equal access to necessary dental
13 services defendants otherwise provide to the general public. These practices have further harmed all
14 the Plaintiffs because they treat HIV-infected individuals as an outcast group, and thereby stigmatize
15 them by the societal misperception, fear and ignorance that all persons with AIDS or who are infected
16 with HIV are, simply by virtue of that condition, not entitled to full and equal access to facilities and
17 services otherwise available to the general public.
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19 24. The Plaintiffs have been further harmed by defendants’ unjustifiable, unlawful and
20 discriminatory practices because, as a result of such practices, the Plaintiffs have suffered physical
21 mm, shame, humiliation, degradation and emotional distress,
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23 25. Defendants’ arbitrary and invidious failure to provide necessary dental services has also
24 harmed the Plaintiffs by leaving them exposed to greater pain and health risks by virtue of the
25 extended period of time each was forced to wait before he was able to receive treatment at another
26 dental facility.
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26. In order to prevent defendants from continuing to violate SMMC section 4.52 et seq. defendants should be enjoined and prohibited from the unlawful and invidiously discriminatory practice of failing or refusing to provide necessary dental treatment, services and/or access to defendants' facilities to persons who have or are perceived to have AIDS or who are or are perceived to be HIV-infected, based solely or partially on the fact or perception that such persons have AIDS or are HIV-infected. Defendants should be further ordered to take all steps necessary to ensure the full enjoyment of all rights guaranteed by SMMC section 4.52, et seq. Plaintiffs are entitled to such relief under SMMC section 4.52.090(b).

27. As a direct and proximate result of defendants' discriminatory practices, the Plaintiffs have suffered actual damages in the form of denied dental treatment, physical pain, shame, humiliation, degradation and emotional distress in an amount to be determined at trial. Pursuant to SMMC section 4.52.080, the Plaintiffs are entitled to actual damages for their suffering as well as statutory damages in the amount of not less than two hundred dollars (\$200.00) but not more than four hundred dollars (\$400.00).

28. In committing the acts described above, defendants acted maliciously and oppressively, with a conscious, reckless, willful and callous disregard of the probable detrimental consequences to the Plaintiffs. The Plaintiffs are therefore entitled to an assessment of punitive damages against defendants, and each of them, under SMMC section 4.52.080, in an amount sufficient to punish and set an example of defendants.

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34. The Plaintiffs are informed and believe, and on that basis allege, that defendants, and each of them, are and at all times herein relevant have been engaged in conduct resistant to the Plaintiffs full enjoyment of rights guaranteed them by the Unruh Act, and that such conduct is of that nature and is intended to deny them the full exercise of such rights.

35. In order to prevent defendants from continuing to violate the Unruh Act, defendants should be enjoined and prohibited from the unlawful and invidiously discriminatory practice of failing or refusing to provide persons who have or are perceived to have AIDS or who are or are perceived to be HIV-infected, any necessary dental treatment or service, based solely or partially on the fact or perception that such persons have AIDS or are HIV-infected. In addition, defendants should be further ordered to take all steps necessary to ensure the full enjoyment of rights guaranteed by the Unruh Act. The Plaintiffs are entitled to such injunctive relief under Civil Code section 52(c)(3).

36. As a further and proximate result of defendants' unlawful denial of services, the Plaintiffs have suffered actual damages in the form of denied dental treatment, physical pain, shame, humiliation, degradation and emotional distress due to defendants' arbitrary and invidious discrimination on the basis of plaintiffs' physical disability. Pursuant to Civil Code section 52(a), the Plaintiffs are entitled to their actual damages in an amount to be determined at trial.

37. Pursuant to Civil Code section 52(a), the Plaintiffs are also entitled to such additional amount as may be determined at trial, up to a maximum of three times the amount of actual damage but in no case less than four thousand (\$4,000.00) per violation.

38. In committing the acts described above, defendants acted in maliciously and oppressively, with a conscious, reckless, willful and callous disregard of the Plaintiffs' rights, and with the intent of depriving them of rights guaranteed them by the Unruh Act. The Plaintiffs are therefore

1 entitled to exemplary and punitive damages in an amount sufficient to punish and set an example of
2 defendants.

3 **THIRD CAUSE OF ACTION**

4 **Violation of California Disabled Persons Act (Civil Code Section 54.1)**

5 **(By The Plaintiffs Against All Defendants)**

6
7 39. Plaintiffs repeat, reallege and incorporate by reference in this paragraph the allegations
8 contained in this Complaint as if fully set forth herein.

9 40. Civil Code section 54.1(a) provides that “Individuals with disabilities shall be entitled
10 to full and equal access, as other members of the general public, to accommodations, advantages,
11 facilities, medical facilities, including, hospitals, clinics, and physicians’ offices...and other places if
12 public accommodation, amusement or resort, and other places to which the general public is invited,
13 subject only to the conditions and limitations established by law, or state or federal regulations, and
14 applicable alike to all persons.”
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16 41. At all times mentioned herein, Western Dental has been a “place of public
17 accommodation” within the meaning of Civil Code section 54.1.
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19 42. Through the conduct described above, defendants, and each of them, have denied the
20 Plaintiffs, solely on the basis of their physical disability, access to accommodations and/or facilities of
21 a place of public accommodation otherwise available to members of the general public who are not
22 physically disabled.
23

24 43. In order to prevent defendants from continuing to violate Civil Code section 54.1,
25 defendants should be enjoined from engaging in the unlawful and invidious discriminatory practice of
26 refusing to provide individuals who have or are perceived to have AIDS or who are or are perceived to
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1 be HIV-infected full and equal access to the accommodations and facilities of Western Dental, on the
2 basis of such persons' physical disability. In addition, Defendants should be further ordered to take all
3 steps necessary to ensure the full enjoyment of rights guaranteed by Civil Code section 54.1. The
4 Plaintiffs are entitled to such relief under Civil Code section 55.

5
6 44. As a further and proximate result of defendants' denial of access to the Plaintiffs, these
7 plaintiffs have suffered harm in the form of denied dental treatment, physical pain, shame, humiliation,
8 degradation and emotional distress. Pursuant to Civil Code section 54.3, the Plaintiffs are entitled to
9 their actual damages in an amount to be determined at trial as pursuant to Civil Code section 54.3, the
10 Plaintiffs are further entitled to such additional amount as may be determined at trial, up to a maximum
11 of three times the amount of actual damage but in no case less than one thousand dollars (\$1,000.00)
12 per violation.

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14 45. In committing the acts described above, defendants acted maliciously and oppressively,
15 with a conscious, reckless, willful and callous disregard of the Plaintiffs' right to full and equal access
16 to defendants' place of public accommodation equivalent to that of members of the general public who
17 are not physically disabled. The Plaintiffs are therefore entitled to exemplary and punitive damages in
18 an amount sufficient to punish and set an example of defendants.

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21 **FOURTH CAUSE OF ACTION**

22 **(Intentional Infliction of Emotional Distress)**

23 **(By The Plaintiffs Against All Defendants)**

24
25 46. Plaintiffs repeat, reallege and incorporate by reference in this paragraph the allegations
26 contained in this Complaint as if fully set forth herein.

47. Defendants' extreme, outrageous and unprivileged conduct, as described above, was done with intent to cause, or with reckless disregard of the probability of causing, the Plaintiffs to suffer severe emotional distress in the form of mental anguish and suffering, humiliation, shame, shock, degradation and extreme and enduring physical pain. Defendants' conduct was made more extreme and outrageous because, by virtue of the professional doctor—patient relationship between the dentists and the Plaintiffs, defendants stood in special relation to the Plaintiffs.

48. Defendants' conduct was made more extreme and outrageous because the Plaintiffs were seeking necessary dental services and defendants knew or should have known of their ethical duty to treat such patients. As a result of this special relationship and the Plaintiffs' need for medical services, defendants knew or should have known of the Plaintiffs' particular susceptibility to emotional distress, and that such injury was substantially certain to occur as a result of defendants' conduct.

49. As a proximate result of defendants' extreme, outrageous and unprivileged conduct, the Plaintiffs have suffered humiliation, mental anguish, and emotional and physical distress, and have been injured in mind and body in degrees and amounts to be determined at trial.

50. The aforementioned acts of defendants were willful, reckless, malicious, oppressive, and done with a callous disregard of the consequences substantially certain to occur and justify an award of exemplary and punitive damages in an amount sufficient to punish and set an example of defendants.

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1 **FIFTH CAUSE OF ACTION**

2 **(Negligent Infliction of Emotional Distress)**

3 **(By The Plaintiffs Against All Defendants)**

4
5 51. Plaintiffs repeat, reallege and incorporate by reference in this paragraph the allegations
6 contained in Paragraphs 1 through 17 above, as if fully set forth herein.

7 52. At all times herein relevant, defendants were bound by their common law and statutory
8 duties to provide dental services, treatment, and full and equal access to their place of business to all
9 persons on an equivalent basis regardless of their physical disability. As a result of defendants' failure
10 to fulfill these duties, the Plaintiffs have suffered substantial and enduring emotional injury.

11
12 53. Defendants' knew, or should have known, that their failure to provide necessary dental
13 treatment, services or full and equal access to their facilities to the Plaintiffs because of their HIV
14 status would foreseeably cause the Plaintiffs serious emotional and physical distress.

15 54. Defendants breached their duty to exercise due care by refusing to provide services to or
16 treat the Plaintiffs solely on the basis of the Plaintiffs' HIV status.

17
18 55. As a proximate result of defendants' acts or omissions as described above, the Plaintiffs
19 have suffered serious emotional distress in the form of shame, humiliation, degradation, and physical
20 injuries in an amount to be determined at trial.

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22 **PRAYER FOR RELIEF**

23
24 WHEREFORE, the plaintiffs pray for judgment as follows:

25 1. For permanent injunctive relief ordering defendants, and each of them to:
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1 a. refrain from discriminating in any manner, by failing or refusing to extend to
2 any individual who has or is regarded as having AIDS or who is or is regarded as being
3 infected with HIV, the full and equal enjoyment of and access to defendants' treatment,
4 services and/or facilities of any kind whatsoever, on the basis (either in whole or in part) of the
5 fact or perception that such individual has AIDS or an AIDS—related condition, or is infected
6 with HIV;
7

8 b. train and educate each and every individual dentist, dental or X—ray technician,
9 staff member and all other personnel, regarding the actual risks in treating patients with AIDS
10 or who are HIV-infected, and the precautionary measures which must or should be taken to
11 prevent transmission of the disease, including but not limited to the use of the universal
12 precautions;
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14 c. prepare and promulgate, as a prominent portion of each of Western Dental's
15 media advertisements, a public statement of nondiscrimination on the basis of AIDS or HIV
16 infection; and
17

18 d. train and educate each and every individual dentist, dental or X—ray technician,
19 staff member and all other personnel to maintain the confidentiality of Western Dental's
20 patients' and potential patients' medical and health information, and to disclose such
21 information only
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23 2. For compensatory and general damages past, present, and future psychological and
24 emotional pain, suffering, distress and injury;

25 3. Statutory damages in the amount of not less than two hundred dollars (\$200.00) but not
26 more than four hundred dollars (\$400.00), pursuant to Santa Monica Municipal Code 4.52.080.
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1 4. Statutory damages in the amount of up to a maximum of three times the amount of
2 actual damage but in no case less than four thousand dollars (\$4,000), pursuant to Civil Code § 52(a).

3 5. Statutory damages in the amount of up to a maximum of three times the amount of
4 actual damage but in no case less than one thousand dollars (\$1,000.00) per violation, pursuant to Civil
5 Code section 54.3,
6

7 6. Attorney's fees, pursuant to Santa Monica Municipal Code 4.52.080, Civil Code
8 § 52(b)(3), Civil Code section 54.3(a) and Santa Monica Municipal Code 4.52.080;

9 7. Costs of suit;

10 8. Legal interest, and;

11 9. Such further legal and equitable relief as Court may deem just and proper.
12
13

14 Dated: September 11, 2008

HIV/AIDS LEGAL SERVICES ALLIANCE

15
16 By: _____
17 Peggy Roman-Jacobson
18 Attorneys for Plaintiffs
19 JEFFREY GOODMAN
DONALD FORD

20 Dated: September 11, 2008

THE LINDE LAW FIRM

21
22 By: _____
23 Douglas A. Linde
24 Erica L. Allen
25 Attorneys for Plaintiffs
JEFFREY GOODMAN
DONALD FORD
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DEMAND FOR JURY TRIAL

PLAINTIFFS hereby demand a jury trial.

Dated: September 11, 2008

HIV/AIDS LEGAL SERVICES ALLIANCE

By: _____
Peggy Roman-Jacobson
Attorneys for Plaintiffs
JEFFREY GOODMAN
DONALD FORD

Dated: September 11, 2008

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By: _____
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