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Executive DirectorPATRICIA L. BARFIELD
Director
Corporations Division

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



ARIZONA CORPORATION COMMISSION

Date 06/06/2016

KIMO ENTERPRISE, LLC
6926 W TETHER TRL
PEORIA, AZ 85383

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 06/03/2016 as agent for KIMO ENTERPRISE, LLC:

Case caption: **ADVOCATES FOR INDIVIDUALS WITH DISABILITIES LLC; ET AL V. KIMO ENTERPRISE, LLC,**
Case number: **CV2016-092191** Court: **MARICOPA COUNTY, SUPERIOR COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other **CERTIFICATE OF ARBITRATION**

Sincerely,

Lynda B. Griffin
Custodian of RecordsInitials **GM**File number **L-1052575-8**

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **06/03/2016**, **GEORGE MOYA**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **KIMO ENTERPRISE, LLC**.

Case caption: **ADVOCATES FOR INDIVIDUALS WITH DISABILITIES LLC; ET AL v. KIMO ENTERPRISE, LLC**,

Case number: **CV2016-092191**

Court: **MARICOPA COUNTY, SUPERIOR COURT**

- | | |
|---|--|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input checked="" type="checkbox"/> Other CERTIFICATE OF ARBITRATION | |

On _____, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

KIMO ENTERPRISE, LLC
6926 W TETHER TRL
PEORIA, AZ 85383

OR

The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

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

Printed name: **GEORGE MOYA**

Date: **06/06/2016**

Signature: _____

STROJNIK, P.C.

ATTORNEY AT LAW

ADVOCATES FOR AMERICAN DISABLED INDIVIDUALS, LLC

BY PROCESS SERVER

3/14/2016

KIMO ENTERPRISE LLC
c/o HYUN M KIM – Its Statutory Agent
6926 W TETHER TRL
Peoria, AZ 85383

Re: *David Ritzenthaler v. KIMO ENTERPRISE LLC*
Maricopa County Superior Court

Dear Sir or Madam:

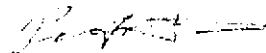
You are being served with the Summons, Verified Complaint, Certificate of Arbitration and Discovery Request No. 1 in the above captioned matter.

Please forward this package to your insurance company and your legal counsel if you have and or retained such.

I look forward to hearing from you or your legal representative at the earliest opportunity so we may mutually explore a feasible and economical resolution to this matter.

Please note that all communication regarding all Enforcement Actions are performed solely through email at the following e-mail address: **223EIndian SchoolRoad@aadi.com**.

Sincerely,



Peter Strojnik

Encls:

1. Summons
2. Verified Complaint
3. Certificate of Arbitration
4. Discovery Request No. 1

Peter Strojnik, State Bar No. 6464
STROJNIK P.C.
7373 E. Doubletree Ranch, Ste B-165
Scottsdale, AZ 85258
Telephone: (774) 768-2234
Case Specific Email Address:
223EIndian SchoolRoad@aadi.org

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Advocates for Individuals with Disabilities,
LLC. and David Ritzenthaler,

Plaintiff,

vs.

KIMO ENTERPRISE LLC

Defendants.

Case No:

CV 2016-092191

SUMMONS

TO THE ABOVE NAMED DEFENDANT

IF YOU WANT THE ADVICE OF A LAWYER, YOU MAY
WISH TO CONTACT THE LAWYER REFERRAL SERVICE AT
602-257-4434 OR ONLINE AT WWW.LAWYERREFINDERS.ORG
LRS IS SPONSORED BY THE MARICOPA COUNTY
BAR ASSOCIATION.

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona – whether by direct mail, by registered or certified mail, or by publication – you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. When process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of process against it in this State, the insurer shall not be required to appear, answer or plead until the expiration of 40 days of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service by mail is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after the Affidavit of Compliance and return receipt of Officer's Return. **RCP 4.1 and 4.2; A.R.S. §§ 20-222, 28-502, 28-503.**

1 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend
2 **within the time applicable, judgment by default may be rendered against you for the**
3 **relief demanded in the Complaint. YOU ARE CAUTIONED** that in order to appear
4 **and defend, you must file an Answer or proper response in writing with the Clerk**
5 **of the Court, accompanied by the necessary filing fee, within the time required, and**
6 **you are required to serve a copy of any Answer or Response upon Plaintiff's**
7 **attorney, or if Plaintiff is not represented by counsel, upon Plaintiff.**

8 A request for reasonable accommodations for persons with disabilities must be made to
9 the division assigned to the case by the parties at least three (3) days before the scheduled
10 court proceeding.

11 The name and address of Plaintiff is:

12 Advocates for Individuals with Disabilities, LLC and David Ritzenthaler
13 7373 E. Doubletree Ranch, Ste B-165
14 Scottsdale, AZ 85258

15 SIGNED AND SEALED this date: _____

COPY

MAR 24 2016

16 Clerk of Court



17 ~~MICHAEL K. JEANES, CLERK~~
18 V. MARTINEZ
19 DEPUTY CLERK

1 Peter Strojnik, State Bar No. 6464
2 **STROJNIK P.C.**
3 7373 E Doubletree Ranch, Suite B-165
4 Scottsdale, AZ 85258
5 Telephone: (774) 768-2234
6 Case Specific Email Address:
7 223EIndian SchoolRoad@aadi.org

8 Attorneys for Plaintiff

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 **ADVOCATES FOR INDIVIDUALS**
14 **WITH DISABILITIES, LLC.** and David
15 Ritzenthaler, dealing with Plaintiff's sole
16 and separate claim.

17 Plaintiff.

18 vs.

19 **KIMO ENTERPRISE LLC**

20 Defendant.

COPY

MAR 24 2016



MICHAEL K. JEANES, CLERK
V. MARTINEZ
DEANAY ALERA

Case No: **CV 2016-092191**

VERIFIED COMPLAINT

(Civil Rights)

and

REQUEST FOR TRIAL BY JURY

21 Plaintiff alleges:

22 **PARTIES**

- 23 1. Plaintiff, David Ritzenthaler, currently resides in Scottsdale, Arizona. Plaintiff is
24 and, at all times relevant hereto, has been legally disabled. Plaintiff is recognized
25 by the State of Arizona as a member of a protected class under §§41-1492 et seq.
26 and its implementing regulations, R10-3-401 et seq. ("AzDA") and by the United
27 States Congress under 42 U.S.C. § 12102(2); the regulations implementing at 28
28 CFR §§ 36.101 et seq. ("ADA") and therefore has the right of equal access to
commercial facilities. Plaintiff's right(s) as a member of the protected class have
been violated.

1 2. Defendant, KIMO ENTERPRISE LLC, owns and/or operates a business
2 located at 223 E Indian School Road Phoenix AZ 85012 ("Commercial Facility") which
3 is a commercial facility as defined in A.R.S. § 41-1492 and 42 U.S.C. § 12181.

4 **JURISDICTION**

5 3. This Court has original jurisdiction over the AzDA claims by virtue of
6 A.R.S. §§ 12-123 and 41-1492.8 and concurrent jurisdiction over the ADA claims by
7 virtue of A.R.S. § 12-123 and Article 6. Section 14(1) of the Arizona Constitution gives
8 the superior court original jurisdiction of "[c]ases and proceedings in which exclusive
9 jurisdiction is not vested by law in another court."

10 **INTRODUCTION**

11 4. David Ritzenthaler brings this action against Defendant, alleging violations
12 of AzDA, Article 8, Chapter 10 of Title 41 of the Arizona Revised Statutes, A.R.S. §§
13 41-1492 *et seq.* and its implementing regulations, R10-3-401 *et seq.* and the ADA, Title
14 III of the Americans with Disabilities Act. 42 U.S.C. §§ 12101 *et seq.*, and its
15 implementing regulations 28 CFR §§ 36.101 *et seq.* Plaintiff suffers from disability as
16 this term is defined in A.R.S. §41-1492(6) and interpreted pursuant to A.R.S. §41-
17 1492.12. Plaintiff brings this civil rights action against Defendant for failing to design,
18 construct, and/or own or operate facilities that are fully accessible to, and independently
19 usable by, disabled individuals. Specifically, Defendant's Commercial Facility has
20 barriers of access to disabled individuals by virtue of inadequacy of handicapped parking
21 spaces, insufficient designation or signage and or insufficient disbursement of such
22 parking spaces, notwithstanding that such modifications are readily achievable.
23 Therefore, Plaintiff seeks a declaration that Defendant's Commercial Facility violates
24 State and Federal law and an injunction requiring Defendant to install means of access in
25 compliance with ADA requirements so that the Defendant's Commercial Facility is fully
26 accessible to, and independently usable, by, disabled individuals.

27 5. Plaintiff further requests that, given Defendant's historical failure to
28 comply with the AzDA's and the ADA's mandate, the Court retain jurisdiction of this
matter, for a period to be determined, to ensure that Defendant comes into compliance
with the relevant requirements of the AzDA and the ADA, and to ensure that Defendant

1 has adopted, and is following, an institutional policy that will, in fact, cause Defendant
2 to remain in compliance with the law.

3 6. According to 510-3-404, all places of public accommodations and
4 commercial facilities must comply with the 2010 Standards (as defined in R-10-3-401(1))
5 and the provisions of 28 CFR 36.101 through 36.104, 36.201 through 36.206, 36.208,
6 36.211, 36.301 through 36.311, and 36.507.

7 7. In compliance with R10-3-405(H)(1), Plaintiff's address is c/o Peter Strojnik,
8 Plaintiff's attorney, 7373 E. Doubletree Ranch, Suite B-165, Scottsdale, AZ 85258.

9 **REAL PARTY IN INTEREST**

10 8. Plaintiff is the real party in interest pursuant to ARCP Rule 17(a) ("a party
11 authorized by statute may sue in that person's own name") and A.R.S. § 41-1492.08 (C)
12 ("A person may file a civil action in superior court not later than two years after the
13 occurrence or the termination of an alleged discriminatory public accommodation
14 practice...")

15 **ALLEGATIONS COMMON TO ALL COUNTS**

16 9. Plaintiff has a State issued handicapped license plate and or placard
17 granting Plaintiff the right to park in properly designated handicapped parking spaces.

18 10. On or about 2/17/2016, Plaintiff became aware that there were insufficient
19 handicapped parking spaces, insufficient designation or signage and or insufficient
20 disbursement of such parking spaces in order to provide the "shortest accessible route
21 from parking to an entrance", specifically but not limited to violation of the 2010 ADA
22 Standards of Accessibility Design §§216.5 and 502.6 in that it fails to identify van aaa.
23 Therefore, Plaintiff and others similarly situated are not permitted equal access.

24 11. Plaintiff attaches US Department of Justice Business Brief relating to
25 restriping of parking lots, Exhibit 1, and US Department of Justice ADA Design Guide 1
26 as Exhibit 2 in order to aid non-compliant commercial facilities with compliance.

27 12. Plaintiff has actual knowledge of at least one barrier related to Plaintiff's
28 disability as alleged in the preceding paragraph. Consequently, Plaintiff and others
similarly situated are currently deterred from visiting Defendant's Commercial Facility
by this accessibility barrier. Therefore, Plaintiff has suffered an injury-in-fact for the

1 purpose of standing to bring this action. Upon information and belief, there are other
2 potential violations and barriers to entry that will be discovered and disclosed during the
3 discovery and disclosure process.

4 13. Without the presence of adequate handicapped parking spaces, sufficient
5 designation or signage and or sufficient disbursement of such parking spaces. Plaintiff's
6 disability prevents Plaintiff and other disabled persons from equal enjoyment of the
7 Defendant's Commercial Facility.

8 14. Plaintiff and other disabled persons have the right be able to visit
9 Defendant's Commercial Facility in the future, for business, pleasure, medical treatment
10 or other commercial purposes and utilize Defendant's Commercial Facility with adequate
11 parking, sufficient designation or signage and sufficient disbursement of such parking
12 spaces for the disabled, and remedies of other existing AzDA and ADA violations.

13 15. As a result of Defendant's non-compliance with the AzDA and the ADA,
14 Plaintiff will avoid and not visit Defendant's Commercial Facility in the future unless
15 and until all AzDA and ADA violations have been cured.

16 16. The existence of barriers deters Plaintiff and other disabled persons from
17 conducting business or returning to Defendant's Commercial Facility. Upon information
18 and belief, other disabled persons are also deterred from visiting there or otherwise
19 precluded from frequenting Defendant's Commercial Facility due to its non-compliance
20 with the AzDA and the ADA

21 17. As a result of Defendant's non-compliance with the AzDA and the ADA,
22 Plaintiff and others similarly situated, unlike persons without disabilities, are denied
23 equal access.

24 18. Upon information and belief, though Defendant may have centralized
25 policies regarding the management and operating of its Commercial Facility, Defendant
26 does not have a plan or policy that is reasonably calculated to make its entire facility fully
27 accessible to and independently usable by, disabled individuals.

28 19. Plaintiff's agents verified that Defendant's Commercial Facility lacks the
mandatory elements required by the 2010 Standards to make it fully accessible to and
independently usable by disabled people.

20. As a disabled person, Plaintiff has a keen interest in whether commercial facilities are fully accessible to, and independently usable by, the disabled, specifically including an interest in ensuring that parking spaces comply with the 2010 Standards.

21. Plaintiff, or an agent of Plaintiff, intends to return to Defendant's Commercial Facility to ascertain whether it remains in violation of the AzDA and the ADA.

22. Plaintiff and other disabled persons have been injured by Defendant's discriminatory practices and failure to remove architectural barriers. These injuries include being deterred from using Defendant's facilities due to the inaccessibility and or insufficient designation of appropriate parking.

23. Without injunctive relief, Plaintiff and other disabled persons will continue to be unable to independently use Defendant's Commercial Facility under the ADA.

24. Plaintiff shall seek to amend the Verified Complaint upon further inspection of Defendant premises for the purpose of alleging additional violations, if any.

COUNT ONE
(Violation of AzDA and ADA and Negligent Compliance)

25. Plaintiff incorporates all allegations heretofore set forth.

26. Defendant has discriminated against Plaintiff and other disabled persons in that it has failed to make its Commercial Facility fully accessible to, and independently usable by, individuals who are disabled, in violation of AzDA, Article 8, Chapter 10 of Title 41 of the Arizona Revised Statutes, A.R.S. §§ 41-1492 *et seq.* and its implementing regulations, R10-3-401 *et seq.* and the ADA, Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*, and its implementing regulations 28 CFR §§ 36.101 *et seq.*

27. Upon information and belief, Plaintiff alleges that Defendant attempted to comply with all laws including the AzDA and the ADA, but that his attempts were negligent and fell short of strict compliance. Defendant has a duty to Plaintiff and other disabled persons to comply with the AzDA and the ADA and to do so in a non-negligent manner. Defendant's negligence has caused harm and damage to Plaintiff.

1 28. Defendant has discriminated against Plaintiff and other disabled persons in
2 that it has failed to remove architectural barriers to make its Commercial Facility fully
3 accessible to, and independently usable by individuals who are disabled in violation of
4 the AzDA and the ADA and, particularly, 42 U.S.C. §12182(b)(A)(iv) and Section 208.2
5 of the 2010 Standards. as described above. Compliance with the requirements of section
6 208.2 of the 2010 Standards would neither fundamentally alter the nature of Defendant's
Commercial Facility nor result in an undue burden to Defendant.

7 29. Compliance with AzDA and the ADA is readily achievable by the
8 Defendant due to the low costs. Readily achievable means that providing access is easily
9 accomplishable without significant difficulty or expense.

10 30. Conversely, the cessation of compliance with the ADA law is also readily
11 achievable by redrawing the parking spaces to its original configuration and or changing
12 signage back to the same. Therefore, injunctive relief should issue irrespective of
13 Defendant's potential voluntary cessation pursuant to the Supreme Court's
14 announcement in *Friends of the Earth* case³.

15 31. Defendant's conduct is ongoing. Plaintiff invokes Plaintiff's statutory right
16 to declaratory and injunctive relief, as well as costs and attorneys' fees, both pursuant to
17 statute and pursuant to the Private Attorney General doctrine.

18 32. Without the requested injunctive relief, specifically including the request
19 that the Court retain jurisdiction of this matter for a period to be determined after the
20

21 ³ *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs., Inc.*, 528 U.S. 167, 189, 120 S.Ct.
22 693, 145 L.Ed.2d 610 (2000):

23 It is well settled that a defendant's voluntary cessation of a challenged
24 practice does not deprive a federal court of its power to determine the legality
25 of the practice. If it did, the courts would be compelled to leave the defendant
26 free to return to his old ways. In accordance with this principle, the standard
27 we have announced for determining whether a case has been mooted by the
28 defendant's voluntary conduct is stringent: A case might become moot if
subsequent events made it absolutely clear that the allegedly wrongful
behavior could not reasonably be expected to recur. The heavy burden of
persuading the court that the challenged conduct cannot reasonably be
expected to start up again lies with the party asserting mootness.

1 Defendant certifies that it is fully in compliance with the mandatory requirements of the
2 AzDA and ADA that are discussed above. Defendant's non-compliance with the AzDA
3 and ADA's mandatory requirements may be or are likely to recur.

4 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 5 a. A Declaratory Judgment that, at the commencement of this action,
6 Defendant was in violation of the specific requirements of AzDA and the
7 ADA described above, and the relevant implementing regulations of the
8 AzDA and the ADA, in that Defendant took no action that was reasonably
9 calculated to ensure that its Commercial Facility was fully accessible to,
10 and independently usable by, disabled individuals;
- 11 b. Irrespective of Defendants "voluntary cessation" of the ADA violation, if
12 applicable, a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2)
13 requiring Defendant to comply with Sections 208.2 of the 2010 Standards,
14 and which further directs that the Court shall retain jurisdiction for a period
15 to be determined after Defendant certifies that its Location is fully in
16 compliance with the relevant requirements of the ADA to ensure that
17 Defendant has adopted and is following an institutional policy that will in
18 fact cause Defendant to remain fully in compliance with the law;
- 19 c. Irrespective of Defendants "voluntary cessation" of the ADA violation, if
20 applicable, payment of costs of suit, expenses and attorney's fees;
- 21 d. Irrespective of Defendants "voluntary cessation" of the AzDA and ADA
22 violation, if applicable, payment of attorneys' fees pursuant to 42 U.S.C. §
23 12205, 28 CFR § 36.505 and other principles of law and equity and in
24 compliance with the "prevailing party" and "material alteration" of the
25 parties' relationship doctrines⁴ in an amount no less than \$5,000.00; and,
- 26 e. Order closure of the Defendant's Commercial Facility until Defendant has
27 fully complied with the ADA; and

28 ⁴ As applicable to ADA cases, see *Coppi v. City of Dana Point*, Case No. SACV 11-1813 JGB (RNBx)
(February, 2015)

- 1 f. A finding that Defendant's attempts to comply with the AzDA and the
2 ADA were negligent, causing damage; and
3 g. Damages pursuant to A.R.S. §41-1492.09(B); and
4 h. The provision of whatever other relief the Court deems just, equitable and
5 appropriate.

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a jury trial on issues triable by a jury.

8 RESPECTFULLY SUBMITTED this 3/14/2016.

9 **STROJNIK P.C.**

10 

11 Peter Strojnik (6464)
12 7373 E. Doubletree Ranch, Suite B-165
13 Scottsdale, AZ 85258
14 Attorneys for Plaintiff

15 **VERIFICATION COMPLIANT WITH R10-3-405**

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

17 DATED this 3/14/2016.

18 /s/ David Ritzenthaler

19 Electronic Signature Authorized
20 David Ritzenthaler
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COPY

MAR 24 2016



MICHAEL K. JAMES, CLERK
V. MARTINEZ
DEPUTY CLERK

1 Peter Strojnik, State Bar No. 6464
2 **STROJNIK P.C.**
3 7373 E Doubletree Ranch, Suite B-165
4 Scottsdale, AZ 85258
5 Telephone: (774) 768-2234
6 Case Specific Email Address
7 223EIndian SchoolRoad@aadi.org
8 Attorneys for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 **ADVOCATES FOR INDIVIDUALS**
12 **WITH DISABILITIES, LLC, and David**
13 **Ritzenthaler, dealing with Plaintiff's sole**
14 **and separate claim.**

15 **Plaintiff.**

16 **vs.**

17 **KIMO ENTERPRISE LLC**

18 **Defendant.**

Case No: **CV2016-092191**

CERTIFICATE OF
ARBITRATION

19 The above cause is not subject to compulsory arbitration.

20 **RESPECTFULLY SUBMITTED this 3/14/2016.**

21 **STROJNIK P.C.**

22 **Peter Strojnik (6464)**
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1 Peter Strojnik, State Bar No. 6464
2 **STROJNIK P.C.**
3 7373 E Doubletree Ranch, Suite B-165
4 Scottsdale, AZ 85258
5 Telephone: (774) 768-2234
6 Case Specific Email Address
7 223EIndian SchoolRoad@aadi.org

8 Attorneys for Plaintiff

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11
12 **IN AND FOR THE COUNTY OF MARICOPA**
13

14 Advocates for Individuals with Disabilities,
15 LLC. and David Ritzenthaler,

16 Plaintiff,

17 vs.

18 KIMO ENTERPRISE LLC,
19 Defendants

Case No:

DISCOVERY REQUEST NO 1

20 **TO: DEFENDANT(S)**

21 **INSTRUCTIONS FOR USE**

- 22 A. All information is to be divulged which is in the possession of the individual or
23 corporate party, his attorneys, investigators, agents, employees or other representatives
24 of the named party.
- 25 B. When an individual interrogatory calls for an answer which involves more than one
26 part, each part of the answer should clearly set out so that it is understandable.
- 27 C. When the terms "you", "Plaintiff" or "Defendant" are used, they are meant to include
28 every individual party and include your agents, employees, your attorneys, your
accountants, your investigators, anyone else acting on your behalf. Separate answers
should be given for each person named as the party, if requested.
- D. When the term "document" is used, it is meant to include every "writing", "recording"
and photograph" as those terms are defined in Rule 1001, Ariz. R. Evid.

- 1 E. Where the terms "claim" or "claims" are used, they are meant to mean or to include a
2 demand, cause of action or assertion for something due or believed to be due.
3 F. Where the terms "defense" or "defenses" are used, they are meant to mean or to include
4 any justification, excuse, denial or affirmative defense in response to the opposing
5 party's claim.
6 G. Where the term "negotiation(s)" is used, it is meant to mean or to include
7 conversations, discussions, meeting, conferences and other written or verbal exchanges
8 which relate to the contract.
9 H. Where the term "ADA" is used, it refers to Title III of the Americans with Disabilities
10 Act, 42 U.S.C. §§ 12101 et seq., and its implementing regulations 28 CFR §§ 36.101
11 et seq.
12 I. Where the term "AzDA" is used, it refers to A.R.S. §§ 41-1492 et seq. and its
13 implementing regulations, R10-3-401 et seq.
14 J. Where the term "Standards" is used, it refers to 2010 Standards of Accessibility Design
15 promulgated by the United States Department of Justice.
16 K. Where the term "Commercial Facility" is used it refers to the facility referenced in the
17 Verified Complaint, its management and ownership.

18 Pursuant to Arizona Rules of Civil Procedure, Rules 26 through 37, please provide
19 the following discovery:

20 UNIFORM CONTRACT INTERROGATORIES

21 Please answer Uniform Contract Interrogatories 1, 2, 4, 5, 6, 7, 8, 9, 10 and 11.

22 REQUESTS FOR ADMISSIONS

- 23 1. Admit that the commercial facility which is the subject matter of the Verified
24 Complaint was in violation of the AzDA, the ADA and the Standards.

25 ADMIT _____ DENY _____

- 26 2. Admit that the commercial facility which is the subject matter of the Verified
27 Complaint does not have policies regarding the operation and management of the
28 Commercial Facility.

ADMIT _____ DENY _____

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3. Admit that the Commercial Facility which is the subject matter of the Verified Complaint does not have a plan or policy that is reasonably calculated to make its entire commercial facility fully accessible to and independently usable by disabled individuals.

ADMIT _____

DENY _____

NON-UNIFORM CONTRACT INTERROGATORIES

(If spaces provided below are insufficient to fully disclose requested information, please attach additional sheets referencing the proper interrogatory)

1. If you did not unconditionally admit each of the Requests for Admission above, please state all facts and legal considerations for your denial.

2. Please describe all actions you or anyone on your behalf have/has taken since 1991 to comply with the AzDA, the ADA and the Standards.

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3. Please describe in detail any actual or suspected non-compliance of the Commercial Facility with the AzDA, the ADA or the Standards.

4. Please identify the person or entity responsible for the Commercial Facility's compliance with the AzDA, the ADA and the Standards.

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5. Please identify by name, address, telephone number, e-mail address any and all tenants who rent or lease space at the Commercial Facility.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce any and all policies regarding the operation and management of the Commercial Facility, including, without limitation, any plan or policy that is

1 reasonably calculated to make its entire commercial facility fully accessible to and
2 independently usable by disabled individuals.

3 2. Please produce any and all architectural drawings, plats, maps and schematics for the
4 Commercial Facility.

5
6 3. Please produce any and all rental or lease agreements for any space within the
7 Commercial Facility effective on the date of the filing of the Verified Complaint until
8 the present. Further produce all rental/lease applications and financial records of each
9 renter or tenant.

10
11 4. If you claim that compliance with the AzDA, the ADA and/or the Standards is not
12 readily achievable, please produce your complete financial records for the 5 years
13 preceding the issuance of this Discovery Request No 1. These records include, without
14 limitation, tax records, profit and loss statements, income statements, bank statements,
15 credit applications,

16 RESPECTFULLY SUBMITTED this 3/14/2016.

17 STROJNIK P.C.

18 

19 _____
20 Peter Strojnik (6464)
21 Attorneys for Plaintiff
22
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25
26
27
28

Corporate Maintenance

06/03/2016

State of Arizona Public Access System

2:34 PM

File Number: L-1052575-8

LATEST DATE TO DISSOLVE 12/31/2053

Corp. Name: KIMO ENTERPRISE, LLC

Domestic Address
6926 W TETHER TRL

Second Address

PEORIA, AZ 85383

Agent: HYUN M KIM
Status: APPOINTED 11/12/2002
Mailing Address:
6926 W TETHER TRL

PEORIA, AZ 85383
Agent Last Updated: 12/03/2002

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period:

Incorporation Date: 11/12/2002

Approval Date: 11/12/2002

Last A/R Received: /

Date A/R Entered:

Next Report Due:

RECORD(S) SUCCESSFULLY UPDATED. (A066)

Mark Hardy

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: GMOYA
Invoice No.: 5083053

Check Batch:
Invoice Date: 06/03/2016
Date Received: 06/03/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS L-1052575-8 KIMO ENTERPRISE, LLC	\$25.00
Total Documents: \$		25.00
	CHECK 3314	\$25.00
PAYMENT		
Balance Due: \$		0.00

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

STATEMENT FOR SERVICE OF PROCESS

ENTITY NAME – give the exact name of the corporation or LLC as currently shown in A.C.C. records:

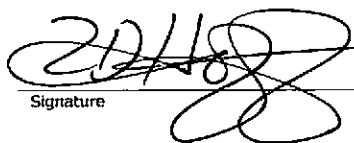
Kimo Enterprise, LLC

A.C.C. FILE NUMBER:

L10525758

Find the A.C.C. file number on the upper corner of filed documents OR on our website at: <http://www.azcc.gov/Divisions/Corporations>

By my signature below, **I certify under the penalty of perjury** that, upon information, knowledge, and belief, the above-named entity has either failed to appoint a statutory agent or failed to maintain a statutory agent at the statutory agent address on record with the Arizona Corporation Commission.



Signature

RUSSELL D. Hoffman

Printed Name

5/31/16

Date

Service of process fee: \$25.00
All fees are nonrefundable.

Mail: Arizona Corporation Commission - Records Section
1300 W. Washington St., Phoenix, Arizona 85007
Fax: 602-542-3414

Please be advised that A.C.C. forms reflect only the **minimum** provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.

All documents filed with the Arizona Corporation Commission are **public record** and are open for public inspection.
If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

