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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

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11 RENA WYMAN,

12 Plaintiff,

13 v.

14 HIGH TIMES PRODUCTIONS, INC., and
15 CALIFORNIA EXPOSITION AND
STATE FAIR,

16 Defendants.

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Case No. _____

**COMPLAINT FOR VIOLATIONS OF
THE AMERICANS WITH
DISABILITIES ACT, 42 U.S.C. § 12101,
et seq., SECTION 504 OF THE
REHABILITATION ACT, 29 U.S.C.
§ 794, THE CALIFORNIA UNRUH
CIVIL RIGHTS ACT, CAL. CIV.
CODE §§ 51 & 52, THE CALIFORNIA
DISABLED PERSONS ACT, CAL.
CIV. CODE §§ 54-54.3; AND
NEGLIGENCE**

1 Plaintiff RENA WYMAN (“Plaintiff” or “Ms. Wyman”), by and through her
2 attorneys, Rosen Bien Galvan & Grunfeld LLP, brings this Complaint against Defendants
3 HIGH TIMES PRODUCTIONS, INC. (“HIGH TIMES”) and CALIFORNIA
4 EXPOSITION AND STATE FAIR (“CAL EXPO”):

5 **INTRODUCTION**

6 1. This action seeks to remedy the inaccessibility of High Times-sponsored
7 events for Ms. Wyman, an avid event-goer who has a neurological disorder and resulting
8 physical disability, and uses a wheelchair. Ms. Wyman has long been interested in
9 attending events hosted by organizations and companies in the cannabis industry, such as
10 the High Times Cannabis Cup, a world-famous concert and exposition hosted by High
11 Times at numerous locations throughout the world each year.

12 2. In 2017, Ms. Wyman attempted to contact High Times to request
13 information regarding wheelchair accessibility at a Cannabis Cup festival in Northern
14 California, where Ms. Wyman lives. However, the vast majority of Ms. Wyman’s requests
15 for information were ignored. Frustrated and humiliated, Ms. Wyman was deterred from
16 attending the event.

17 3. Hoping for a better result, Ms. Wyman decided to contact High Times again
18 in 2018 ahead of a Cannabis Cup festival scheduled for May 4 and 5, 2018 at the Cal Expo
19 Fairgrounds in Sacramento, California. Once again, High Times ignored Ms. Wyman’s
20 numerous communications. Ms. Wyman decided to go to the event anyway. She was met
21 with numerous accessibility barriers. Due to the lack of accessible paths of travel,
22 bathrooms, viewing areas, vendor booths, and various events throughout the weekend, Ms.
23 Wyman was denied full and equal access to the event, and was physically injured when
24 trying to negotiate the accessibility barriers.

25 4. Although Ms. Wyman wishes to attend future High Times events, including
26 the Cannabis Cup currently scheduled to occur at the Cal Expo Fairgrounds on October 27
27 and 28, 2018, the discriminatory treatment and lack of access she has faced deter her from
28 attending.

1 5. Defendants’ acts and omissions have resulted in the unequal treatment of,
2 and harm to, Plaintiff. Such discrimination violates Title II and Title III of the ADA, 42
3 U.S.C. § 12101, *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*, the
4 California Unruh Civil Rights Act, Cal. Civ. Code §§ 51 & 52, and the California Disabled
5 Persons Act, Cal. Civ. Code §§ 54-54.3. Ms. Wyman seeks declaratory and injunctive
6 relief and damages against Defendants as a remedy for their discrimination against her.

7 **JURISDICTION**

8 6. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C.
9 §§ 1331 and 1343 for Plaintiff’s claims arising under Title II and Title III of the Americans
10 with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.*, and Section 504 of the Rehabilitation
11 Act, 29 U.S.C. § 794, *et seq.*, and the regulations promulgated thereunder.

12 7. This court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over
13 Plaintiff’s pendent claims under the California Unruh Civil Rights Act (California Civil
14 Code §§ 51, *et seq.*) and the Disabled Persons Act (California Civil Code §§ 54-54.3) and
15 Plaintiff’s negligence claim.

16 **VENUE**

17 8. Venue is proper in the Eastern District of California pursuant to 28 U.S.C.
18 § 1391(b) because a substantial part of the acts and/or omissions complained of herein
19 have occurred, or will occur, in this District.

20 **PARTIES**

21 9. Plaintiff RENA WYMAN has a neurological disorder, Dystonia, has a
22 physical disability, uses a wheelchair to travel about in public places, and currently resides
23 in Willows, California. Ms. Wyman, who greatly enjoys attending art and music festivals
24 and events, is an avid event-goer. In particular, Ms. Wyman enjoys attending events
25 hosted by organizations and companies in the cannabis industry. Due to Ms. Wyman’s
26 disability, she was denied equal access to the High Times Cannabis Cup festival she
27 attended at Cal Expo on May 4 and 5, 2018. Ms. Wyman would like to attend future
28 events hosted and/or sponsored by High Times, but she is deterred from attending because

1 of the past discrimination and accessibility barriers she has experienced.

2 10. Defendant HIGH TIMES PRODUCTIONS, INC. (“High Times”), a New
3 York corporation headquartered in California, is a subsidiary of High Times Holding
4 Corporation, which has historically engaged in the publication of a monthly print and on-
5 line cannabis magazine and the production and sponsorship of trade shows and events.
6 High Times comprises businesses across a range of media, including the High Times
7 Cannabis Cup, which High Times promotes as the world’s leading cannabis event,
8 celebrating the world of cannabis through concerts, expositions, competitions, instructional
9 seminars, and product showcases. High Times does not engage in the production or
10 distribution of cannabis.

11 11. High Times hosts numerous Cannabis Cup festivals each year, many of
12 which occur in California. For example, High Times hosted the 2017 High Times SoCal
13 Cannabis Cup in April 2017 in San Bernardino, California. In June 2017, High Times
14 hosted the 2017 High Times NorCal Cannabis Cup in Santa Rosa, California. In 2018,
15 High Times hosted the 2018 High Times SoCal Cannabis Cup in April 2018 in San
16 Bernardino, California. In May 2018, High Times hosted the 2018 High Times Central
17 Valley Cannabis Cup in Sacramento, California. This is the event that forms the basis of
18 this complaint. In June 2018, High Times hosted the 2018 High Times NorCal Cannabis
19 Cup in Santa Rosa, California. On August 24, 2018, High Times announced that it will
20 host another Cannabis Cup festival this year at the Cal Expo Fairgrounds in Sacramento,
21 California on October 27 and 28, 2018.

22 12. Plaintiff seeks full and equal access to the events hosted and/or sponsored by
23 High Times, including the High Times Cannabis Cup festivals.

24 13. Defendant CALIFORNIA EXPOSITION AND STATE FAIR (“Cal Expo”)
25 is a public entity established by the laws and Constitution of the State of California. Cal
26 Expo is a separate entity in state government that is primarily involved in organizing state
27 fairs and expositions at the Cal Expo Fairgrounds in Sacramento, California. Cal Expo
28 owns, operates, manages, directs, and/or controls the Cal Expo Fairgrounds. Cal Expo

1 entered into a written agreement with High Times prior to the 2018 High Times Central
2 Valley Cannabis Cup that took place on May 4 and 5, 2018 at the Cal Expo Fairgrounds in
3 Sacramento, California. This is the event that forms the basis of this complaint. Plaintiff
4 seeks full and equal access to the services provided by Cal Expo, including full and equal
5 access to the events hosted there.

6 **FACTUAL ALLEGATIONS**

7 14. High Times comprises businesses across a range of media, including the
8 High Times Cannabis Cup, which High Times promotes as the world's leading cannabis
9 event, celebrating the world of cannabis through concerts, expositions, competitions,
10 instructional seminars, and product showcases.

11 15. High Times hosts numerous Cannabis Cup festivals and other events each
12 year, many of which occur in California.

13 16. Ms. Wyman, an avid event-goer who has a physical disability, uses a
14 wheelchair, and has long been interested in attending events hosted by organizations and
15 companies in the cannabis industry, such as the High Times Cannabis Cup.

16 17. In April 2017, Ms. Wyman attempted to contact High Times numerous times
17 to request information regarding wheelchair accessibility at a Cannabis Cup festival in
18 Northern California. However, the vast majority of Ms. Wyman's requests for information
19 were ignored, causing Ms. Wyman to decide not to attend the event.

20 18. On May 4 and 5, 2018, High Times hosted the 2018 High Times Central
21 Valley Cannabis Cup at the Cal Expo Fairgrounds in Sacramento, California ("2018
22 Central Valley Cannabis Cup").

23 19. Upon information and belief, High Times and Cal Expo entered into a
24 written agreement prior to the 2018 Central Valley Cannabis Cup.

25 20. Prior to the 2018 Central Valley Cannabis Cup, Ms. Wyman once again
26 attempted to obtain information about the accessibility of the event. Finding no
27 information on High Times' website or elsewhere online, Ms. Wyman emailed questions
28 about the accessibility of the event to the email addresses

1 “cannabiscuphelp@hightimes.com,” “hteditor@hitimes.com,” and
2 “cannabiscup@hightimes.com.” She did not receive a response. Ms. Wyman also emailed
3 the ticket provider at “support@seetickets.zendesk.com” requesting information regarding
4 ADA accommodation information, but she received no response.

5 21. In the absence of any information regarding accessibility of the 2018 Central
6 Valley Cannabis Cup, Ms. Wyman purchased a VIP ticket based on her expectation that
7 the VIP area—which was advertised as having designated VIP upgraded restrooms, VIP
8 area for mainstage viewing, designated VIP entrance, and a special tented VIP lounge
9 area—would be more accessible than the rest of the event.

10 22. Ms. Wyman arrived at the Cal Expo Fairgrounds on the morning of May 4,
11 2018, the first day of the 2018 Central Valley Cannabis Cup.

12 23. Although handicapped parking was available, there was no safe accessible
13 path of travel from the parking lot’s accessible parking area to the front gate of the event.
14 As a result, Ms. Wyman had to cross traffic and mingle with vehicles to reach the entrance.

15 24. When Ms. Wyman arrived in the VIP area, there was no accessible bathroom
16 located there, as the upgraded portable bathrooms provided had steps that Ms. Wyman
17 could not access due to her physical disability.

18 25. Ms. Wyman asked event personnel in the VIP area to provide an accessible
19 bathroom. More than five hours later, a single portable toilet without running water was
20 provided in the VIP area. This portable toilet was of much lower quality than the
21 inaccessible VIP toilets provided for other VIP attendees. The accessible toilet was also
22 frequently full because other non-wheelchair using eventgoers were using it.

23 26. The only handwashing stations provided were those operable by a foot
24 pump, which was inaccessible to Ms. Wyman due to her disability. Ms. Wyman’s
25 husband, who attended the event with Ms. Wyman and does not use a wheelchair, had to
26 pump the water for Ms. Wyman whenever she wanted to wash her hands.

27 27. Ms. Wyman was met with many other accessibility barriers throughout the
28 day.

1 28. There were not accessible paths of travel throughout the event, and Ms.
2 Wyman's wheelchair got caught numerous times on uncovered electrical cables as she
3 attempted to travel through the event. To safely traverse most areas, Ms. Wyman's
4 husband had to step on the cables to stabilize them before Ms. Wyman traversed across
5 them.

6 29. Despite the heat that weekend, shaded areas were similarly blocked by
7 cables, making it difficult for Ms. Wyman to access the shade.

8 30. In addition, other eventgoers were allowed to set up chairs provided by event
9 staff throughout the event in whatever manner they wished. This often resulting in little or
10 no space for Ms. Wyman's wheelchair to navigate paths of travel. Ms. Wyman therefore
11 experienced significant difficulty accessing food and water areas, shade, and entrances and
12 exits.

13 31. The picnic tables and many of the vendor booths at the event were also not
14 wheelchair-accessible. For example, many of the vendor booths were too tall for Ms.
15 Wyman to view the vendors' displays and participate in the activities, services, and
16 demonstrations they offered.

17 32. Ms. Wyman also was unable to participate equally in various events
18 throughout the weekend, such as prize-tosses. For example, when Ms. Wyman attempted
19 to participate in a contest where prizes were thrown into the audience, the lack of crowd
20 control resulted in other event attendees crowding closely around Ms. Wyman's
21 wheelchair, severely limiting Ms. Wyman's ability to safely exit the area.

22 33. Over the course of the weekend, Ms. Wyman saw other wheelchair-users at
23 the 2018 Central Valley Cannabis Cup experiencing the same accessibility barriers.

24 34. Similarly, there also was not an accessible viewing area for the concert
25 performances and award presentations, and no crowd control provided. This resulted in
26 other event attendees crowding around Ms. Wyman's wheelchair during the musical
27 performances and award presentations, blocking Ms. Wyman's view and denying her a
28 safe path of travel. Although Ms. Wyman left the event frustrated and discouraged with

1 the discriminatory lack of access, she decided to attend the second day in the hopes that it
2 would be a better experience.

3 35. The next day, May 5, 2018, Ms. Wyman returned to the 2018 Central Valley
4 Cannabis Cup. She experienced similar accessibility barriers as the previous day.

5 36. There was still no accessible upgraded bathroom in the VIP area, as provided
6 to other VIP attendees. All handwashing stations were still foot pump-operated, and
7 therefore inaccessible to Ms. Wyman.

8 37. The paths of travel throughout the event were inaccessible in the same ways
9 as they had been on May 5, with little or no space for Ms. Wyman's wheelchair to navigate
10 safely or access food and water areas, shade, and entrances and exits.

11 38. Once again, there was no accessible viewing area or crowd control for the
12 award presentations and musical performances. Because it was the second day of the 2018
13 Central Valley Cannabis Cup, the performers were more well-known and drew larger
14 crowds. Ms. Wyman experienced increased access barriers as a result. As there was no
15 designated wheelchair-accessible viewing area provided, Ms. Wyman attempted to view
16 the musical performances on May 5, 2018 within a crowd of concertgoers who did not use
17 wheelchairs. The crowds were so large that Ms. Wyman could not see the stage, and
18 numerous eventgoers climbed over the wheels of Ms. Wyman's wheelchair, making her
19 feel unsafe. The large crowds also obstructed her path of travel and made it difficult for
20 Ms. Wyman to navigate her wheelchair to a safer, less crowded area.

21 39. During the concert, one attendee fell on Ms. Wyman and injured Ms.
22 Wyman's wrist. Immediately thereafter, and before the music performances ended, Ms.
23 Wyman sought medical attention at a first aid station provided at the event by company
24 called American Medical Response. A paramedic evaluated Ms. Wyman's wrist and filled
25 out an injury report, noting "visible swelling" and "ligament pain" on the report. After
26 seeing the paramedic, Ms. Wyman went to the emergency room and had her injury
27 examined that night.

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1 40. A few weeks later, when Ms. Wyman attempted to obtain a copy of the
2 incident report from Cal Expo and American Medical Response, she was told they could
3 not provide it and that she would have to email High Times using the very same email
4 address that had been unresponsive to all of Ms. Wyman’s prior accessibility inquiries.
5 Expecting that High Times would continue to ignore her communications, Ms. Wyman
6 decided not to reach out to High Times regarding the incident report.

7 41. Ms. Wyman has since sought additional medical attention from her physician
8 for her injury.

9 42. Over the course of the 2018 Central Valley Cannabis Cup, Ms. Wyman
10 attempted to locate onsite staff to help her address the accessibility barriers she
11 encountered. Except for her request for an accessible bathroom in the VIP area, in
12 response to which a bathroom was provided many hours later, the personnel with whom
13 she spoke had no knowledge of a way for Ms. Wyman to complain about the above
14 accessibility problems and have them addressed by High Times or Cal Expo.

15 43. Ms. Wyman wishes to attend future High Times events, including the
16 Cannabis Cup festival currently scheduled to occur at the Cal Expo Fairgrounds on
17 October 27 and 28, 2018, but the discriminatory treatment and lack of access she has faced
18 deter her from attending.

19 **FIRST CAUSE OF ACTION**
20 **Violation of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.**
 (Against Defendant Cal Expo)

21 44. Plaintiff incorporates by reference the foregoing allegations as though fully
22 set forth herein.

23 45. The Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, guarantees
24 equal access for qualified individuals with a disability to the benefits of the services,
25 programs, and activities of public entities. 42 U.S.C. § 12132.

26 46. A “public entity” includes state and local governments, their agencies, and
27 their instrumentalities. 42 U.S.C. § 12131(1). Cal Expo qualifies as a public entity within
28 the meaning of 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104.

1 47. The term “disability” includes physical impairments that substantially limit
2 one or more major life activities. 42 U.S.C. § 12102. At all times relevant to this
3 complaint, and currently, Plaintiff has a mobility disability that substantially limits the
4 major activities of walking, standing, lifting, and ambulating. Plaintiff is thus a qualified
5 individual with a disability within the meaning of Title II of the ADA. 42 U.S.C.
6 §§ 12102, 12131; 28 C.F.R. § 35.108.

7 48. Title II of the ADA mandates that “no qualified individual with a disability
8 shall, by reason of such disability, be excluded from participation in or be denied the
9 benefits of the services, programs, or activities of a public entity, or subjected to
10 discrimination by any such entity.” 42 U.S.C. § 12132.

11 49. When providing any aid, benefit, or service, a public entity shall not aid or
12 perpetuate, through contractual, licensing, or other arrangements, discrimination against a
13 qualified individual with a disability by providing significant assistance to an agency,
14 organization, or person that discriminates on the basis of disability in providing any aid,
15 benefit, or service to beneficiaries of the public entity’s programs. 28 C.F.R.
16 § 35.130(b)(1)(v).

17 50. In addition, a public entity may not, directly or through contractual or other
18 arrangements, utilize criteria or methods of administration that have the effect of
19 subjecting qualified individuals with disabilities to discrimination on the basis of disability.
20 28 C.F.R. § 35.130(b)(3)(i).

21 51. A public entity also shall make reasonable modifications in policies,
22 practices, or procedures when the modifications are necessary to avoid discrimination on
23 the basis of disability, unless the public entity can demonstrate that making the
24 modifications would fundamentally alter the nature of the service, program, or activity. 28
25 C.F.R. § 35.130(b)(7)(i).

26 52. Cal Expo, which entered into a written agreement with High Times prior to
27 the 2018 Central Valley Cannabis Cup that took place on May 4 and 5, 2018 at Cal Expo,
28 violated Title II of the ADA by perpetuating and/or aiding, through contractual or other

1 arrangements, the discrimination against Plaintiff that occurred at the event by failing to
2 ensure that the Cal Expo Fairgrounds were accessible.

3 53. In addition, Cal Expo violated Title II of the ADA by, either directly or
4 through contractual or other arrangements with High Times, utilizing criteria or methods
5 of administration in the organization and hosting of the 2018 Central Valley Cannabis Cup
6 that had the effect of subjecting Plaintiff to discrimination on the basis of disability by
7 failing to ensure that Plaintiff was afforded full and equal access to the event. Moreover,
8 Cal Expo has failed to make reasonable modifications in policies, practices, or procedures
9 to avoid discrimination against Plaintiff on the basis of her disability, thereby violating
10 Title II of the ADA.

11 54. The actions of Cal Expo were and are in violation of Title II of the ADA, 42
12 U.S.C. § 12131, *et seq.*, and regulations promulgated thereunder. Because Cal Expo's
13 discriminatory and wrongful conduct is ongoing, declaratory and injunctive relief are
14 appropriate remedies. Further, as a direct result of Cal Expo's actions, Plaintiff suffered
15 and continues to suffer irreparable harm, including being deterred from attending future
16 events at the Cal Expo Fairgrounds, including the High Times Cannabis Cup currently
17 scheduled to occur at the Cal Expo Fairgrounds on October 27 and 28, 2018. Unless the
18 Court enjoins Cal Expo from continuing to engage in these unlawful practices, Plaintiff
19 will continue to suffer irreparable harm.

20 WHEREFORE, Plaintiff prays for relief as set forth below.

21 **SECOND CAUSE OF ACTION**
22 **Violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.***
23 **(Against Defendant High Times)**

24 55. Plaintiff incorporates by reference the foregoing allegations as though fully
25 set forth herein.

26 56. At all times relevant to this complaint, and currently, Plaintiff is a qualified
27 individual with a disability within the meaning of Title III of the ADA. 42 U.S.C.
28 §§ 12102, 12181; 28 C.F.R. § 36.105.

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1 57. Title III of the ADA prohibits discrimination on the basis of disability in the
2 full and equal enjoyment of the goods, services, facilities, privileges, advantages, or
3 accommodations of places of public accommodation. 42 U.S.C. § 12182.

4 58. High Times operates events, including the High Times Cannabis Cup
5 festivals, which are places of public accommodation within the statutory definition. 42
6 U.S.C. § 12181(7)(C), (D), (I). Upon information and belief, High Times also leases
7 places of public accommodation, including Cal Expo, in operating its events.

8 59. Title III prohibits entities that own, operate, or lease places of public
9 accommodation from denying an individual with a disability the opportunity to participate
10 or benefit from the goods, services, facilities, privileges, advantages, or accommodations
11 of an entity. 42 U.S.C. § 12182(b)(1)(A)(i); 28 C.F.R. § 36.202(a).

12 60. Title III prohibits entities that own, operate, or lease to places of public
13 accommodation from affording an individual with a disability the opportunity to
14 participate in or benefit from a good, service, facility, privilege, advantage, or
15 accommodation that is not equal to that afforded to other individuals. 42 U.S.C.
16 § 12182(b)(1)(A)(ii); 28 C.F.R. § 36.202(b).

17 61. High Times violated Title III because it provided Plaintiff with an event-
18 going experience that was not equal to that afforded to other individuals without mobility
19 impairments. By failing to provide wheelchair accessibility at the 2018 Central Valley
20 Cannabis Cup on May 4 and 5, 2018, and by failing to provide Plaintiff with information
21 regarding the accessibility of this and other High Times events, High Times failed, and
22 continues to fail, to afford Plaintiff full and equal access to participating in and benefitting
23 from the goods, services, facilities, privileges, advantages, and accommodations of High
24 Times events, including the Cannabis Cup festivals.

25 62. Under Title III, entities that own, operate, or lease places of public
26 accommodation must make reasonable modifications in policies, practices, or procedures,
27 when such modifications are necessary to afford such goods, services, facilities, privileges,
28 advantages, or accommodations to individuals with disabilities, unless the entity can

1 demonstrate that making such modifications would fundamentally alter the nature of such
2 goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C.
3 § 12182(b)(2)(A)(ii); 28 C.F.R. § 36.302.

4 63. By failing to modify practices, policies, and procedures to ensure that
5 Plaintiff is afforded equal access to High Times events, including but not limited to
6 providing accessible seating at the 2018 Central Valley Cannabis Cup, High Times is
7 violating Title III.

8 64. Under Title III, entities that own, operate, lease, or lease to places of public
9 accommodation must remove architectural barriers in existing facilities where such
10 removal is readily achievable, and, where an entity can demonstrate that the removal of
11 such a barrier is not readily achievable, the entity must make such goods, services,
12 facilities, privileges, advantages, or accommodations available through alternative methods
13 if such methods are readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv)-(v); 28 C.F.R.
14 §§ 36.304, 36.305.

15 65. By failing to remove barriers, including remedying inaccessible paths of
16 travel, at the Cal Expo Fairgrounds during the 2018 Central Valley Cannabis Cup, or,
17 through alternative methods, make such goods, services, facilities, privileges, advantages,
18 or accommodations available to Plaintiff, High Times violated Title III.

19 66. In addition, it is a violation of Title III to utilize, directly or through
20 contractual or other arrangements, standards or criteria or methods of administration that
21 have the effect of discriminating on the basis of disability or perpetuate the discrimination
22 of others who are subject to common administrative control. 42 U.S.C. § 12182(b)(1)(D);
23 28 C.F.R. § 36.204.

24 67. By administering High Times Cannabis Cup festivals in a manner that results
25 in Plaintiff being provided unequal access to High Times events on the basis of her
26 disability, High Times is denying Plaintiff full and equal access to the services, privileges,
27 advantages, and accommodations of High Times events because High Times is utilizing
28 methods of administration that have the effect of discriminating on the basis of disability.

1 68. The actions of High Times were and are in violation of the Americans with
2 Disabilities Act, 42 U.S.C. §§ 12101, *et seq.*, and regulations promulgated thereunder.
3 Plaintiff was denied full and equal access to the 2018 Central Valley Cannabis Cup. High
4 Times has failed to take any equitable steps to remedy its discriminatory conduct, and its
5 violations of the ADA are ongoing. High Times’ discriminatory actions also violate the
6 ADA by deterring Plaintiff from attending future High Times events, including the
7 Cannabis Cup festival currently scheduled to occur at the Cal Expo Fairgrounds on
8 October 27 and 28, 2018. Unless the Court enjoins High Times from continuing to engage
9 in these unlawful practices, Plaintiff will continue to suffer irreparable harm.

10 WHEREFORE Plaintiff seeks the relief as set forth below.

11 **THIRD CAUSE OF ACTION**
12 **Violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
13 **(Against Defendant Cal Expo)**

14 69. Plaintiff incorporates by reference the foregoing allegations as though fully
15 set forth herein.

16 70. Section 504 of the Rehabilitation Act mandates that “[n]o otherwise qualified
17 individual with a disability ... shall, solely by reason of her or his disability, be excluded
18 from the participation in, be denied the benefits of, or be subjected to discrimination under
19 any program or activity receiving Federal financial assistance” 29 U.S.C. § 794(a).

20 71. Section 504 defines “program or activity,” in relevant part, as “all of the
21 operations of a department, agency, special purpose district, or other instrumentality of a
22 State or of a local government; or the entity of such State or local government that
23 distributes such assistance and each such department or agency (and each other State or
24 local government entity) to which the assistance is extended, in the case of assistance to a
25 State or local government[.]” 29 U.S.C. § 794(b)(1).

26 72. Federally funded programs and activities may not, in providing aids,
27 benefits, or services may not deny a qualified handicapped person the opportunity to
28 participate in or benefit from the aid, benefit or service, or afford a qualified handicapped
person an opportunity to participate in or benefit from the aid, benefit, or service that is not

1 equal to that afforded others. 45 C.F.R. § 84.4(b)(1)(i)-(ii).

2 73. Federally funded programs and activities also may not, in providing aids,
3 benefits, or services, aid or perpetuate discrimination against a qualified handicapped
4 person by providing significant assistance to an agency, organization, or person that
5 discriminates on the basis of handicap in providing any aid, benefit, or service to
6 beneficiaries of the recipients program or activity. 45 C.F.R. § 84.4(b)(1)(v).

7 74. Additionally, federally funded programs and activities may not, directly or
8 through contractual or other arrangements, utilize criteria or methods of administration that
9 have the effect of subjecting qualified handicapped persons to discrimination on the basis
10 of handicap; that have the purpose or effect of defeating or substantially impairing
11 accomplishment of the objectives of the recipient's program or activity with respect to
12 handicapped persons; or that perpetuate the discrimination of another recipient if both
13 recipients are subject to common administrative control or are agencies of the same State.
14 45 C.F.R. § 84.4(b)(4).

15 75. At all times relevant to this complaint, and currently, Plaintiff is an
16 “individual with a disability” and within the meaning of Section 504, as she has a mobility
17 a mobility disability that substantially limits major life activities. 29 U.S.C. § 705(20).

18 76. Upon information and belief, Cal Expo is a public entity in receipt of federal
19 financial assistance within the meaning of Section 504. Events hosted at the Cal Expo
20 Fairgrounds, including the 2018 Central Valley Cannabis Cup, constitute a “program or
21 activity” provided by Cal Expo.

22 77. Cal Expo has violated the rights of Plaintiff secured by Section 504 and its
23 implementing regulations by failing to ensure that the Cal Expo Fairgrounds were
24 accessible to Plaintiff during the 2018 Central Valley Cannabis Cup that took place there
25 on May 4 and 5, 2018.

26 WHEREFORE Plaintiff seeks the relief as set forth below.

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1 **FOURTH CAUSE OF ACTION**
2 **Violation of the California Unruh Civil Rights Act, Cal. Civ. Code §§ 51 & 52**
3 **(Against High Times¹)**

4 78. Plaintiff incorporates by reference the foregoing allegations as though fully
5 set forth herein.

6 79. The Unruh Civil Rights Act guarantees, *inter alia*, that persons with
7 disabilities are entitled to full and equal accommodations, advantages, facilities, privileges,
8 or services in all business establishments of every kind whatsoever within the jurisdiction
9 of the state of California. Cal. Civ. Code § 51(b). Plaintiff is a person with a disability
10 entitled to protection under the Unruh Civil Rights Act. Cal. Civ. Code § 51(e)(1); Cal.
11 Gov't Code § 12926(m)-(n).

12 80. High Times operates events and provides services available to the general
13 public in California and is thus a business establishment within the jurisdiction of the state
14 of California, and as such is obligated to comply with the provisions of the California
15 Unruh Civil Rights Act, California Civil Code § 51, *et seq.*

16 81. The actions of High Times were and are in violation of the Unruh Civil
17 Rights Act, California Civil Code § 51, *et seq.* Plaintiff has been denied full and equal
18 access to High Times' services when she attended the 2018 Central Valley Cannabis Cup
19 at Cal Expo on May 4 and 5, 2018. Plaintiff is aware of High Times' unlawful actions and
20 her knowledge of this discrimination has deterred her from attempting to access future
21 High Times events. Unless the Court enjoins High Times from continuing to engage in
22 these unlawful practices, Plaintiffs will continue to suffer irreparable harm.

23 82. In addition, High Times is violating the Unruh Civil Rights Act in that it is
24 violating the Americans with Disabilities Act. Cal. Civ. Code § 51(f).

25 WHEREFORE, Plaintiff prays for relief as set forth below.

26 ///

27 _____
28 ¹ Plaintiff is in the process of exhausting California government claim remedies against
Cal Expo and will amend this complaint to add Cal Expo as a defendant to this an all other
state-law causes of action after exhaustion.

1 **FIFTH CAUSE OF ACTION**
2 **Violation of the California Disabled Persons Act, Cal. Civ. Code §§ 54-54.3**
3 **(Against all High Times)**

4 83. Plaintiff incorporates by reference the foregoing allegations as though fully
5 set forth herein.

6 84. The California Disabled Persons Act guarantees, *inter alia*, that persons with
7 disabilities are entitled to full and equal access, as other members of the general public
8 receive, to accommodations, advantages, facilities, places of public accommodation,
9 amusement, or resort, and other places to which the general public is invited within the
10 jurisdiction of California. Cal. Civ. Code § 54.1(a)(1).

11 85. At all times relevant to this complaint, and currently, Plaintiff is an
12 individual with disability who is entitled to protection under the California Disabled
13 Persons Act and is aggrieved by violations of the California Disabled Persons Act.

14 86. High Times provides services, advantages, accommodations and privileges
15 to the general public, and as such is obligated to comply with the provisions of the
16 California Disabled Persons Act, California Civil Code § 54, *et seq.*

17 87. Plaintiff has been denied full and equal access to Defendants' services when
18 she attended the 2018 Central Valley Cannabis Cup at Cal Expo on May 4 and 5, 2018.
19 Plaintiff is aware of High Times' unlawful actions and her knowledge of this
20 discrimination has deterred her from attempting to access future High Times events.
21 Unless the Court enjoins High Times from continuing to engage in these unlawful
22 practices, Plaintiffs will continue to suffer irreparable harm.

23 88. In addition, High Times is violating the California Disabled Persons Act,
24 California Civil Code § 54, *et seq.*, in that it is violating the Americans with Disabilities
25 Act. Cal. Civ. Code § 54.1(d).

26 WHEREFORE Plaintiff seeks the relief as set forth below.

27 ///

28 ///

1 **SIXTH CAUSE OF ACTION**
2 **Declaratory Relief on Behalf of Plaintiff**
3 **28 U.S.C. § 2201**
4 **Cal. Code. Civ. Proc. § 1060, et seq.**

5 89. Plaintiff incorporates by reference the foregoing allegations as though fully
6 set forth herein.

7 90. Plaintiff contends that Defendants have failed and are failing to comply with
8 applicable laws prohibiting discrimination against persons with disabilities in violation of
9 Title II and Title III of the ADA, 42 U.S.C. § 12101, *et seq.*, Section 504 of the
10 Rehabilitation Act, 29 U.S.C. § 794, *et seq.*, the California Unruh Civil Rights Act, Cal.
11 Civ. Code §§ 51 & 52, and the California Disabled Persons Act, Cal. Civ. Code §§ 54-

12 54.3.
13 91. Cal Expo disputes Plaintiff's contention, therefore, a judicial declaration is
14 necessary and appropriate at this time in order that each of the parties may know their
15 respective rights and duties and act accordingly.

16 92. Pursuant to 28 U.S.C. § 2201 and Cal. Code Civ. Proc. § 1060, *et seq.*,
17 Plaintiffs are entitled to declaratory relief.

18 WHEREFORE Plaintiff seeks the relief as set forth below.

19 **SEVENTH CAUSE OF ACTION**
20 **Negligence**
21 **(Against Defendant High Times)**

22 93. Plaintiff incorporates by reference the foregoing allegations as though fully
23 set forth herein.

24 94. High Times has a general duty and a duty arising under the ADA, Section
25 504, and the Unruh Civil Rights and California Disabled Persons Act to operate and
26 manage its events in a manner so as to prevent the acts and/or omissions as alleged herein.

27 95. High Times has breached its duties, and as a direct and proximate result,
28 Plaintiff suffered injuries and damages as alleged herein.

DEMAND FOR JURY TRIAL

96. Plaintiff demands a jury trial.

PRAYER FOR RELIEF

WHEREFORE Plaintiff seeks the relief as set forth below:

97. An order and declaration that Defendants discriminated, and continue to discriminate, against Plaintiff by failing to afford her full and equal access to the services, facilities, privileges, and accommodations of High Times events, including those that take place at the Cal Expo Fairgrounds, on the basis of her disability in violation of Title II and Title II of the ADA, 42 U.S.C. § 12101, *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*, the Unruh Act, California Civil Code §§ 51-52, and the California Disabled Persons Act, California Civil Code §§ 54-54.3;

98. A permanent injunction pursuant to the Americans with Disabilities Act, 42 U.S.C. §§ 12133, 12188, *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*, the Unruh Act, California Civil Code §§ 51-52, and the California Disabled Persons Act, California Civil Code §§ 54-54.3, requiring Defendants to take the steps necessary to ensure that all High Times events and any event that occurs at the Cal Expo Fairgrounds, are accessible to Plaintiff;

99. Damages in an amount to be determined by proof, including compensable damages and all applicable statutory damages pursuant to California Civil Code § 52 or California Civil Code § 54.3;

100. An order awarding Plaintiffs reasonable attorneys' fees and costs, as authorized by 42 U.S.C. §§ 12188, 12205, California Civil Code § 52, and California Civil Code §§ 54.3 & 55; and

101. For such other and further relief as the Court deems just and proper.

DATED: September 24, 2018

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Cara E. Trapani

Cara E. Trapani

Attorneys for Plaintiff

CIVIL COVER SHEET

Case 2:18-at-01512 Document 1-1 Filed 09/24/18 Page 1 of 1

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
RENA WYMAN

DEFENDANTS

HIGH TIMES PRODUCTIONS, INC., and CALIFORNIA EXPOSITION AND STATE FAIR

(b) County of Residence of First Listed Plaintiff GLENN
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant LOS ANGELES
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Ernest Galvan 196065; Cara E. Trapani 313411
Rosen Bien Galvan & Grunfeld LLP; 50 Fremont Street, 19th Floor; San Francisco, CA 94105; (415) 433-6830

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. 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
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 12101, et seq.; 29 U.S.C. § 794, et seq.; Cal. Civ. Code §§ 51 & 52, 54-54.3, negligence
Brief description of cause:
Injunctive relief, declaratory relief, and damages

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Hon. Kimberly J. Mueller DOCKET NUMBER 2:01-cv-01967 KJM

DATE 09/24/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Cara E. Trapani

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE