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12 *Attorneys for Plaintiffs*

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

16 JAMES PRIVETTE and SHAUNTE JONES,  
17 individually and on behalf of all others  
18 similarly situated,

18 Plaintiffs,

19 v.

20 TACO BELL FRANCHISOR, LLC,

21 Defendant

Case No.:

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

CLASS ACTION

23 Plaintiffs James Privette and Shaunte Jones allege the following based upon personal  
24 knowledge and the investigation by their counsel. Plaintiffs further allege the following upon  
25 information and belief that substantial additional evidentiary support exists for the allegations set  
26 forth herein and will be available after a reasonable opportunity for discovery.  
27  
28

**NATURE OF THE ACTION**

1  
2 1. This class action seeks to put an end to systemic civil rights violations committed  
3 by Taco Bell Franchisor, LLC (“Taco Bell”) against visually-impaired people in the United States.  
4 Taco Bell denies the visually-impaired equal access to the goods and services that Taco Bell  
5 provides during “late-night” operating times at thousands of their restaurants throughout the  
6 United States.  
7

8 2. In an effort to increase profits and make their products available to the public for  
9 longer periods of time, Taco Bell restaurants offer “late-night” hours. During these late evening  
10 and early morning operating times, patrons are not allowed to physically enter Taco Bell  
11 restaurants and patrons must access Taco Bell products and services via “drive-thru” windows.  
12 These drive-thrus are only accessible by motor vehicle and are the exclusive means by which a  
13 customer can independently purchase Taco Bell products during late-night hours.  
14

15 3. Despite being accessible to the general public, Taco Bell drive-thrus lack any  
16 meaningful accommodation for visually-impaired individuals who are unable to operate motor  
17 vehicles. Since they are unable to drive, and because it is not safe for them to walk through the  
18 drive-thru, visually-impaired individuals are totally precluded from accessing Defendant’s  
19 products during late-night hours.  
20

21 4. While Taco Bell’s sighted customers have the opportunity to independently  
22 browse, select, and pay for products at Defendant’s drive-thrus without the assistance of others,  
23 visually-impaired people must hope for a companion with a car or paid taxi services to assist them  
24 in selecting and purchasing Taco Bell food.  
25

26 5. By failing to make its restaurants accessible to Plaintiffs and class members, Taco  
27 Bell is violating basic equal access requirements under federal law. Congress provided a clear  
28

1 and national mandate for the elimination of discrimination against individuals with disabilities  
2 when it enacted the Americans with Disabilities Act. This includes removing barriers to full  
3 integration, independent living, and equal opportunity for persons with disabilities, including  
4 those barriers created by drive-thru restaurants and other public accommodations that are  
5 inaccessible to blind and visually impaired persons.  
6

7 **JURISDICTION**

8 6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
9 §§ 1343 and 1367.  
10

11 **VENUE**

12 7. Venue is proper in the Northern District pursuant to 28 U.S.C. §§ 1391 (b)-(c).

13 8. Taco Bell owns and operates restaurants in California, including in the Northern  
14 District of California. Defendant is committing the acts alleged herein in the Northern District of  
15 California. A substantial part of the acts and omissions giving rise to the claims asserted herein  
16 have occurred in the Northern District of California.  
17

18 **PARTIES**

19 9. Plaintiff James Privette is a citizen and resident of Antioch, California. Plaintiff  
20 Privette's eyesight has been compromised by retina degeneration and cataracts. These conditions  
21 render him unable to legally operate a motor vehicle and as such he is a member of a protected  
22 class under the Americans with Disabilities Act.  
23

24 10. Plaintiff Shaunte Jones is a citizen and resident of Bakersfield, California. Plaintiff  
25 Jones' eyesight has been compromised by bilateral congenital cataracts. This condition renders  
26 her unable to legally operate a motor vehicle and as such she is a member of a protected class  
27 under the Americans with Disabilities Act.  
28

1 11. Defendant is a California-based, for-profit corporation. Defendant owns, operates  
2 and/or leases Taco Bell restaurant buildings at thousands of locations throughout the United States.

3 **INTRADISTRICT ASSIGNMENT**

4  
5 12. Plaintiff Privette resides in this Division. Upon information and belief, a  
6 substantial portion of the claims herein sued upon occurred in this Division.

7 **FACTUAL ALLEGATIONS**

8 13. Defendant owns, operates and/or leases the well-known chain of restaurants  
9 known as “Taco Bell.”

10  
11 14. Taco Bell states that it “operates over 7,000 restaurants in the United States.”<sup>1</sup>

12 15. Some Taco Bell restaurants are owned and operated entirely by the Defendant,  
13 while others are co-owned and/or co-operated by franchisees and Taco Bell.

14 16. Taco Bell promulgates a system of rules, directives, and/or commands that all  
15 Taco Bell-branded restaurants are required to follow. This system is known as the “Taco Bell  
16 System.”

17  
18 17. Taco Bell operates all Taco Bell-branded restaurants by implementing,  
19 maintaining, and enforcing the Taco Bell System as to all Taco Bell-branded restaurants.

20 18. The Taco Bell system is codified and enforced by manuals and franchise  
21 agreements (“Taco Bell System Documents”) that are authored, owned, promulgated and  
22 enforced by Taco Bell.

23  
24 19. By written agreement, all franchisees are required by Defendant to comply with  
25 the Taco Bell System and the Taco Bell System Documents.

26  
27  
28  

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<sup>1</sup> <https://www.tacobell.com/global-growth> (last accessed September 4, 2019)

1           20. Franchisees have no authority under the terms of their agreements with Taco Bell  
2 to alter, modify, or violate any aspect of the Taco Bell System.

3           21. In its agreements with Franchisees, Taco Bell specifically reserves the unilateral  
4 right to change, add, or remove any aspect of the Taco Bell System as it applies to any  
5 Franchisee(s).  
6

7           22. As a condition of becoming and continuing to be a Taco Bell Franchisee,  
8 Franchisees must adhere to new or changed Taco Bell System requirements. Franchisees must  
9 also implement new services as may be specified by Taco Bell.  
10

11           23. Taco Bell further dictates to its Franchisees the hours that Taco Bell restaurants  
12 will be open for business. Taco Bell maintains the unilateral right to change the operating times  
13 which its Franchisees are required to follow.

14           24. As it exists today, the Taco Bell System does not include any policy, procedure,  
15 protocols, or infrastructure for assisting, aiding, or serving visually-impaired would-be customers  
16 of Taco Bell-branded restaurants when the interiors of those restaurants are closed to the public  
17 but while the drive-thrus of those restaurants are still open to the public.  
18

19           25. Taco Bell restaurants offer two kinds of service: counter service and drive-thru  
20 service.

21           26. Counter service is available to patrons who physically enter Taco Bell restaurants.  
22 Patrons approach a sales counter and relay their orders to Taco Bell representatives who process  
23 payment and serve food.  
24

25           27. During periods of time when a Taco Bell restaurant's interior is closed to the public,  
26 counter service is not available to customers.  
27  
28

1 28. Taco Bell restaurants also provide drive-thru service. Drive-thru service is  
2 provided via specialized automobile driveway lanes which stretch around Defendant's restaurants.  
3 In order to obtain drive-thru service Taco Bell customers maneuver their automobiles into the  
4 drive-thru lane and then relay their food order to a Taco Bell representative via microphone.  
5 Customers then drive their car further along the lane and retrieve their food from a series of  
6 windows on the side of Defendant's restaurants.  
7

8 29. Unlike counter service, Taco Bell drive-thru service is available to customers  
9 during some periods of time when the interior of a given Taco Bell restaurant is closed to the  
10 public.  
11

12 30. Drive-thrus are specifically utilized by the Defendant to maximize the accessibility  
13 of their products to customers and thus increase profits.  
14

#### 15 **The Blind and Late-Night Drive-Thru**

16 31. Many thousands of Taco Bell restaurants remain open late serving food only via  
17 the drive-thru. At these restaurants, like the ones encountered by Plaintiffs, late-night service is  
18 available exclusively through the drive-thru and customers are not permitted to physically enter  
19 to order food.  
20

21 32. Taco Bell specifically prohibits pedestrians from walking up to the drive-thru  
22 windows and ordering food.  
23

24 33. Taco Bell company policy is to refuse service to any pedestrian who walks up to  
25 the drive-thru attempting to order food.  
26

27 34. Taco Bell restaurants that are open late-night via the drive-thru window do not  
28 offer any means for pedestrians to order food.

1 35. The blind are unable to drive at night, and so they are unable to navigate a car into  
2 the drive-thru.

3 36. Because the blind are unable to drive or walk up to the drive-thru window, and  
4 because Taco Bell interiors are closed during late-night operating times, the blind are totally  
5 barred from independently using or enjoying the goods and services provided by Taco Bell late-  
6 night drive-thru restaurants.

7  
8 37. There are a variety of modest accommodations Defendant could make that would  
9 allow blind people to access to Taco Bell late-night restaurant services. However, Taco Bell does  
10 not employ any such policy or practice.

11  
12 **Plaintiff Privette's Experience**

13 38. Plaintiff Privette remains awake into the late evening on a regular basis and he  
14 periodically desires to obtain food from Taco Bell restaurants during late evening hours.

15 39. In mid-2019 Plaintiff Privette wanted to obtain food from the Taco Bell restaurant  
16 located at 3445 Deer Valley Road, Antioch, California. This particular restaurant is approximately  
17 a 15-minute walk from the Plaintiff's home.

18  
19 40. At or around 11:00 pm, Plaintiff Privette approached the restaurant and realized  
20 the lobby was closed.

21 41. Based on his personal experience living in the area, and also his contemporaneous  
22 observations at the restaurant, Plaintiff Privette was aware that the restaurant continued to serve  
23 customers through the drive-thru while the counter service in the lobby remained closed.

24  
25 42. This Taco Bell restaurant closes its lobby at 10:00 pm and (depending on the day  
26 of the week) remains open only through the drive-thru until 1:00 am or 2:00 am.

1 43. Because Plaintiff Privette is blind and unable to lawfully operate a motor vehicle,  
2 he was unable to independently access the Deer Valley Road Taco Bell in his 2019 encounter.

3 44. Plaintiff Privette visits this particular Taco Bell regularly throughout the year and  
4 he reasonably expects to visit there again in the future.

5 45. Not only is the Taco Bell restaurant in close vicinity to his home, it is also  
6 surrounded by other commercial establishments that Plaintiff Privette enjoys frequenting. For  
7 instance, this Taco Bell is a short distance from Plaintiff Privette's neighborhood grocery store,  
8 which stays open until midnight. Plaintiff Privette often shops at this grocery store after 10:00  
9 pm.  
10

11 46. Plaintiff Privette has walked the distance between his home and the Taco Bell  
12 before and reasonably anticipates doing so again.

13 47. Plaintiff Privette has felt and continues to feel disappointed and frustrated in  
14 connection with his inability to access Taco Bell's services.

15 48. Because of his familiarity with Taco Bell late-night policy, Plaintiff Privette  
16 sometimes avoids going to Taco Bell during its late-night, drive-thru only hours.

17 49. Plaintiff's mid-2019 experience with the Taco Bell near his home is not the only  
18 instance he has encountered a Taco Bell made inaccessible by its drive-thru-only policies.

19 50. Defendant thus provides accommodations, advantages, facilities, privileges, and  
20 services to customers that contain access barriers. These barriers deny full and equal access to  
21 Plaintiff Privette, who would otherwise be able to fully and equally enjoy the benefits and services  
22 of Taco Bell restaurants.  
23  
24  
25  
26  
27  
28



**Plaintiff Jones' Experience**

1  
2 51. Plaintiff Jones remains awake into the late evening on a regular basis and she  
3 periodically desires to obtain food from Taco Bell restaurants during these late evening hours.

4  
5 52. In approximately August 2018, Plaintiff Jones wanted to obtain food from the  
6 Taco Bell restaurant located at 1877 White Lane, Bakersfield, California. This particular  
7 restaurant is an approximately twenty-four minute walk from the Plaintiff's home.

8 53. At approximately midnight, Plaintiff Jones approached the restaurant and realized  
9 the lobby doors were locked.

10  
11 54. Based on her personal experience living in the area, and also her contemporaneous  
12 observations at the restaurant, Plaintiff Jones was aware that the restaurant continued to serve  
13 customers through the drive-thru while the counter service in the lobby remained closed.

14 55. This Taco Bell restaurant closes its lobby at 11:00 pm and (depending on the day  
15 of the week) remains open only through the drive-thru until 2:00 am or 3:00 am.

16  
17 56. Because Plaintiff Jones is blind and unable to lawfully operate a motor vehicle,  
18 she was unable to independently access the White Lane Taco Bell in her August 2018 encounter.

19 57. Not only is the Taco Bell restaurant in close vicinity to her home, it is also  
20 surrounded by other commercial establishments that Plaintiff Jones enjoys frequenting after 11:00  
21 pm.

22  
23 58. Because of her familiarity with Taco Bell late-night policy, Plaintiff Jones  
24 sometimes avoids going to Taco Bell during its late-night, drive-thru only hours.

25 59. Plaintiff Jones has felt and continues to feel disappointed and frustrated in  
26 connection with her inability to access Taco Bell services.

1 60. Plaintiff's August 2018 experience with the Taco Bell near her home is not the  
2 only instance she has encountered a Taco Bell made inaccessible by its drive-thru-only policies.

3 61. Defendant thus provides accommodations, advantages, facilities, privileges, and  
4 services to customers that contain access barriers. These barriers deny full and equal access to  
5 Plaintiff Jones, who would otherwise be able to fully and equally enjoy the benefits and services  
6 of Taco Bell restaurants.  
7

8 **CLASS ACTION ALLEGATIONS**

9 62. Plaintiffs seek certification of the following Nationwide Class and California Class  
10 pursuant to Fed. R. Civ. P. 23(a), 23(b)(2) and 23(b)(3):  
11

12 **Nationwide Class: "all individuals who are unable to drive by reason of visual  
13 disability and who have been and/or are being denied access to Taco Bell  
14 restaurants in the United States where Taco Bell restaurants' products and  
15 services are only offered via drive-thru."**

16 **California Class: "all individuals who are unable to drive by reason of visual  
17 disability and who have been and/or are being denied access or deterred from  
18 accessing Taco Bell restaurants in California where Taco Bell restaurants'  
19 products and services are only offered via drive-thru."  
20**

21 63. The persons in the Nationwide Class and California Class are so numerous that  
22 joinder of all such persons is impractical and the disposition of their claims in a class action is a  
23 benefit to the parties and to the Court.  
24

25 64. This case arises out of Defendant's common policy and practice of denying blind  
26 persons access to the goods and services of its restaurants. Due to Defendant's policy and practice  
27  
28

1 of failing to remove access barriers, blind persons have been and are being denied full and equal  
2 access to Taco Bell restaurants and the goods and services they offer.

3 65. There are common questions of law and fact involved affecting the parties. The  
4 Plaintiffs and the putative class are all legally blind and have been and/or are being denied their  
5 civil rights to full and equal access to, and use and enjoyment of, the accommodations, advantages,  
6 facilities, privileges, and services provided at Defendant’s restaurants due to the lack of accessible  
7 features at such facilities, as required by law.  
8

9 66. The claims of the named Plaintiffs are typical of those of the Nationwide Class  
10 and the California Class. Plaintiffs will fairly and adequately represent and protect the interests  
11 of the members of the Nationwide Class and the California Class. Plaintiffs have retained and are  
12 represented by counsel competent and experienced in complex and class action litigation.  
13

14 67. Class certification of the Nationwide Class is appropriate pursuant to Fed. R. Civ.  
15 P. 23(b)(2) because Defendant has acted or refused to act on grounds generally applicable to the  
16 Nationwide Class, making appropriate both declaratory and injunctive relief with respect to  
17 Plaintiffs and the Nationwide Class as a whole.  
18

19 68. Class certification of the California Class is appropriate pursuant to Fed. R. Civ.  
20 P. 23(b)(3) because questions of law or fact common to class members predominate over any  
21 questions affecting only individual members, and a class action is superior to other available  
22 methods for fairly and efficiently adjudicating this controversy. The common issues of law  
23 include: (1) whether the putative class members are individuals with disabilities within the  
24 meaning of the ADA and California law; (2) whether Taco Bell denies and/or deters legally blind  
25 individuals in California from accessing its services during its “late-night” hours; (3) whether  
26  
27  
28

1 Taco Bell violates Title III of the ADA; and (4) whether Taco Bell has violated Cal. Civ. Code,  
2 § 51, *et seq.* (“the Unruh Act”).

3 69. A class action is superior to other available methods for the fair and efficient  
4 adjudication of this controversy. Judicial economy will be served by maintaining this lawsuit as  
5 a class action because it avoids the burden which would otherwise be placed upon the judicial  
6 system by the filing of numerous similar suits. A class action is also superior because the damages  
7 suffered by individual class members are relatively small and because the burden upon such  
8 individual litigants may make it difficult and impractical for them to pursue their claims against  
9 Defendant.  
10

11 70. There are no obstacles to effective and efficient management of this lawsuit as a  
12 class action by this Court.  
13

14 71. References to Plaintiffs shall be deemed to include the named Plaintiffs and each  
15 member of the class, unless otherwise indicated.  
16

17 **FIRST CAUSE OF ACTION**  
18 **(Violation of 42 U.S.C. §§ 12181, *et seq.* - Title III of the Americans with Disabilities Act)**  
19 **(on behalf of Plaintiffs and the Nationwide Class)**

20 72. Plaintiffs incorporate by reference the foregoing allegations as if set forth fully  
21 herein.  
22

23 73. Section 12182(a) of Title III of the Americans with Disabilities Act of 1990, 42  
24 U.S.C. §§ 12101, *et seq.*, (hereinafter “ADA”) provides:

25 No individual shall be discriminated against on the basis of disability in the full and  
26 equal enjoyment of the goods, services, facilities, privileges, advantages, or  
27 accommodations of any place of public accommodation by any person who owns,  
28 leases (or leases to), or operates a place of public accommodation.

1 74. Taco Bell restaurants are restaurants, and, therefore places of public  
2 accommodation with the definition of Title III of the ADA. 42 U.S.C. §12181(7)(B)

3 75. Taco Bell restaurants are sales establishments, and, therefore places of public  
4 accommodation with the definition of Title III of the ADA. 42 U.S.C. §12181(7)(E)

5 76. Defendant’s restaurants are places of “public accommodation” that are subject to  
6 compliance under the ADA.  
7

8 77. Under Section 12182(a) and (b)(1) of Title III of the ADA, it is unlawful  
9 discrimination to deny individuals with disabilities or a class of individuals with disabilities the  
10 opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages,  
11 or accommodations of a place of public accommodation.  
12

13 78. Under Section 12182(a) and (b)(1) of Title III of the ADA, it is unlawful  
14 discrimination to deny individuals with disabilities or a class of individuals with disabilities an  
15 opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages,  
16 or accommodations of a place of public accommodation, which is equal to the opportunities  
17 afforded to other individuals.  
18

19 79. Under Section 12182(b)(2) of Title III of the ADA, unlawful discrimination also  
20 includes, among other things: (1) a failure to make reasonable modifications in policies, practices,  
21 or procedures, when such modifications are necessary to afford such goods, services, facilities,  
22 privileges, advantages, or accommodations to individuals with disabilities, unless the entity can  
23 demonstrate that making such modifications would fundamentally alter the nature of such goods,  
24 services, facilities, privileges, advantages, or accommodations; and (2) a failure to take such steps  
25 as may be necessary to ensure that no individual with a disability is excluded, denied services,  
26 segregated, or otherwise treated differently than other individuals because of the absence of  
27  
28

1 auxiliary aids and services, unless the entity can demonstrate that taking such steps would  
2 fundamentally alter the nature of the good, service, facility, privilege, advantage, or  
3 accommodation being offered or would result in an undue burden;

4  
5 80. Patrons of Defendant's restaurants who are blind (including Plaintiffs and the  
6 Plaintiff Class) have been denied full and equal access to those public accommodations; and they  
7 have not been provided services that are provided to other patrons who are not disabled and/or  
8 they have been provided services that are inferior to the services provided to non-disabled patrons.  
9 Defendant has failed to take any steps to remedy its discriminatory conduct. These violations are  
10 ongoing. Unless the Court enjoins Defendant from continuing to engage in these unlawful  
11 practices, Plaintiffs and members of the Class will continue to suffer irreparable harm.  
12

13 81. As discussed in *Factual Allegations* above, Taco Bell is a large corporation that is  
14 more than capable of adapting its policies and practices to accommodate the blind and the  
15 complaints made herein. However, Taco Bell chooses not to allow their late-night drive-thru  
16 restaurants to be made independently usable by customers who are blind or have low vision.  
17 Consequently, Taco Bell must furnish auxiliary aids or services or modify their policies and  
18 procedures to enable blind individuals to equally and independently benefit from Taco Bell  
19 services unless doing so would result in a fundamental alteration or undue burden.  
20

21 82. The acts alleged herein constitute violations of Title III of the Americans with  
22 Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*, and the regulations promulgated thereunder.  
23

24 83. The actions of Defendant were and are in violation of the Americans with  
25 Disabilities Act 42 U.S.C. §§ 12181, *et seq.*, and therefore Plaintiffs are entitled to injunctive  
26 relief to remedy the discrimination as well as attorney's fees.  
27  
28

**SECOND CAUSE OF ACTION**  
**(Unruh Civil Rights Act)**  
**(on behalf of Plaintiffs and the California Class)**

1  
2  
3 84. Plaintiffs incorporate by reference the foregoing allegations as if set forth fully  
4 herein.

5  
6 85. Defendant operates business establishments within the jurisdiction of the State of  
7 California and, as such, is obligated to comply with the provisions of the Unruh Act, Cal. Civ.  
8 Code, §§ 51, *et seq.* (“the Unruh Act”).

9  
10 86. The conduct alleged herein violates the Unruh Act, including Cal. Civ. Code, §§  
11 51, *et seq.*

12 87. The Unruh Act guarantees, *inter alia*, that persons with disabilities are entitled to  
13 full and equal accommodations, advantages, facilities, privileges, or services in all business  
14 establishments of every kind whatsoever within the jurisdiction of the State of California. The  
15 Unruh Act also provides that a violation of the ADA is a violation of the Unruh Act.

16  
17 88. Defendant has and continues to violate the Unruh Act by, *inter alia*, denying  
18 Plaintiffs and members of the proposed California Class, as persons with disabilities, full and  
19 equal accommodations, advantages, facilities, privileges, or services offered by Defendant.  
20 Defendant has also violated the Unruh Act by violating the ADA, as set forth above.

21  
22 89. Defendant has and continues to violate the Unruh Act by, *inter alia*, failing to  
23 operate its services on a nondiscriminatory basis and failing to ensure that persons with disabilities  
24 have nondiscriminatory access to its restaurants.

25 90. Pursuant to the remedies, procedures, and rights set forth in Cal. Civ. Code § 52,  
26 Plaintiffs pray for judgment as set forth below.  
27  
28

**THIRD CAUSE OF ACTION**  
**(Declaratory Relief)**  
**(on behalf of Plaintiffs and the Nationwide Class)**

1  
2  
3 91. Plaintiffs incorporate by reference the foregoing allegations as if set forth fully  
4 herein.

5  
6 92. An actual controversy has arisen and now exists between the parties in that  
7 Plaintiffs contends, and that Defendant denies, that Defendant, by providing inaccessible  
8 restaurants throughout the United States, fails to comply with applicable laws including, but not  
9 limited to, Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*

10  
11 93. A judicial declaration is necessary and appropriate at this time in order that each  
12 of the parties may know their respective rights and duties and act accordingly.

**RELIEF REQUESTED**

13  
14 **WHEREFORE**, Plaintiffs respectfully request:

- 15  
16 1. A permanent injunction to prohibit Defendant from violating the Americans with  
17 Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*;
- 18 2. A permanent injunction requiring Defendant to take the necessary steps to make Taco  
19 Bell late-night drive-thru restaurants in the United States readily accessible and usable  
20 by blind and visually impaired individuals;
- 21 3. A declaration that Defendant is owning, maintaining and/or operating its restaurants  
22 in a manner which discriminates against the blind and visually impaired and which  
23 fails to provide access for persons with disabilities as required by the Americans with  
24 Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*
- 25  
26 4. That this Court certify the Nationwide Class as identified herein and appoint Plaintiffs  
27 as class representatives and their attorneys as class counsel;  
28



- 1 5. That this Court certify the California Class as identified herein and appoint Plaintiffs  
2 as class representatives and their attorneys as class counsel;  
3  
4 6. That this Court award actual, compensatory, and/or statutory damages to Plaintiffs and  
5 the putative class for violations of their respective civil rights under California law.  
6  
7 7. That this Court award Plaintiffs their reasonable attorney's fees and costs pursuant to  
8 federal and California law.  
9  
10 8. Such other and further relief as the Court deems just and proper.

11 **JURY DEMAND**

12 Plaintiffs demand trial by jury on all issues for which a jury trial is allowed.

13 *Respectfully submitted,*

14 Dated: September 6, 2019

15 /s/ Glenn M. Goffin  
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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James Privette and Shaunte Jones

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Glenn M. Goffin, 920 Beach Park Blvd #39, Foster City, California 94404, p. (415) 845-8556

DEFENDANTS

Taco Bell Franchisor, LLC

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

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

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: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

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 (specify)
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.

Brief description of cause: Americans with Disabilities Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 09/09/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Glenn M. Goffin