

# SC-100

## Plaintiff's Claim and ORDER to Go to Small Claims Court

Clerk stamps date here when form is filed.

FILED  
YOLO SUPERIOR COURT

JUL 16 2024

BY A. SULLIVAN  
DEPUTY

Fill in court name and street address:

Superior Court of California, County of

Yolo Superior Court  
Clerks Office - Civil  
1000 Main Street  
Woodland, CA 95695

Court fills in case number when form is filed.

Case Number:

SC2024-0162

Case Name:

### Notice to the person being sued:

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

### Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

### Order to Go to Court

The people in ① and ② must attend court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	09/09/2024	9AM	2	
2.				
3.				

Date: JUL 16 2024 Clerk, by SHAWN C. LANDRY A. SULLIVAN, Deputy

### Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form [SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court](#).

- You are the plaintiff. The person you are suing is the defendant.
- Before** you fill out this form, read form [SC-100-INFO, Information for the Plaintiff](#), to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).
- Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm).
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms [SC-104](#), [SC-104B](#), and [SC-104C](#).
- Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

**1 The plaintiff (the person, business, or public entity that is suing) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Email address (if available): \_\_\_\_\_

**If more than one plaintiff, list next plaintiff here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Email address (if available): \_\_\_\_\_

- Check here if more than two plaintiffs and attach form
- Check here if either plaintiff listed above is doing business under a fictitious name and attach form
- Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

**2 The defendant (the person, business, or public entity being sued) is:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:**

Name: \_\_\_\_\_ Job title, if known: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

- Check here if your case is against more than one defendant and attach form
- Check here if any defendant is on active military duty and write defendant's name here: \_\_\_\_\_

**3 The plaintiff claims the defendant owes \$ \_\_\_\_\_ . (Explain below and on next page.)**

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form

a. Why does the defendant owe the plaintiff money?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Plaintiff (list names):

Case Number: \_\_\_\_\_

- 3 b. When did this happen? (Date): \_\_\_\_\_  
 If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_
- c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or form \_\_\_\_\_ and write "SC-100, Item 3" at the top.

- 4 **You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?**
- Yes     No    If no, explain why not:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 5 **Why are you filing your claim at this courthouse?**  
**This courthouse covers the area (check the one that applies):**
- a.  (1) Where the defendant lives or does business.      (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.  
 (2) Where the plaintiff's property was damaged.  
 (3) Where the plaintiff was injured.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_  
 \_\_\_\_\_

6 **List the zip code of the place checked in 5 above (if you know):** \_\_\_\_\_

7 **Is your claim about an attorney-client fee dispute?**  Yes     No  
 If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here:

8 **Are you suing a public entity?**  Yes     No  
 If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_  
 If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):

Case Number:

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500?  Yes  No

If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff types or prints name here

▶ *Mark Baker*  
\_\_\_\_\_  
Plaintiff signs here

Date: \_\_\_\_\_

\_\_\_\_\_  
Second plaintiff types or prints name here

▶ \_\_\_\_\_  
Second plaintiff signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form (Civ. Code, § 54.8.)



**"Small claims court"** is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?** You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form \_\_\_\_\_ Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?** Ask the court clerk as soon as possible for a court-provided interpreter. You may use form \_\_\_\_\_ or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form \_\_\_\_\_.)

**Where can I get the court forms I need?** Go to any courthouse or your county law library, or print forms at

**What happens at the trial?** The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?** If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form \_\_\_\_\_ You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form \_\_\_\_\_ or form \_\_\_\_\_
- If you were *not* at the trial, fill out and file form \_\_\_\_\_ to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form \_\_\_\_\_

For more information on appeals, see

**Do I have options?** Yes. If you are being sued you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form \_\_\_\_\_ or a \_\_\_\_\_ written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

\* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form \_\_\_\_\_ and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form \_\_\_\_\_) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "**Small Claims Court.**"
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

**What if I need more time?**

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form \_\_\_\_\_ (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



**Need help?**

Your county's Small Claims Advisor can help for free.

\_\_\_\_\_

\_\_\_\_\_

Or go to



La “Corte de reclamos menores” es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las “personas físicas” y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.\*) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?** Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?** No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea “Esté preparado para su juicio” en [www.courts.ca.gov/reclamosmenores/preparesse](http://www.courts.ca.gov/reclamosmenores/preparesse).

**¿Qué hago si necesito una modificación?** Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo bien inglés?** Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

**¿Dónde puedo obtener los formularios de la corte que necesito?** Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms) (página está en inglés).

**¿Qué pasa en el juicio?** El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?** Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo* (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?** Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado “Corte de reclamos menores”.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

**¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

\* **Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

PLAINTIFF/PETITIONER: Mark Baker	CASE NUMBER:
DEFENDANT/RESPONDENT: Regency Centers	

**DECLARATION**

(This form must be attached to another form or court paper before it can be filed in court.)

*See Attachments*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 16, 2024

Mark Baker  
(TYPE OR PRINT NAME)

*Mark Baker*  
(SIGNATURE OF DECLARANT)

- Attorney for
- Plaintiff
- Petitioner
- Defendant
- Respondent
- Other (Specify):

1 Mark Baker  
9450 SW Gemini Drive PMB 44671  
2 Beaverton, OR 97008  
mbaker@softlights.org  
3 Pro Se

4 SMALL CLAIMS COURT OF THE STATE OF CALIFORNIA

5 YOLO COUNTY

7 MARK BAKER,

8 Plaintiff,

9 vs.

10 REGENCY CENTERS

11 Defendant

Case No.: \_\_\_\_\_

COMPLAINT PURSUANT TO:  
THE UNRUH CIVIL RIGHTS ACT,  
CALIFORNIA CIVIL CODE §§ 51

\$2,500

12 **I. INTRODUCTION**

13  
14 1. Plaintiff Mark Baker (“Plaintiff”), an individual diagnosed with the qualified disability of  
15 autism spectrum disorder, alleges that Regency Centers operates a video surveillance  
16 system that uses unvetted, unregulated, hazardous, dangerous, and discriminatory blue  
17 LED lights and that these excessively intense LED lights caused injury to, and created a  
18 discriminatory barrier for, Plaintiff.

19 **II. UNRUH CIVIL RIGHTS ACT**

20 2. California Civil Code Section 51 states:

21 (b) All persons within the jurisdiction of this state are free and equal, and no matter  
22 what their sex, race, color, religion, ancestry, national origin, **disability**, medical  
23



1 condition, genetic information, marital status, sexual orientation, citizenship, primary  
2 language, or immigration status **are entitled to the full and equal accommodations,**  
3 **advantages, facilities, privileges, or services in all business establishments of**  
4 **every kind whatsoever.** (emphasis added).

5 (f) A violation of the right of any individual under the federal Americans with  
6 Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this  
7 section.

- 8 3. The Americans with Disabilities Act implementing regulation 28 C.F.R. § 36.402(a)(1)  
9 states:

10 *Any alteration to a place of public accommodation or a commercial facility, after*  
11 *January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible,*  
12 *the altered portions of the facility are readily accessible to and usable by individuals*  
*with disabilities, including individuals who use wheelchairs.*<sup>1</sup>

- 13 4. Regency Centers' alteration of adding an LVT video surveillance system with intense blue  
14 LED lights denies Plaintiff full and equal access to services at The Marketplace Shopping  
15 Center in Davis, California due to Plaintiff's autism and adverse neurological and  
16 psychological reactions to such intense LED light.

## 17 **II. ALTERATION**

- 18 5. Regency Centers made the alteration of adding an LVT video surveillance system that uses  
19 excessively intense blue LED lights, some of which digitally pulse. This alteration has  
20 made the area around the LVT system not readily accessible and not usable by Plaintiff due  
21

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22  
23 <sup>1</sup> <https://www.law.cornell.edu/cfr/text/28/36.402>

1 to Plaintiff's involuntary adverse neurological reactions, including anger, panic, fear, and  
2 non-epileptic seizure. Thus, the alteration of adding the LVT video surveillance system  
3 with blue LED lights is in violation of 28 C.F.R. § 36.402(a)(1).

4 6. A Light Emitting Diode is a device that emits Visible Light radiation from a flat surface.  
5 The US Department of Energy states that LEDs are a "radically new technology" that emit  
6 a "directional" light with "unique characteristics."<sup>2</sup> It is the directional, focused nature of  
7 LEDs and their unique characteristics that make many LED devices unsafe for individuals  
8 with disabilities, and which creates discriminatory barriers for individuals diagnosed with  
9 autism.

10 7. The US Access Board publishes guidelines for accessibility. The Access Board states,  
11 *"When alterations are made to a primary function area, an accessible path of travel to the*  
12 *area must be provided. The accessible path of travel must extend from the altered primary*  
13 *function area to site arrival points, including public sidewalks and parking and passenger*  
14 *loading zones provided on the site. The path of travel also includes access to restrooms,*  
15 *telephones, and drinking fountains, where provided to serve the primary function area."*<sup>3</sup>

16 Path-of-Travel is a major element of Access Board guidelines. The alteration of adding the  
17 LVT system with the blue LED lights restricts Plaintiff's path of travel over a wide area  
18 since the LED light retains most of its intensity over long distances. As stated by the  
19 Access Board, not only is the altered primary function area required to be accessible, but  
20 the path of travel to and from the altered area and to and from other locations must be

---

21  
22  
23 <sup>2</sup> [https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl\\_lessons-learned\\_2014.pdf](https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl_lessons-learned_2014.pdf)

<sup>3</sup> <https://www.access-board.gov/ada/guides/chapter-2-alterations-and-additions/>

1 accessible. Thus, even if Plaintiff parks on the far side of The Marketplace parking lot, the  
2 blue LED lights on the LVT system create a prohibited discriminatory barrier because they  
3 interfere with Plaintiff’s path of travel through the parking lot and between businesses.

4 8. 28 C.F.R. §36.402 states:

5 (b) Alteration. For the purposes of this part, an alteration is a change to a place of  
6 public accommodation or a commercial facility that affects or could affect the  
7 usability of the building or facility or any part thereof.

8 9. The addition of an LED light is a “change” that “affects” or “could affect” the “usability”  
9 of the “facility or any part thereof”. Plaintiff suffers severe psychological trauma,  
10 including non-epileptic seizures, when exposed to high-radiance LED lights and digitally  
11 flashing LED lights. Prior to the alteration of adding the LVT system with blue LED  
12 lights, Plaintiff had no difficulty accessing The Marketplace Shopping Center parking lot.  
13 Once the LVT system with blue LED lights was added to the parking lot (“the alteration”),  
14 Plaintiff could no longer safely, fully, and equally access The Marketplace Shopping  
15 Center parking lot and associated businesses. Clearly, the “usability” of the parking lot  
16 facility, access to businesses, and path of travel were affected by the addition of the LVT  
17 system and the blue LED lights.

18 **III. LACK OF GOOD FAITH EFFORT**

19 10. After the first injury and discrimination incident at The Marketplace Shopping Center  
20 involving the blue LED lights on March 10, 2024, Plaintiff contacted the Regency Centers  
21 leasing agent, Jenny Hess, via email along with a letter requesting ADA accommodation.  
22 (EXHIBIT A).

- 1 11. Ms. Hess never responded. Plaintiff then emailed Lisa Palmer, CEO of Regency Centers  
2 on March 14, 2024, and April 4, 2024. Ms. Palmer did not respond.
- 3 12. On April 5, 2024, Greta Morris, Litigation Counsel for Regency Centers, notified Plaintiff  
4 that Regency Centers would respond to Plaintiff’s injury complaint and request for  
5 accommodation. On May 10, 2024, Regency Centers denied Plaintiff’s request for  
6 accommodation. (EXHIBIT B). Ms. Morris wrote, “*While we appreciate your concerns,*  
7 *the lighting provides an essential security measure for the safety of our tenants and their*  
8 *patrons.*” The language of this response is astonishing, as it clearly indicates that Regency  
9 Centers’ position is that “safety” is for all “tenants and their patrons” EXCEPT patrons  
10 with disabilities. This is *prima facie* discrimination.
- 11 13. On June 1, 2024, Plaintiff emailed Defendant with a notice that the alteration of LEDs  
12 creates a discriminatory barrier for Plaintiff. (EXHIBIT C). Defendant took no action to  
13 eliminate the discriminatory barrier.
- 14 14. Regency Centers acted in bad faith by failing to engage in an interactive grievance process  
15 to find a solution to the harm and discrimination caused by the blue LED lights. Could the  
16 intensity be reduced? Could the digital flashing be stopped? Could the color be changed?  
17 Are the blue LEDs providing actual security, or are the blue lights just marketing hype?  
18 Regency Centers made no effort to find a solution to the problem and no effort to comply  
19 with federal ADA statutes and regulations and Unruh Act statutes prohibiting  
20 discrimination and requiring full and equal access.

21  
22 **IV. ACTIONS OF OTHER COMPANIES**

1 15. In a similar situation involving a different shopping center, Woodland Crossing, Plaintiff  
2 contacted the property management company, Engstrom Properties, on January 9, 2024,  
3 and notified the property manager that the blue LED lights on the LVT system in their  
4 shopping center created a dangerous and discriminatory condition.

5 16. Engstrom Properties then contacted LVT and requested that the blue LED lights be turned  
6 off. LVT implemented the request, and the blue LED lights were turned off within a few  
7 days of the request.

8 17. After the blue LED lights on the LVT system were turned off, there is no indication that  
9 Woodland Crossing has become a hotbed of crime. There is no indication that any store  
10 owner has gone out of business because the blue LED lights were turned off. There is no  
11 indication that shoppers feel less safe at Woodland Crossing. However, what is known  
12 definitively is that Plaintiff can now access Woodland Crossing without suffering the fear,  
13 anxiety, panic, eye pain, non-epileptic seizures, restricted path of travel, and discriminatory  
14 barrier that existed when the blue LED lights on the LVT system were turned on.

15 18. In a second instance, on February 1, 2024, Plaintiff contacted Klassen Smith Construction  
16 about the blue LED lights on an LVT system impairing his cognitive functioning while  
17 driving his vehicle on the I-80 freeway. Klassen Smith contacted LVT, and the blue LED  
18 lights were turned off within a few days. Klassen Smith is still in business, even though the  
19 blue LED lights were turned off. There is no indication that there was an increase in thefts  
20 at the construction site after the blue LED lights were turned off. However, what is known  
21 is that Plaintiff can now drive on I-80 without being impaired and discriminated against by  
22 the blue LED lights on the LVT system.

1 19. In a third instance, On June 14, 2024, Plaintiff contacted NAPA Auto parts about a blue  
2 LED flashing light on a video surveillance system inside a NAPA store in Woodland,  
3 California. A risk manager for NAPA called Plaintiff and notified Plaintiff that the blue  
4 LED flashing lights would be turned off immediately.

5 20. Sometimes a company will claim that modifying a facility to accommodate an individual  
6 with a disability is an undue burden. In this situation, Regency Centers has not made the  
7 undue burden claim. This is likely due to the fact that turning off the blue LED lights is  
8 extraordinarily simple and could never be considered to be an undue burden, and also  
9 because the requirement of 28 C.F.R. § 36.402(a)(1) is that any alteration made after 1992  
10 must ensure that the altered area be readily accessible and usable by individuals with  
11 disabilities, and thus an undue burden claim cannot be made because the addition of the  
12 LVT system with the blue LED lights was made after 1992.

13 21. Thus, while other companies have acted in good faith and had the blue LED lights on the  
14 LVT system turned off once notified of the dangerous and discriminatory situation created  
15 by the blue LED lights, Regency Centers has chosen to act in bad faith and has chosen the  
16 “so sue me” approach to ADA and Unruh compliance.

## 17 18 **V. LED PHYSICS AND HARM**

19 22. LEDs are in many ways similar to lasers, creating an intense beam of light. LEDs act as a  
20 spotlight because of the non-curved surface of the LED chip. As the Department of Energy  
21 stated, LEDs are a “radically new technology” that emit a “directional” light with “unique  
22 characteristics.”  
23

- 1 23. One of the differences between lasers and LEDs is that the US Food and Drug  
2 Administration has published performance standards for lasers to help ensure the health  
3 and safety of the public. While the FDA's laser standards may not be perfect, they do  
4 provide a minimum of protection for the public. On other hand, the FDA has failed to  
5 publish performance standards for LEDs, so there are no limits on intensity, no limits on  
6 spectral power distribution, and no limits on digital pulsing.
- 7 24. Regency Centers has failed to vet the blue LED lights on the LVT system to ensure that  
8 they are safe for individuals with autism. Regency Centers has no idea if the blue LED  
9 lights are safe for those with autism, epilepsy, PTSD, photophobia, or even the general  
10 public. Regency Centers simply started using this unregulated technology without showing  
11 any concern for the health or safety or civil rights of individuals who would encounter the  
12 blue LED lights.
- 13 25. The federal government has not stated that LED lights are safe for individuals with autism.  
14 The FDA has failed to publish performance standards for LED products to protect the  
15 public welfare. Given that the blue LED lights have been proven to be injurious to  
16 Plaintiff, the blue LED lights create a discriminatory barrier and must be turned off or  
17 removed to protect Plaintiff and to afford Plaintiff full and equal access to The Marketplace  
18 Shopping Center.

## 19 **VI. SOFT LIGHTS FOUNDATION**

- 20 26. Plaintiff experiences no difficulties with traditional light sources such as the sun,  
21 incandescent light bulbs, or slow flashing tungsten filament lights. Plaintiff also  
22 experienced no problems with LEDs during the 1980s, 1990s, and 2000s, when the  
23

1 intensity was low. 20<sup>th</sup> century LED alarm clocks and LED indicator lights posed no issue  
2 for Plaintiff. Plaintiff also has no difficulty with modern LED flat screen computer  
3 monitors, so long as the intensity is not too high.

4 27. LEDs became intolerable for Plaintiff around 2016, when high-powered LEDs suddenly  
5 appeared in vehicle headlights and streetlights and as digital flashing lights on police  
6 vehicles and traffic signs. Plaintiff finds today's LED indicator lights on washing  
7 machines and tools to be unbearably intense and has taken to covering up such LEDs with  
8 tape.

9 28. In 2019, after being repeatedly subjected to these new high-powered LED lights, Plaintiff  
10 suffered a mental breakdown and spent four days in the hospital. It was at this time that  
11 Plaintiff was diagnosed with autism spectrum disorder and that Plaintiff's attending  
12 physician associated the autism diagnosis with Plaintiff's reactions to LED lights. Until  
13 this event, Plaintiff had never considered himself to be on the autism spectrum. It was only  
14 due to the release of high-intensity LED lights into the environment that Plaintiff  
15 discovered that he has a limit to how intense a light can be before the light becomes  
16 neurologically intolerable.

17 29. Due to the lack of government regulation and explicit protection of individuals with  
18 disabilities from LED lights, Plaintiff began the painstaking process of learning about  
19 LEDs and why they are so dangerous for individuals with autism. Plaintiff started the Soft  
20 Lights Foundation as an advocacy organization to also assist other individuals who were  
21 suffering similarly.

22 30. The Soft Lights Foundation has submitted dozens of formal petitions to federal and state  
23 agencies to request regulation of LED products. This includes petitions to the Department



1 of Energy, National Highway Traffic Safety Administration, Access Board, and Food and  
2 Drug Administration. Petitions were also submitted to state-level agencies such as the  
3 California Highway Patrol and California Emergency Medical Services Authority. Every  
4 petition has been ignored or denied. The Soft Lights Foundation has sent hundreds of  
5 letters to cities, state attorney generals, state regulatory agencies, state legislators,  
6 companies, and members of Congress, notifying them of the hazardous, dangerous, and  
7 discriminatory nature of LED Visible Light radiation devices and failure of the FDA to  
8 comply with 21 U.S.C. 360ii(a) and publish performance standards to ensure protection of  
9 public health and safety. There has been a near-total blanket refusal by all government  
10 agencies to take any steps to regulate LED products and protect the public and individuals  
11 with disabilities from LED light.

12 31. Because Plaintiff and the Soft Lights Foundation have exhausted nearly all administrative  
13 remedies, Plaintiff began initiating lawsuits against government agencies and companies,  
14 as lawsuits seem to be the only way to achieve compliance with existing laws. Plaintiff  
15 filed a lawsuit against the Food and Drug Administration on January 24, 2024.<sup>4</sup> Plaintiff  
16 filed a lawsuit against the city of Fairfield, California on December 14, 2023.<sup>5</sup> This lawsuit  
17 was amended at the direction of the Court.<sup>6</sup> The Soft Lights Foundation is a co-plaintiff in  
18 a light trespass nuisance lawsuit involving a citizen being harmed by the LED lights from a  
19 car dealership. This lawsuit against the Defendant is the first Small Claims lawsuit by  
20

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21  
22 <sup>4</sup> [http://www.softlights.org/wp-content/uploads/2024/01/Mark-Baker-vs.-FDA\\_filed.pdf](http://www.softlights.org/wp-content/uploads/2024/01/Mark-Baker-vs.-FDA_filed.pdf)

23 <sup>5</sup> [https://www.softlights.org/wp-content/uploads/2023/12/Baker-v.-Fairfield\\_Filed.pdf](https://www.softlights.org/wp-content/uploads/2023/12/Baker-v.-Fairfield_Filed.pdf)

<sup>6</sup> <https://www.softlights.org/wp-content/uploads/2024/05/Baker-v.-Fairfield-Amended.pdf>

1 Plaintiff involving the Unruh Civil Rights Act. Plaintiff sincerely hopes that one or more  
2 of these lawsuits will be successful so that the process of protecting Plaintiff and other  
3 individuals from harm and discrimination can begin.

4 32. Plaintiff proudly acknowledges his efforts as President of the Soft Lights Foundation and  
5 efforts to eliminate unsafe LED products from public spaces to protect individuals with  
6 disabilities from the harms and discriminatory barriers created by LED products.

## 7 8 **VII. AUTISM SPECTRUM DISORDER**

9 33. The human neurological system is complex, and therefore it would not be unexpected if  
10 autism is not the sole reason for Plaintiff's adverse reactions to LED light.

11 34. Perhaps Plaintiff has undiagnosed photophobia. Perhaps previous exposure to  
12 formaldehyde caused Plaintiff to become hyper-sensitive to LED light. Perhaps Plaintiff  
13 has some other neurological condition that has not been diagnosed. However, it was  
14 Plaintiff's attending physician at Kaiser Permanente in 2019 who diagnosed Plaintiff with  
15 autism spectrum disorder and who tied Plaintiff's mental breakdown as being caused by  
16 LED lights and Plaintiff's sensitivity to light as an individual with autism.

17 35. It is irrelevant for purposes of this discrimination lawsuit as to the exact biological  
18 mechanism of Plaintiff's reaction to LED light. The legally relevant fact is that Plaintiff  
19 has been medically diagnosed with autism spectrum disorder and that autism is a qualified  
20 disability for this claim.

21 36. The other legally relevant fact is that the blue LED lights on the LVT system are  
22 neurologically intolerable for Plaintiff, restrict Plaintiff's path of travel, cause  
23

1 psychological injury to Plaintiff, and thus create an illegal discriminatory barrier. As noted  
2 multiple times previously, 28 C.F.R. § 36.402(a)(1) states that any alteration made after  
3 1992 must ensure that the altered area be readily accessible and usable by individuals with  
4 disabilities. Plaintiff is an individual with a qualified disability and the alteration of adding  
5 the LVT system with blue LED lights created an area that is not readily accessible and not  
6 usable by Plaintiff and also interferes with Plaintiff's path of travel. Thus, the alteration of  
7 adding the LVT system with the blue LED lights violates 28 C.F.R. § 36.402(a)(1).

8 Defendant has no mechanism for avoiding the requirements of 28 C.F.R. § 36.402(a)(1)  
9 and thus the alteration of adding the LVT system with the blue LED lights must be undone.

10 37. EXHIBIT D is a letter of support from Dr. Janine Manuel. Dr. Manuel writes, "*In the case*  
11 *of Mark Baker, I attest to the adverse effect that LED illumination has had on his life*  
12 *causing hospitalization, loss of employment (as head of department as a mathematics*  
13 *teacher) and psychological trauma. He is placed on the autistic spectrum. Flashing LED*  
14 *illumination is of particular distress to Mark evoking a fight/flight response, intense*  
15 *sensation of fear and ongoing psychological trauma.*"

16 38. EXHIBITs E and F are a letter of support from MarieAnn Cherry, an individual diagnosed  
17 with epilepsy. Ms. Cherry writes, "*After what seemed like a long time, Mark was able to*  
18 *tell me that a fire truck had passed by with its LED lights flashing, driving right by the car*  
19 *where he sat. From what I heard, by the abrupt onset, jolt, arc and character of the event,*  
20 *it reminded me of some sort of brain seizure.*"

21 39. ChatGPT is a Large Language Model Artificial Intelligence system that is able to  
22 synthesize vast amounts of knowledge found on the Internet. ChatGPT has not established  
23

1 itself as being a perfect system, but it has shown that it can generate coherent statements  
2 about an idea or a topic using existing knowledge.

3 40. When ChatGPT was asked about strobing lights, ChatGPT responded with a bulleted list,  
4 including, “*Sensory Processing Issues: Individuals with sensory processing disorders or*  
5 *conditions like autism may experience strobing lights as overwhelming or distressing. This*  
6 *can lead to frustration or rage as a response to the intense sensory input.*” and “*Sensory*  
7 *Overload: For individuals with sensory processing issues, the overwhelming sensory input*  
8 *from strobing lights can lead to a state of overload. The body might respond to this*  
9 *overload by initiating the fight-or-flight response as a means of self-protection.*”

10 (EXHIBIT G).

11 41. Thus, ChatGPT’s responses demonstrate that it is already well known that intense,  
12 flashing/strobing lights can be overwhelming and debilitating for individuals with autism.  
13 Plaintiff’s own adverse reactions to the blue LED lights on the LVT system confirm what is  
14 already well known. To protect individuals with autism from harm and discrimination,  
15 intense static LED lights and flashing LED lights must not be used in places of public  
16 accommodation.

## 17 18 **VIII. BLUE LED LIGHTS**

19 42. The blue LED lights on the LVT system are purposely designed to invoke fear. Bryce  
20 Benard, Outside Counsel for LVT, wrote to Plaintiff:

21 We note that the use of the blue and/or LED lights, including in the flashing mode, is an  
22 essential part of the entire security apparatus provided by LVT’s product. The lights  
23

1 operate as a deterrent to illegal conduct (thefts, assaults, rapes, etc.) as well as  
2 providing light and notice of the product itself (that thereby prevents accidents). The  
3 light also provides exposure to the notices that individuals may be videotaped by the  
4 product as another essential part of the security system of the LVT product. Clients buy  
5 and use the LVT product to ensure safety and security in parking lots—and to help  
6 eliminate crime and accidents. The blue and/or LED lights, including flashing mode,  
7 are essential to the efficacy of the security product and service, and essential to the  
8 business of LVT and the clients who use the product. (EXHIBIT H).

9 43. Mr. Benard offers no evidence to support his assertion that the blue LED lights, in fact, do  
10 deter illegal conduct, but his statements make clear that the blue lights are purposely  
11 designed to be aggressive and to put people on notice that they are being watched. Thus,  
12 the intensity and digital pulsing are a “design feature” of the LVT system.

13 44. The color blue is associated with the police. It seems clear that LVT has chosen blue for  
14 their LED lights to cause people to associate the LVT system with the police. The LVT  
15 system is designed to be a show of force and to invoke fear in the individuals who use The  
16 Marketplace parking lot. The blue LED lights are designed to be exceedingly intense to  
17 convey a sense of authority and power to individuals in the parking lot.

18 45. What Mr. Benard ignores is the impact that such high-intensity and digitally pulsing LED  
19 lights have on individuals with disabilities. Are these blue LED lights safe for individuals  
20 with autism or epilepsy or PTSD? Do these blue LED lights impair vision or cognitive  
21 functioning or create an unsafe distraction for drivers?

22 46. Mr. Benard writes, “*For example, in reviewing several websites, including that of Autism*  
23 *Speaks, it is suggested that using ‘light covers, sunglasses, or a hat under fluorescent*

1 *lights’ is an effective way to address hypersensitivity to lights. In addition, one site noted*  
2 *that the best way to address photophobia was with glasses that filter potentially harmful*  
3 *wavelengths and light. In our research, there are numerous glasses available on the market*  
4 *that could be used to address hypersensitivity or photophobia.” (EXHIBIT H)*

5 47. LVT’s position statement is really the crux of the issue of discrimination. LVT attempts to  
6 place the burden of surviving the intensity of their blue LED lights onto the individual with  
7 the disability, suggesting that the individual purchase special glasses as a way to mitigate  
8 the negative impacts of their product. However, Congress has made it explicit that the  
9 burden of ensuring the protection of individuals with disabilities falls to the owners and  
10 managers of businesses. If a company wants to be in business, then the Americans with  
11 Disabilities Act tells the company that it is their duty and their obligation to ensure that  
12 individuals with disabilities have full and equal access to business services, including  
13 unrestricted path of travel. Mr. Benard does not state that the LVT product is safe for  
14 individuals with autism, but instead offers discriminatory suggestions for coping with their  
15 dangerous product. The ADA and Unruh Civil Rights Act prohibit such discrimination.

16 48. As per Mr. Benard, LVT is not interested in reducing the intensity or eliminating the digital  
17 pulsing of the blue LED lights to accommodate individuals with disabilities, and LVT  
18 believes that, as a vendor, they have no obligation to comply with the ADA. LVT thus  
19 throws all their clients under the bus and declines to accept any responsibility for ADA and  
20 Unruh Civil Rights Act obligations.

## 21 22 **IX. VISUAL FREEDOM – CIVIL RIGHT**

1 49. Light travels at the speed of light. In addition, human vision is mostly automatic, with eye  
2 movements controlled by mostly non-conscious mechanisms called Saccadic Eye  
3 Movements. It is biologically impossible for Plaintiff to control his eye movements to  
4 ensure that Plaintiff is not struck by LED light from the LVT system.

5 50. LED light is directional, and thus it travels long distances with little dispersion. The result  
6 is that the blue LED lights on the LVT system can adversely impact Plaintiff even several  
7 blocks away. Plaintiff suffered this situation in the Woodland Crossing situation, where  
8 Plaintiff would be struck by the blue LED lights on the LVT system approximately two to  
9 three blocks away from the shopping center, causing Plaintiff to suffer agitation, anger,  
10 pain, and panic.

11 51. As an example, if Plaintiff wishes to walk from Safeway to Togo's in The Marketplace  
12 Shopping Center but cannot tolerate the blue LED lights on the LVT system, is Plaintiff  
13 supposed to close both eyes and walk from Safeway to Togo's? Is Plaintiff supposed to  
14 walk backwards from Safeway to Togo's? Defendant has offered no recourse to Plaintiff  
15 as to how to navigate The Marketplace Shopping Center when the blue LED lights on the  
16 LVT system are operating.

## 17 **X. CONGRESS**

19 52. It is critical that the ADA and Unruh Civil Rights Act be viewed in their entirety and how  
20 the ADA and Unruh Civil Rights Act apply to this case.

21 53. Title 42, Chapter 126, Section 12101 of the United States Code contains the Findings and  
22 Purpose of the ADA. 42 U.S.C. §12101(a) states:

1 The Congress finds that—

2 (1) physical or mental disabilities in no way diminish a person’s right to fully  
3 participate in all aspects of society, yet many people with physical or mental  
4 disabilities have been precluded from doing so because of discrimination; others  
5 who have a record of a disability or are regarded as having a disability also have  
6 been subjected to discrimination;

7 (2) historically, society has tended to isolate and segregate individuals with  
8 disabilities, and, despite some improvements, such forms of discrimination  
9 against individuals with disabilities continue to be a serious and pervasive social  
10 problem;

11 (3) discrimination against individuals with disabilities persists in such critical areas as  
12 employment, housing, public accommodations, education, transportation,  
13 communication, recreation, institutionalization, health services, voting, and access  
14 to public services;

15 (4) unlike individuals who have experienced discrimination on the basis of race,  
16 color, sex, national origin, religion, or age, individuals who have experienced  
17 discrimination on the basis of disability have often had no legal recourse to  
18 redress such discrimination;

19 (5) individuals with disabilities continually encounter various forms of  
20 discrimination, including outright intentional exclusion, the discriminatory effects  
21 of architectural, transportation, and communication barriers, overprotective rules  
22 and policies, failure to make modifications to existing facilities and practices,



1 exclusionary qualification standards and criteria, segregation, and relegation to  
2 lesser services, programs, activities, benefits, jobs, or other opportunities;

3 (6) census data, national polls, and other studies have documented that people with  
4 disabilities, as a group, occupy an inferior status in our society, and are severely  
5 disadvantaged socially, vocationally, economically, and educationally;

6 (7) the Nation's proper goals regarding individuals with disabilities are to assure  
7 equality of opportunity, full participation, independent living, and economic self-  
8 sufficiency for such individuals; and

9 (8) the continuing existence of unfair and unnecessary discrimination and prejudice  
10 denies people with disabilities the opportunity to compete on an equal basis and to  
11 pursue those opportunities for which our free society is justifiably famous, and  
12 costs the United States billions of dollars in unnecessary expenses resulting from  
13 dependency and nonproductivity.

14  
15 54. High intensity LEDs did not exist in 1990 when the ADA was passed, and yet the goals of  
16 Congress have not changed. The blue LED lights on the LVT system are an example of the  
17 "continuing existence of unfair and unnecessary discrimination and prejudice" which  
18 denies Plaintiff equal opportunity. The blue LED lights on the LVT system are an example  
19 of how "individuals with disabilities continually encounter various forms of discrimination,  
20 including outright intentional exclusion, the discriminatory effects of architectural"  
21 barriers. Congress stated that, "historically, society has tended to isolate and segregate  
22 individuals with disabilities, and, despite some improvements, such forms of discrimination  
23 against individuals with disabilities continue to be a serious and pervasive social problem".

1 The blue LED lights on the LVT continue the pattern of historical discrimination that the  
2 ADA was designed to prevent.

3 55. In the plain reading of 42 U.S.C. §12101(a), Congress made clear that discrimination  
4 against individuals is unacceptable and that individuals with disabilities are not to be  
5 denied full and equal access to businesses and that the burden of ensuring that facilities are  
6 readily accessible and usable by individuals with disabilities falls to the owners and  
7 property managers of those businesses, as detailed in 28 C.F.R. Part 36.

8 56. 28 C.F.R. § 36.101(b) states:

9 Broad coverage. The primary purpose of the ADA Amendments Act is to make it  
10 **easier** for people with disabilities to obtain protection under the ADA. Consistent  
11 with the ADA Amendments Act's purpose of reinstating a broad scope of protection  
12 under the ADA, the definition of “disability” in this part shall be construed broadly  
13 in favor of expansive coverage to the maximum extent permitted by the terms of the  
14 ADA. The primary object of attention in cases brought under the ADA should be  
15 whether entities covered under the ADA have complied with their obligations and  
16 whether discrimination has occurred, not whether the individual meets the  
17 definition of “disability.” The question of whether an individual meets the  
18 definition of “disability” under this part should not demand extensive analysis.

19 57. The ADA Amendments Act was supposed to make it easier for Plaintiff to obtain  
20 protection under the ADA. However, the ADA is premised on the theory that companies  
21 will generally act in good faith and will generally comply with the law. Regency Centers,  
22 on the other hand, is not acting in good faith, and has chosen to make it as difficult as  
23 possible for Plaintiff to obtain protection. It should not require a lawsuit to get a light

1 turned off to protect an individual with a disability, but such is the situation that now exists  
2 with Regency Centers.

3 58. 28 C.F.R. § 36.201 states:

4 General. (a) Prohibition of discrimination. No individual shall be discriminated  
5 against on the basis of disability in the full and equal enjoyment of the goods,  
6 services, facilities, privileges, advantages, or accommodations of any place of  
7 public accommodation by any private entity who owns, leases (or leases to), or  
8 operates a place of public accommodation.

9 59. The use of excessively intense, unregulated, unapproved, unvetted, hazardous, and  
10 dangerous LED devices that cause anger, fear, agitation, non-epileptic seizures and  
11 psychiatric trauma in Plaintiff and prevent Plaintiff from full and equal enjoyment of  
12 services and facilities at The Marketplace Shopping Center is discrimination. This  
13 discrimination is clearly prohibited by 28 C.F.R. § 36.201.

14 60. Regency Centers has taken the “so sue me” approach. Plaintiff’s only recourse in this  
15 matter is via the Courts, since Regency Centers is unwilling to act responsibly or within the  
16 law and since neither the ADA nor the Unruh Civil Rights Act provide an automatic  
17 mechanism for enforcing ADA and Unruh violations. Turning off a blue LED light is  
18 about as easy a task as one could imagine, so Regency Centers’s refusal to simply turn off  
19 the blue LED lights on the LVT system and willingness to engage in a lawsuit over such a  
20 seemingly trivial matter suggests that the “so sue me” approach for ADA and Unruh  
21 compliance is just standard operating procedure for Regency Centers.

22  
23 **XI. CONCLUSION**

1 For the reasons stated above, Plaintiff requests that this Court award Punitive Damages to  
2 Plaintiff in the amount of \$2,500 due to Regency Center's failure to act in good faith, the  
3 psychological trauma and injury caused by Regency Center's actions, Regency Center's  
4 failure to address the dangerous and discriminatory conditions even after receiving a  
5 Constructive Notice of the dangerous and discriminatory condition, and Regency Center's  
6 failure to comply with 28 C.F.R. Part 36 and California Civil Code Section 51.  
7

8  
9 Dated: July 16, 2024

10 Respectfully Submitted,

11 By: /s/ Mark Baker  
12 9450 SW Gemini Drive PMB 44671  
13 Beaverton, OR 97008  
14 mbaker@softlights.org  
15  
16  
17  
18  
19  
20  
21  
22  
23

# Exhibit A



9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

March 10, 2024

## **BY EMAIL**

Jennifer Hess, Leasing Agent  
Regency Centers  
jenniferhess@regencycenters.com

### **Re: Request for Accommodation – LED Lights on LVT System**

Dear Jennifer Hess,

The Soft Lights Foundation is a 501(c)(3) non-profit whose mission is to advocate for the protection of individuals from the harms of Visible Light radiation emitted by products that use Light Emitting Diodes. I write to you now on behalf of our client, Mark Baker, a California resident. Mr. Baker is also the Founder and President of the Soft Lights Foundation.

Mr. Baker has been diagnosed with autism spectrum disorder which is a qualifying disability under the Americans with Disabilities Act. Due solely to his disability, Mr. Baker is unable to neurologically tolerate the intense Visible Light radiation emitted by many products that use LEDs.

On March 10, 2024, at approximately 6:45pm, Mr. Baker was struck by the intense blue LED lights from the LiveView Technologies spy camera system in operation at The Marketplace Shopping Center in Davis, California. This blue LED light caused Mr. Baker eye pain and a serious psychological injury. In the case of the LVT camera system, some of the blue LEDs are flashing, which caused Mr. Baker to suffer anxiety and the start of a panic attack. Mr. Baker was forced to leave the property without being able to dine at the Dos Coyotes restaurant.

Therefore, Mr. Baker requests accommodation so that Mr. Baker has full, safe, and equal access to all the facilities owned or operated by Regency Centers. There are at least two LVT systems in operation at The Marketplace Shopping Center.

The Soft Lights Foundation has expertise on the topic of LED lights. LEDs emit a powerful, intense, directed energy light, often with extreme levels of hazardous blue wavelength light and square wave flicker. Many individuals, especially those with neurological sensitivity to Visible Light radiation, are unable to tolerate the combination of intensity, extreme blue, digital flicker, and/or digital flashing that is typical of LED products. The adverse health effects from exposure to LED Visible Light radiation includes seizures, migraines, anxiety, impaired motor skills, and eye pain.

The US Food and Drug Administration is mandated by Congress to publish performance standards for LED products, as per 21 U.S.C. 360hh – 360ss. However, despite this mandate, the FDA has failed to publish these performance standards. Nearly all LED products are unregulated, despite

many of them having been shown to be hazardous to human and ecosystem health. Because of the failure of the FDA to comply with 21 U.S.C. 360hh – 360ss, a lawsuit has been filed against the FDA.<sup>1</sup>

The US Access Board is a federal government agency tasked with publishing guidelines for buildings and infrastructure. However, the Access Board has not published any guidelines for businesses in how to respond to accommodation requests for LED products. The Access Board is waiting for guidance from the FDA on this issue.

As per Title III of the ADA, a public accommodation shall not subject an individual on the basis of a disability to a denial of the opportunity of the individual to benefit from the facilities of a place of public accommodation.<sup>2</sup> Because the LED lights on the LVT system deny Mr. Baker the opportunity to benefit from the services provided by The Marketplace Shopping Center fully, safely, and equally, the LVT systems create an illegal discriminatory barrier.

As per 42 U.S.C. Chapter 126, Mr. Baker is requesting accommodation for the LED lights on the LVT systems. The accommodation that Mr. Baker is requesting is that both the top and bottom blue LED lights be turned off. Mr. Baker has already received this accommodation from the Woodland Crossing shopping center, and from the Klassen Smith construction company.<sup>3,4</sup> LiveView Technologies is fully aware of the discriminatory nature of the LED lights on their systems, and it is a simple matter for them to turn the LED lights off, without any adverse impact on the service they provide. Mr. Baker's accommodation request is reasonable, readily achievable, and not an undue burden to Regency Centers.

Mr. Baker requests approval of his accommodation request within 30 days. Mr. Baker reserves the right to file a discrimination lawsuit should Regency Centers fail to provide the requested accommodation or other mutually agreeable accommodation. Please provide a response within 30 days and direct all communications to me.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org

[www.softlights.org](http://www.softlights.org)

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<sup>1</sup> [http://www.softlights.org/wp-content/uploads/2024/01/Mark-Baker-vs.-FDA\\_filed.pdf](http://www.softlights.org/wp-content/uploads/2024/01/Mark-Baker-vs.-FDA_filed.pdf)

<sup>2</sup> <https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/>

<sup>3</sup> <https://www.softlights.org/wp-content/uploads/2024/01/Soft-Lights-Mail-Ace-Hardware.pdf>

<sup>4</sup> <https://www.softlights.org/wp-content/uploads/2024/02/Soft-Lights-Mail-Request-for-Accommodation-Blue-LED-Lights-Klassen-Smith.pdf>



Mark Baker &lt;mbaker@softlights.org&gt;

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## LED Discrimination Lawsuit

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**Morris, Greta** <GretaMorris@regencycenters.com>  
To: Mark Baker <mbaker@softlights.org>

Fri, May 10, 2024 at 9:54 AM

Mr. Baker –

After review, Regency has decided not to alter the LVT security technology lighting. While we appreciate your concerns, the lighting provides an essential security measure for the safety of our tenants and their patrons.

Best,

**Greta Morris**  
Litigation Counsel  
904 598 7408

One [Independent Drive, Suite 114](#)  
Jacksonville, FL 32202

**Regency  
Centers.**

The information contained in this email message is intended only for the personal and confidential use of the recipient(s) named above. This communication is for discussion purposes only and does not create any obligation to negotiate or enter into a binding agreement. You should be aware that discussions or negotiations may be occurring simultaneously with other parties regarding the property or space discussed herein, and that neither party shall be bound by any terms contained herein until an agreement has been mutually executed and delivered. If you have received this communication in error, please notify us immediately by email, and delete the original message.

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**From:** Mark Baker <mbaker@softlights.org>  
**Sent:** Wednesday, May 8, 2024 3:11 PM  
**To:** Morris, Greta <GretaMorris@regencycenters.com>  
**Cc:** Hess, Jennifer <JenniferHess@regencycenters.com>  
**Subject:** LED Discrimination Lawsuit

CAUTION: External email – be careful with links/attachments, especially if from unknown source OR if unexpected from known source

Ms. Morris,

[Quoted text hidden]

# Exhibit C

June 1, 2024

## **BY EMAIL**

Greta Morris, Litigation Counsel  
Regency Centers  
GretaMorris@regencycenters.com

## **Re: Notification of Alteration Using LEDs Creating a Discriminatory Barrier**

Dear Greta Morris,

I am notifying Regency Centers that an installation of an LED device such as on a security system or parking lot lighting is an alteration as defined by the Americans with Disabilities Act. The alteration of installing and operating a system using LEDs would create a new discriminatory barrier for me due to my condition of autism spectrum disorder, and therefore this alteration would make the altered area not readily accessible and usable for me and would be a violation of the ADA.

28 C.F.R. § 36.402(a)(1) states, "*Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities...*"<sup>1</sup> A facility is broadly construed as any business operation, including vehicles.

On May 24, 2024, the US Food and Drug Administration issued a decision that the FDA will not publish performance standards for any LED product.<sup>2</sup> Despite the requirements of 21 U.S.C. 360ii(a)(6)(B), the FDA has chosen to not liaise with any other federal agency to establish the required performance standards for any LED product, including those performance standards necessary to ensure protection and non-discrimination for individuals with autism spectrum disorder. The result is that the US Access Board has no disability access guidelines for LED products to ensure full and equal access to places of public accommodation.

Due to the lack of federal regulation of LED products, any decision by Regency Centers to install or operate an LED system will require that Regency Centers first publish its own regulations for LED products to ensure the health, safety, and civil rights of individuals with autism spectrum disorder and Regency Centers must ensure that all alterations that include an LED device be readily accessible and usable by individuals with autism spectrum disorder.

Sincerely,

/s/ Mark Baker

Mailing Address:  
9450 SW Gemini Drive PMB 44671

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<sup>1</sup> <https://www.law.cornell.edu/cfr/text/28/36.402>

<sup>2</sup> <https://www.softlights.org/wp-content/uploads/2024/05/Final-Response-Citizen-Petitions-FDA-2022-P-1151-FDA-2023-P-0233-FDA-2023-P-3828-FDA-2023-P-3879.pdf>



Beaverton, OR 97008  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

# Exhibit D

30/03/2024

Dr Janine Manuel

Email: janine.m.manuel@gmail.com Phone/ New Zealand: 0064 22 6307308

To whom it may concern :

Mark Baker is a fellow colleague with whom I have worked and collaborated in my capacity as a medical doctor in the field of clinical analysis over the last two years. I also work as a freelance medical translator for a biotech company in Germany. During this period, I have supported two organizations centered on the impact of LED illumination on health, one in the United Kingdom (LightAware) and the other The Softlights Foundation in the United States of America.

As a clinical analyst the information and data I have been party to has shown LED illumination to have neurological consequences (seizure, migraine, headache, and other neurological effects). This includes adverse effects on those with autism.

The effects of LEDs causing seizure, migraine and other neurological conditions have resulted in individuals being excluded from municipal life, loss of employment, confined in part to their home and significant deterioration of their health (previous well and fully participating in life).

In the case of Mark Baker, I attest to the adverse effect that LED illumination has had on his life causing hospitalization, loss of employment (as head of department as a mathematics teacher) and psychological trauma. He is placed on the autistic spectrum. Flashing LED illumination is of particular distress to Mark evoking a fight/flight response, intense sensation of fear and ongoing psychological trauma.

Sincerely

Dr Janine Manuel

BHB MBChB FRNZCGP

Clinical Analyst/ Medical Translator



## Exhibit E

June, 2024

To Whom It May Concern:

Dr. John Lincoln of the charity Light Aware introduced me to Mark Baker several years ago. Mark and I have since become friends. One time in spring, 2021, I was talking to Mark on the phone. I was home in Upstate New York and he was sitting in his car in a park in Medford, Oregon. I'd been telling him about a project I was starting, when he suddenly made a sharp gasping sound, as if he'd just been shocked or struck. Alarmed, I said his name, and asked was he all right? what had happened? but he didn't answer. I could hear a commotion, an agitation like someone moving around or thrashing about, plus a background noise I couldn't identify. I kept calling to Mark, anxious for him to answer and tell me what was going on. I was afraid to hang up and try to send him help, but I also afraid not to. After a while, I could hear Mark speaking again, but his voice was shaking and disjointed, like he was disoriented in some way. The background noise was gone. After what seemed like a long time, Mark was able to tell me that a fire truck had passed by with its LED lights flashing, driving right by the car where he sat. From what I heard, by the abrupt onset, jolt, arc and character of the event, it reminded me of some sort of brain seizure. I have epilepsy and I've had seizures myself and witnessed seizures in family members and in my students. The way that Mark was left disoriented and finding it hard to speak was like symptoms of a seizure's aftermath. I stayed on the phone with him quite a while longer as he gradually recovered. It was a striking, terrible experience. Obviously much, much worse for him, but I felt badly shaken up. I have no doubt, either, that had I been in that park when the truck passed, I too would've suffered an equally sudden and severe reaction to that fire truck's flashers..I'm attaching an incident report with this letter to illustrate.

Sincerely,

MarieAnn Cherry

Washington County, New York

## Exhibit F

### Incident Report

On the morning April 12, 2023, between eleven AM and noon, I was driving in Cambridge, NY, with my mother in the passenger seat beside me. It was a sunny, clear day, and visibility was excellent. We had just entered the village, turning off Rt 59, heading east on Main Street, when I saw a flashing light about 150 feet ahead of us, on the sidewalk to the north. It was mounted on the cab of a bobcat belonging to the DPW, who were collecting yard debris. At almost the same moment, I spotted another flashing light on a truck driving east in front of us. I knew if my mother caught a glimpse of either flasher, she would have a seizure. I tried to warn her to duck her head, but before I could get the words out she began seizing in her seat. I was afraid she was going to hit her head against the window, but had to keep my hands on the wheel and couldn't shield her. There were no side roads I could turn down to get away from the flashing lights. If I drove forward, I'd have been bringing us closer to the flashing light on the bobcat, and following the flasher on the truck. In desperation, I pulled over to the side of the road, and held a piece of cardboard between my mother and the flashing lights.

That part of Main Street is narrow, and while we were sitting there, another truck, this one a flatbed, drove by with a flasher on its roof, and a Post Office truck drove by with its flashers on, as well. It took several minutes for my mother to stop seizing, and several more for her to recover enough to hold the cardboard herself so I could drive forward and get us out of sight of the flashing lights. I had to keep checking in every direction for more flashers. The entire experience was nerve-wracking and terrifying. When we got to the house, my mother was disoriented, her left arm and hand seemed stiff, and she couldn't walk. After I helped her get indoors, she remained incapacitated for the rest of the day.

Sylvana Maione

April 12, 2023

# Exhibit G

I decided to see what ChatGPT would bring up about strobing lights. I am aware of the limitations of the searches but it was still interesting. 🙌🙌🙌

My prompt: why do some people feel rage when they are exposed to strobing lights?

ChatGPT response:

Rage or strong emotional reactions to strobing lights can be attributed to several factors:

1. **Neurological Sensitivity:** Some individuals have heightened sensitivity to visual stimuli. Strobing lights can overstimulate the brain, leading to discomfort, irritation, and in some cases, aggressive or emotional responses.
2. **Migraine Triggers:** Strobing lights are known triggers for migraines in susceptible individuals. The discomfort and pain associated with an impending migraine can provoke irritability or anger.
3. **Photosensitive Epilepsy:** While not common, some people have a condition called photosensitive epilepsy, where flashing lights can trigger seizures. The anxiety or fear of a seizure can lead to heightened emotional responses.
4. **Sensory Processing Issues:** Individuals with sensory processing disorders or conditions like autism may experience strobing lights as overwhelming or distressing. This can lead to frustration or rage as a response to the intense sensory input.
5. **Post-Traumatic Stress Disorder (PTSD):** For some, strobing lights may serve as a trigger for PTSD, especially if they have experienced traumatic events involving flashing lights. The strong emotional reaction can include anger or rage.
6. **General Discomfort and Stress:** Strobing lights can be physically uncomfortable for anyone, leading to eyestrain, headaches, and general stress. This discomfort can manifest as irritability or anger.

Understanding these underlying factors can help in managing environments to minimize exposure for those who are particularly sensitive to strobing lights.

My prompt: can the lights trigger the fight/flight reaction?

ChatGPT response:

Yes, strobing lights can trigger the fight-or-flight response in some individuals. This is due to several mechanisms:

1. **Autonomic Nervous System Activation:** The rapid, unpredictable changes in visual input from strobing lights can activate the autonomic nervous system. This system controls the body's involuntary responses and can trigger the fight-or-flight response, leading to increased heart rate, heightened alertness, and a surge of adrenaline.
2. **Perceived Threat:** The brain might perceive the strobing lights as a potential threat due to their intense and disorienting nature. This perceived threat can activate the amygdala, the part of the brain responsible for processing fear and triggering the fight-or-flight response.
3. **Sensory Overload:** For individuals with sensory processing issues, the overwhelming sensory input from strobing lights can lead to a state of overload. The body might respond to this overload by initiating the fight-or-flight response as a means of self-protection.

4. **PTSD Triggers:** For those with PTSD, strobing lights can act as a trigger for past traumatic experiences, especially if the trauma involved similar stimuli. This can activate the fight-or-flight response as the body reacts to the perceived danger.
5. **Neurological Response:** The sudden and intense stimulation from strobing lights can disrupt normal brain activity, leading to a heightened state of arousal. This disruption can activate the fight-or-flight response as the brain attempts to cope with the unexpected and intense sensory input.

These reactions are deeply ingrained physiological responses meant to protect the individual from harm, even if the actual threat is not present.



# Exhibit F



**Bryan K. Benard**  
**Partner**  
Licensed in California and Utah  
Phone 801.799.5833  
bbenard@hollandhart.com

May 29, 2024

**VIA EMAIL and U.S. MAIL**  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

Mark Baker  
9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

**Re: LED Light Issues**  
**Confidential Settlement Communication; Subject to Federal Rule of**  
**Evidence 401**

Dear Mr. Baker,

This office has been retained to assist LiveView Technologies, Inc. (“LVT”) with respect to the numerous letters you have sent to LVT, as well as the additional information you have been sending to LVT clients. We have carefully reviewed the information as well as the Americans with Disabilities Act (“ADA”) concerns you have raised.

As previously explained to you by Bryce Higbee, LVT’s General Counsel, Title III of the ADA does not apply to LVT in this context because it is neither a property owner nor landlord of any of the properties you have mentioned before. As such, LVT does not have any obligations to provide public accommodations to any locations where it is neither property owner nor landlord, and thus, LVT does not have any obligations under the ADA toward you or with respect to the concerns you have raised.

It appears that you are aware of this as you have provided LVT with documents suggesting you are contacting and/or potentially suing clients of LVT that may be subject to Title III of the ADA for using LVT products in their parking lots. As we understand it, you are suggesting that such clients have created barriers to your access to these public spaces, in violation of the ADA, when the LVT products they have use and incorporate blue and/or LED lights. We disagree that the LVT product creates any such barriers to public access.

As Mr. Higbee has already explained to you, there are no regulations, guidelines or laws imposing a duty on a property owner to accommodate your requests regarding external lighting or shutting off blue and/or LED lights. Indeed, it is important to note that the ADA Accessibility

**Location**  
222 South Main Street, Suite 2200  
Salt Lake City, UT 84101-2194

**Contact**  
p: 801.799.5800 | f: 801.799.5700  
[www.hollandhart.com](http://www.hollandhart.com)

Guidelines (ADAAGs) make no mention whatsoever with respect to such lighting requirements in architectural designs or in public accommodations. If there were ever such a requirement under the ADA related to blue and/or LED lights, or such lights in a flashing mode, then certainly such guidance would be found in the ADAAGs. As there are no such guidelines or requirements, then there is no requirement under the ADA and your requests could be rejected on that basis alone.

In addition, it is important to note that an exception exists under the ADA that does not require an entity to fundamentally alter or change the essential nature of the business or product in allowing public access. We note that the use of the blue and/or LED lights, including in the flashing mode, is an essential part of the entire security apparatus provided by LVT's product. The lights operate as a deterrent to illegal conduct (thefts, assaults, rapes, etc.) as well as providing light and notice of the product itself (that thereby prevents accidents). The light also provides exposure to the notices that individuals may be videotaped by the product as another essential part of the security system of the LVT product. Clients buy and use the LVT product to ensure safety and security in parking lots—and to help eliminate crime and accidents. The blue and/or LED lights, including flashing mode, are essential to the efficacy of the security product and service, and essential to the business of LVT and the clients who use the product. Since all of the above are fundamental and essential parts of the security system, it is unlikely that the ADA would ever require LVT or its clients to fundamentally alter the product in such a way as to not use the blue and/or LED lights—or to disable that essential function of the product.

Nonetheless, in an effort to resolve your concerns, particularly those as against LVT's clients, and engage in the interactive process as contemplated by the ADA, LVT would like to engage in discussions with you. Again, while the ADA does not apply to LVT, this is an effort to address your overall concerns about LVT's product with respect to public access where LVT's products may be in use.

First, under the ADA, it is reasonable for an entity that has been asked to provide an accommodation to request medical documentation to substantiate the qualifying disability and understand the restrictions created by the disability. While we have received some information from you, will you please provide medical notes and information describing the qualifying disability and the restrictions you have in place related to blue and/or LED lights (including flashing mode).

Second, at the same time, please propose some potential accommodations for us to consider. We understand in the past you have asked that the blue and/or LED lights be turned off entirely or that they not be used in a flashing mode. Since turning that part of the security system off would fundamentally alter an essential function, we ask that you provide ideas about potential reasonable accommodations that fall short of disabling the lights or the light functions. It would be worthwhile for our discussion to have such options.

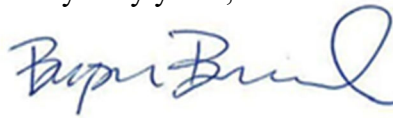


For example, in reviewing several websites, including that of Autism Speaks, it is suggested that using “light covers, sunglasses, or a hat under fluorescent lights” is an effective way to address hypersensitivity to lights. In addition, one site noted that the best way to address photophobia was with glasses that filter potentially harmful wavelengths and light. In our research, there are numerous glasses available on the market that could be used to address hypersensitivity or photophobia.

We can think of several potential reasonable accommodations in this situation. Again, however, we believe it is upon you to provide to us sufficient medical documentation and to suggest alternative reasonable accommodations. Upon receipt of such information, LVT will consider the information you have provided and look at providing reasonable accommodations and/or assisting its clients in providing such reasonable accommodations in specific locations where the LVT security product is used.

We look forward to hearing from you and further discussing these issues.

Very truly yours,



Bryan K. Benard  
Partner  
of Holland & Hart LLP

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