

Clerk stamps date here when form is filed.

FILED
YOLO SUPERIOR COURT
JUL 18 2024
A. AKANNO
DEPUTY

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.

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:

SC2024-0166

Case Name:

Order to Go to Court

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

Trial Date table with columns: Date, Time, Department, Name and address of court. Includes handwritten entries: 9/16/24 9:00AM 2, SHAWN C. LANDRY, A. AKANNO, 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.
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.
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.

¿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 (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.

¿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.

* **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.)

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 CITY OF WOODLAND

11 Defendant

Case No.: _____

THE AMERICANS WITH DISABILITIES
ACT 42 U.S.C. §§ 12131 – 12134

\$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 the city of Woodland (“Defendant”), operates a
- 16 Rectangular Rapid Flashing Beacon on Main Street that uses unvetted, unregulated,
- 17 hazardous, dangerous, and discriminatory Light Emitting Diode (“LED”) flashing lights
- 18 and that these excessively intense, digitally flashing LED lights caused injury to, and
- 19 created a discriminatory barrier for, Plaintiff.

20 **II. AMERICANS WITH DISABILITIES ACT**

- 21 2. The Americans with Disabilities Act implementing regulation 28 C.F.R. § 35.151(b)(1)
- 22 states:

1 *Each facility or part of a facility altered by, on behalf of, or for the use of a public*
2 *entity in a manner that affects or could affect the usability of the facility or part of the*
3 *facility shall, to the maximum extent feasible, be altered in such manner that the*
4 *altered portion of the facility is readily accessible to and usable by individuals with*
5 *disabilities, if the alteration was commenced after January 26, 1992. wheelchairs.¹*

6 3. The city of Woodland made the alteration of adding the RRFB device to Main Street that
7 uses excessively intense, digitally flashing LED lights after 1992. This alteration has made
8 the area around the RRFB not readily accessible and not usable by Plaintiff due to
9 Plaintiff's involuntary adverse neurological reactions, including anger, panic, fear, and
10 non-epileptic seizure. Thus, the alteration of adding the RRFB with flashing LED lights is
11 in violation of 28 C.F.R. § 35.151(b)(1).

12 4. A Light Emitting Diode is a device that emits Visible Light radiation from a flat surface.
13 The US Department of Energy states that LEDs are a "radically new technology" that emit
14 a "directional" light with "unique characteristics."² It is the directional, focused nature of
15 LEDs and their unique characteristics that make many LED devices unsafe for individuals
16 with disabilities, and which creates discriminatory barriers for individuals diagnosed with
17 autism.

18 5. The US Access Board publishes guidelines for accessibility. The Access Board states,
19 "*When alterations are made to a primary function area, an accessible path of travel to the*
20 *area must be provided. The accessible path of travel must extend from the altered primary*
21 *function area to site arrival points, including public sidewalks and parking and passenger*

22
23 ¹ <https://www.law.cornell.edu/cfr/text/28/35.151>

² https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl_lessons-learned_2014.pdf

1 *loading zones provided on the site. The path of travel also includes access to restrooms,*
2 *telephones, and drinking fountains, where provided to serve the primary function area.”³*

3 6. Path-of-Travel is a major element of Access Board guidelines. The alteration of adding the
4 RRFB with the LED flashing lights restricts Plaintiff’s path of travel over a wide area since
5 the LED light retains most of its intensity over long distances. As stated by the Access
6 Board, not only is the altered primary function area required to be accessible, but the path
7 of travel to and from the altered area and to and from other locations must be accessible.
8 Thus, as Plaintiff attempts to navigate Main Street in Woodland, the LED flashing lights on
9 the RRFB create a prohibited discriminatory barrier because they interfere with Plaintiff’s
10 path of travel on Main Street.

11 **III. DENIAL OF REQUEST FOR ACCOMMODATION**

12 7. On November 21, 2023, Plaintiff submitted a Request for ADA Accommodation for the
13 RRFB device that uses LED flashing lights (EXHIBIT A). Plaintiff met with the ADA
14 Coordinator, Richard Perry, on March 13, 2024, to discuss accommodation.

15 8. On March 29, 2024, the city of Woodland denied Plaintiff’s request for accommodation,
16 stating, “*However, you could very easily avoid that RRFB by traveling north from Main*
17 *Street to Court Street, and avoid the RRFB on Main Street and 6th Street.”* (EXHIBIT B).
18 Directing Plaintiff to “avoid” the RRFB and acknowledging that Main Street is inaccessible
19 to Plaintiff because of the RRFB is *prima facie* discrimination.
20

21
22
23

³ <https://www.access-board.gov/ada/guides/chapter-2-alterations-and-additions/>
THE AMERICANS WITH DISABILITIES ACT 42 U.S.C. §§ 12131 – 12134\$2,500 - 3

1 **IV. DENIAL OF INJURY CLAIM**

2 9. On June 18, 2024, the Soft Lights Foundation submitted a Notice of Dangerous and
3 Discriminatory Condition to the city of Woodland, notifying the city that LED flashing
4 lights create a dangerous and discriminatory condition that must be eliminated. (EXHIBIT
5 C).

6 10. Despite the city of Woodland being aware of the injuries that RRFBs cause Plaintiff based
7 on the November 21, 2023, Request for Accommodation and the June 18, 2024 Notice of
8 Dangerous Condition, the city of Woodland took no action to eliminate the dangerous and
9 discriminatory condition created by the RRFB.

10 11. On June 25, 2024, Plaintiff was traveling on Main Street and was struck and injured by the
11 LED flashing lights on the RRFB located at the intersection of Main Street and 6th Street.
12 Plaintiff submitted an injury claim to the city on June 25, 2024.

13 12. California Government Code Section 835(b) states:

14 *Except as provided by statute, a public entity is liable for injury caused by a*
15 *dangerous condition of its property if the plaintiff establishes that the property was in*
16 *a dangerous condition at the time of the injury, that the injury was proximately*
17 *caused by the dangerous condition, that the dangerous condition created a*
18 *reasonably foreseeable risk of the kind of injury which was incurred, and that the*
19 *public entity had actual or constructive notice of the dangerous condition under*
20 *Section 835.2 a sufficient time prior to the injury to have taken measures to protect*
21 *against the dangerous condition.*

22 13. Therefore, since the city of Woodland had prior constructive notice that the RRFB creates a
23 dangerous condition and yet took no action to eliminate the dangerous condition, the city of
Woodland is liable for Plaintiff's injuries.

1 14. On July 11, 2024, the city of Woodland rejected Plaintiff's injury claim. (EXHIBIT D).
2 Plaintiff contacted the Yolo County Public Agency Risk Management Insurance Authority
3 as directed in the rejection letter. The Insurance Authority wrote, "*the claim was rejected*
4 *because traffic control devices are a significant safety mechanism for members of the*
5 *public*". (EXHIBIT E). This is again *prima facie* discrimination, as the Insurance
6 Authority clearly defines "members of the public" as excluding individuals with disabilities
7 who are harmed by LED flashing lights. The city of Woodland and their insurance
8 authority make clear that the safety of the "members of the public" who do not have
9 disabilities is important to them, while the safety of individuals with disabilities is
10 unimportant.

11 **V. US DEPARTMENT OF JUSTICE DENIAL**

12 15. On July 10, 2024, Plaintiff submitted a claim to the US Department of Justice. The US
13 DOJ issued a letter to Plaintiff on July 17, 2024, stating that the US DOJ would not take
14 any action on the claim. (EXHIBIT F).

15 **VI. LED PHYSICS AND HARM**

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

20
21 17. One of the differences between lasers and LEDs is that the US Food and Drug
22 Administration has published performance standards for lasers to help ensure the health
23 and safety of the public. While the FDA's laser standards may not be perfect, they do

1 provide a minimum of protection for the public. On other hand, the FDA has failed to
2 publish performance standards for LEDs, so there are no limits on intensity, no limits on
3 spectral power distribution, and no limits on digital pulsing.

4 18. The city of Woodland has failed to vet the LED flashing lights on the RRFB to ensure that
5 they are safe for individuals with autism. The city of Woodland has no idea if flashing
6 LED lights are safe for those with autism, epilepsy, PTSD, photophobia, or even the
7 general public. The city of Woodland simply started using this unregulated technology
8 without showing any concern for the health or safety or civil rights of individuals who
9 would encounter flashing LED lights.

10 19. The federal government has not stated that LED lights are safe for individuals with autism.
11 The FDA has failed to publish performance standards for LED products to protect the
12 public welfare. Given that flashing LED lights have been proven to be injurious to
13 Plaintiff, the flashing LED lights on the RRFB on Main Street create a discriminatory
14 barrier and must be turned off or removed to protect Plaintiff and to afford Plaintiff full and
15 equal access to city services and businesses on Main Street.

16 **VII. SOFT LIGHTS FOUNDATION**

17 20. Plaintiff experiences no difficulties with traditional light sources such as the sun,
18 incandescent light bulbs, or slow flashing tungsten filament lights. Plaintiff also
19 experienced no problems with LEDs during the 1980s, 1990s, and 2000s, when the
20 intensity was low. 20th century LED alarm clocks and LED indicator lights posed no issue
21 for Plaintiff. Plaintiff also has no difficulty with modern LED flat screen computer
22 monitors, so long as the intensity is not too high.
23

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

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

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

19 24. The Soft Lights Foundation has submitted dozens of formal petitions to federal and state
20 agencies to request regulation of LED products. This includes petitions to the Department
21 of Energy, National Highway Traffic Safety Administration, Access Board, and Food and
22 Drug Administration. Petitions were also submitted to state-level agencies such as the
23 California Highway Patrol and California Emergency Medical Services Authority. Every

1 petition has been ignored or denied. The Soft Lights Foundation has sent hundreds of
2 letters to cities, state attorney generals, state regulatory agencies, state legislators,
3 companies, and members of Congress, notifying them of the hazardous, dangerous, and
4 discriminatory nature of LED Visible Light radiation devices and failure of the FDA to
5 comply with 21 U.S.C. 360ii(a) and publish performance standards to ensure protection of
6 public health and safety. There has been a near-total blanket refusal by all government
7 agencies to take any steps to regulate LED products and protect the public and individuals
8 with disabilities from LED light.

9 25. Because Plaintiff and the Soft Lights Foundation have exhausted nearly all administrative
10 remedies, Plaintiff began initiating lawsuits against government agencies and companies,
11 as lawsuits seem to be the only way to achieve compliance with existing laws. Plaintiff
12 filed a lawsuit against the Food and Drug Administration on January 24, 2024.⁴ Plaintiff
13 filed a lawsuit against the city of Fairfield, California on December 14, 2023.⁵ This lawsuit
14 was amended at the direction of the Court.⁶ The Soft Lights Foundation is a co-plaintiff in
15 a light trespass nuisance lawsuit involving a citizen being harmed by the LED lights from a
16 car dealership. On July 16, 2024, Plaintiff filed a Small Claims lawsuit against a shopping
17 center that uses blue LED flashing lights. This lawsuit against the Defendant is the first
18 Small Claims lawsuit by Plaintiff involving a municipality. Plaintiff sincerely hopes that
19 one or more of these lawsuits will be successful so that the process of protecting Plaintiff
20 and other individuals from harm and discrimination can begin.

21
22
23 ⁴ http://www.softlights.org/wp-content/uploads/2024/01/Mark-Baker-vs.-FDA_filed.pdf
⁵ https://www.softlights.org/wp-content/uploads/2023/12/Baker-v.-Fairfield_Filed.pdf
⁶ <https://www.softlights.org/wp-content/uploads/2024/05/Baker-v.-Fairfield-Amended.pdf>

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

5 **VIII. AUTISM SPECTRUM DISORDER**

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

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

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

18 30. The other legally relevant fact is that the flashing LED lights on the RRFB are
19 neurologically intolerable for Plaintiff, restrict Plaintiff's path of travel, cause
20 psychological injury to Plaintiff, and thus create an illegal discriminatory barrier. As noted
21 multiple times previously, 28 C.F.R. § 35.151(b)(1) states that any alteration made after
22 1992 must ensure that the altered area be readily accessible and usable by individuals with
23 disabilities. Plaintiff is an individual with a qualified disability and the alteration of adding

1 the RRFB with flashing LED lights created an area that is not readily accessible and not
2 usable by Plaintiff and also interferes with Plaintiff's path of travel. Thus, the alteration of
3 adding the RRFB with the flashing LED lights violates 28 C.F.R. § 35.151(b)(1).

4 Defendant has no mechanism for avoiding the requirements of 28 C.F.R. § 35.151(b)(1)
5 and thus the alteration of adding the RRFB with the flashing LED lights must be undone.

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

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

17 33. ChatGPT is a Large Language Model Artificial Intelligence system that is able to
18 synthesize vast amounts of knowledge found on the Internet. ChatGPT has not established
19 itself as being a perfect system, but it has shown that it can generate coherent statements
20 about an idea or a topic using existing knowledge.

21 34. When ChatGPT was asked about strobing lights, ChatGPT responded with a bulleted list,
22 including, "*Sensory Processing Issues: Individuals with sensory processing disorders or*
23 *conditions like autism may experience strobing lights as overwhelming or distressing. This*

1 *can lead to frustration or rage as a response to the intense sensory input.” and “Sensory*
2 *Overload: For individuals with sensory processing issues, the overwhelming sensory input*
3 *from strobing lights can lead to a state of overload. The body might respond to this*
4 *overload by initiating the fight-or-flight response as a means of self-protection.”*

5 (EXHIBIT J).

- 6 35. Thus, ChatGPT’s responses demonstrate that it is already well known that intense,
7 flashing/strobing lights can be overwhelming and debilitating for individuals with autism.
8 Plaintiff’s own adverse reactions to the flashing LED lights on the RRFB confirm what is
9 already well known. To protect individuals with autism from harm and discrimination,
10 intense static LED lights and flashing LED lights must not be used in public places.

11 **IX. VISUAL FREEDOM – CIVIL RIGHT**

- 12
13 36. Light travels at the speed of light. In addition, human vision is mostly automatic, with eye
14 movements controlled by mostly non-conscious mechanisms called Saccadic Eye
15 Movements. It is biologically impossible for Plaintiff to control his eye movements to
16 ensure that Plaintiff is not struck by LED light from the RRFB.
- 17 37. LED light is directional, and thus it travels long distances with little dispersion. The result
18 is that the flashing LED lights on the RRFB can adversely impact Plaintiff even several
19 blocks away. Plaintiff suffered this situation numerous times on many streets, causing
20 Plaintiff to suffer agitation, anger, pain, panic, and non-epileptic seizures.
- 21 38. As an example, if Plaintiff is driving on Main Street and a pedestrian initiates the intense
22 flashing LED lights on the RRFB, what is Plaintiff supposed to do, close his eyes, even
23

- 1 (3) discrimination against individuals with disabilities persists in such critical areas as
2 employment, housing, public accommodations, education, transportation,
3 communication, recreation, institutionalization, health services, voting, and access
4 to public services;
- 5 (4) unlike individuals who have experienced discrimination on the basis of race,
6 color, sex, national origin, religion, or age, individuals who have experienced
7 discrimination on the basis of disability have often had no legal recourse to
8 redress such discrimination;
- 9 (5) individuals with disabilities continually encounter various forms of
10 discrimination, including outright intentional exclusion, the discriminatory effects
11 of architectural, transportation, and communication barriers, overprotective rules
12 and policies, failure to make modifications to existing facilities and practices,
13 exclusionary qualification standards and criteria, segregation, and relegation to
14 lesser services, programs, activities, benefits, jobs, or other opportunities;
- 15 (6) census data, national polls, and other studies have documented that people with
16 disabilities, as a group, occupy an inferior status in our society, and are severely
17 disadvantaged socially, vocationally, economically, and educationally;
- 18 (7) the Nation's proper goals regarding individuals with disabilities are to assure
19 equality of opportunity, full participation, independent living, and economic self-
20 sufficiency for such individuals; and
- 21 (8) the continuing existence of unfair and unnecessary discrimination and prejudice
22 denies people with disabilities the opportunity to compete on an equal basis and to
23 pursue those opportunities for which our free society is justifiably famous, and

1 costs the United States billions of dollars in unnecessary expenses resulting from
2 dependency and nonproductivity.

3
4 42. High intensity LEDs did not exist in 1990 when the ADA was passed, and yet the goals of
5 Congress have not changed. The flashing LED lights on the RRFB are an example of the
6 “continuing existence of unfair and unnecessary discrimination and prejudice” which
7 denies Plaintiff equal opportunity. The flashing LED lights on the RRFB are an example
8 of how “individuals with disabilities continually encounter various forms of discrimination,
9 including outright intentional exclusion, the discriminatory effects of architectural”
10 barriers. Congress stated that, “historically, society has tended to isolate and segregate
11 individuals with disabilities, and, despite some improvements, such forms of discrimination
12 against individuals with disabilities continue to be a serious and pervasive social problem”.
13 The flashing LED lights on the RRFB continue the pattern of historical discrimination that
14 the ADA was designed to prevent.

15 43. In the plain reading of 42 U.S.C. §12101(a), Congress made clear that discrimination
16 against individuals is unacceptable and that individuals with disabilities are not to be
17 denied full and equal access to government services and that the burden of ensuring that
18 facilities are readily accessible and usable by individuals with disabilities falls to the
19 government, not the individual, as detailed in 28 C.F.R. Part 35.

20 44. 28 C.F.R. § 35.101(b) states:

21 The primary purpose of the ADA Amendments Act is to make it **easier** for people
22 with disabilities to obtain protection under the ADA. Consistent with the ADA
23 Amendments Act's purpose of reinstating a broad scope of protection under the

1 ADA, the definition of “disability” in this part shall be construed broadly in favor of
2 expansive coverage to the maximum extent permitted by the terms of the ADA. The
3 primary object of attention in cases brought under the ADA should be whether
4 entities covered under the ADA have complied with their obligations and whether
5 discrimination has occurred, not whether the individual meets the definition of
6 “disability.” The question of whether an individual meets the definition of
7 “disability” under this part should not demand extensive analysis.

8 45. The ADA Amendments Act was supposed to make it easier for Plaintiff to obtain
9 protection under the ADA. However, the ADA is premised on the theory that government
10 agencies will generally act in good faith and will generally comply with the law. The city
11 of Woodland, on the other hand, is not acting in good faith, and has chosen to make it as
12 difficult as possible for Plaintiff to obtain protection. It should not require a lawsuit to get
13 the flashing lights turned off to protect an individual with a disability, but such is the
14 situation that now exists with the city of Woodland.

15 46. 28 C.F.R. § 35.130(a) states:

16 No qualified individual with a disability shall, on the basis of disability, be excluded
17 from participation in or be denied the benefits of the services, programs, or
18 activities of a public entity, or be subjected to discrimination by any public entity.
19 accommodation.

20 47. The use of excessively intense and flashing, unregulated, unapproved, unvetted, hazardous,
21 and dangerous LED devices that cause anger, fear, agitation, non-epileptic seizures and
22 psychiatric trauma in Plaintiff and prevent Plaintiff from full and equal enjoyment of the
23

1 city of Woodland's services and facilities is discrimination. This discrimination is clearly
2 prohibited by 28 C.F.R. § 35.130.

3 48. The city of Woodland has taken the "so sue me" approach. Plaintiff's only recourse in this
4 matter is via the Courts, since Plaintiff's request for accommodation was denied, since
5 Plaintiff's injury claim was denied, since the US DOJ declined to assist Plaintiff, and since
6 the city of Woodland is unwilling to act responsibly or within the law. The city of
7 Woodland's willingness to engage in a lawsuit in this matter suggests that the "so sue me"
8 approach for ADA compliance is just standard operating procedure for the city of
9 Woodland.

11 **XI. PUNITIVE DAMAGES**

12 49. Plaintiff cannot sue for injunctive relief in Small Court. However, a monetary punitive
13 damage can be awarded for violation of the Americans with Disabilities Act.

14 50. California Civil Code Section 3294(a) states:

15 In an action for the breach of an obligation not arising from contract, where it is
16 proven by clear and convincing evidence that the defendant has been guilty of
17 oppression, fraud, or malice, the plaintiff, in addition to the actual damages, may
18 recover damages for the sake of example and by way of punishing the defendant.

19 51. California Civil Code Section 3294(c)(1) states:

20 "Malice" means conduct which is intended by the defendant to cause injury to the
21 plaintiff or despicable conduct which is carried on by the defendant with a willful and
22 conscious disregard of the rights or safety of others.

1 52. The city of Woodland has acted with willful and conscious disregard for the civil rights and
2 safety of Plaintiff, and thus is guilty of malice and thus the Court can award punitive
3 damages.

4
5 **XII. CONCLUSION**

6 53. For the reasons stated above, Plaintiff requests that this Court award Punitive Damages to
7 Plaintiff in the amount of \$2,500 due to the city of Woodland's failure to act in good faith,
8 the psychological trauma and injury caused by the city of Woodland's actions, the city of
9 Woodland's failure to address the dangerous and discriminatory conditions even after
10 receiving a Constructive Notice of the dangerous and discriminatory condition, and the city
11 of Woodland's failure to comply with 28 C.F.R. Part 35.

12
13 Dated: July 18, 2024

14 Respectfully Submitted,

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

Exhibit A



9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

November 21, 2023

BY EMAIL

Joshua Valdez, ADA Coordinator
Woodland, California
hr@cityofwoodland.org

Re: Request for Accommodation – RRFB Flashing Lights

Dear Joshua Valdez,

My request for accommodation is for me as an individual, however I am writing to you as the President of the Soft Lights Foundation to alert you that I have expertise on this topic and that I am familiar with this process.

On November 21, 2023, at approximately 1:30pm, I was traveling west on Main Street through Woodland, when I was exposed to the high-luminance LED flashing/strobing lights from a Rectangular Rapid Flashing Beacon. As an individual diagnosed with Autism Spectrum Disorder, I am not able to neurologically tolerate high-luminance, digitally pulsing LED strobe lights on RRFBs, and when I have been subjected to RRFB flashing lights in the past, I have suffered severe panic attacks and suicidal ideations. During this event, I made an immediate right hand turn to protect myself from the LED strobe lights and I took an alternate route. Because I was forced to avoid Main Street, I was not provided equal access and was discriminated against by the city of Woodland. I am thus requesting to begin the Interactive Process to discuss a mutually agreeable accommodation that protects my civil right to full and equal access to city services, activities, and programs.

In my previous interactions with officials in other cities, I have learned that there are key elements to an accommodation request, which I will address below.

1. The Federal Highway Administration previously issued an Interim Approval for RRFBs, which is revocable at any time. RRFBs are not approved in the FHWA Manual of Uniform Traffic Control Devices. However, in October, 2022, the FHWA issued a letter stating that the regulation of LED products exceeds FHWA authority (the Food and Drug Administration is the only federal agency with Congressional authority to regulate LED products). While the FHWA has yet to issue a repeal of the RRFB Interim Approval, this repeal is expected due to the FHWA's acknowledgement that it lacks authority for LED products. You may contact Sharon Field, ADA Team Leader, FHWA Civil Rights Department, for details.
2. The Food and Drug Administration has not yet issued the mandated performance standards for RRFBs, as required by 21 U.S.C. 360ii. The FDA has not vetted RRFBs for comfort, safety, health, or civil rights requirements. Thus, there is no federal authorization to use RRFBs.

You may contact Jeffrey Shuren, Director, FDA Center for Devices and Radiological Health for details.

3. RRFBs emit high luminance flashing light using digital pulsing that has been documented to cause seizures, migraines, panic attacks, anxiety, decreased vision, and impaired cognitive functioning. You may refer to the Soft Lights Foundation website for examples.
4. An RRFB is a legally defective product because it causes harm or injury even when used as directed. Harm and injury to other individuals besides myself are documented on the Soft Lights Foundation website.
5. In the case Heidi O’Leary vs. Little Canada, the Minnesota Department of Human Rights investigated the use of an RRFB by the city and issued a Finding of Probable Cause for Discrimination because the city of Little Canada failed to provide an accommodation for Ms. O’Leary. In this case, the discriminatory barrier is the RRFB device. The probable cause for discrimination is due to the failure of the city to provide accommodation. While this case is in the state of Minnesota, the recognition of the RRFB as a discriminatory barrier and the requirement to provide accommodation remains the same in California. You may contact the MDHR for details.
6. The city of Woodland states on its website, *“The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities.”* Thus, the city of Woodland acknowledges its duty to provide a reasonable modification to ensure that I have equal opportunity to use Main Street. In the case of an RRFB, it is reasonable to turn off the RRFB, replace the RRFB with a tungsten filament flashing device, or take any other reasonable action to ensure the protection of my life and the lives of others such as those with epilepsy.
7. The city Woodland states on its website, *“The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.”* – Eliminating the RRFB or replacing the RRFB with a tungsten filament device would not fundamentally alter the nature of the service, which in this case is the use of streets and sidewalks. The city does not use RRFBs at all crossings, and thus an RRFB is simply an optional choice by the city. There are numerous traffic engineering solutions that can be used without creating a discriminatory barrier. There is no undue financial burden, as the Woodland annual budget is \$213.9 Million and the cost of turning off or replacing the RRFB is negligible. The city of Los Angeles was ordered by the Court to spend \$1.3 Billion to ensure that all sidewalks have wheelchair accessible curb cuts, so the Court has recognized the importance of ensuring equal access to city streets and sidewalks.
8. It is not necessary for me to specify whether I am requesting an accommodation under the Americans with Disabilities Act, the Unruh Civil Rights Act, the United Nations Declaration of Human Rights, or the 14th Amendment of the US Constitution. It is only necessary for me to identify to the city that there exists a discriminatory barrier that must be eliminated.
9. Officials in other cities have asked whether I am requesting the elimination of the discriminatory barrier in a single location, or in all locations. My response is that I am requesting the removal of any RRFB device that causes harm or creates a discriminatory barrier. I am not aware of the number of RRFBs that the city of Woodland has installed, but if my accommodation request to eliminate all RRFBs in the city is considered too much of a

burden, then my request is only for the RRFB that prevented my equal access to Main Street on November 21, 2023. However, in my opinion, it makes little logical sense to address this single instance of discrimination, rather than addressing the issue systemically.

10. Officials in other cities have asked for clarification as to why LED RRFBs create a discriminatory barrier for me, when tungsten filament flashing lights do not. The answer is that LEDs emit an extraordinarily intense light from a tiny chip. The metric used to measure this intensity is called 'luminance'. Since there are no restrictions on this luminance, the manufacturers have felt unconstrained. In addition, LED products do not have a slow ramp up and slow decay for the flashing light; instead, the light turns on and off almost instantly, creating a temporal pattern that is incompatible with my nervous system. The combination of extreme luminance and rapid digital flashing causes me to have very real suicidal ideations and panic attacks which I have documented on the Soft Lights Foundation website.

The accommodation process is not simply me asking the city to remove a discriminatory barrier. It is an Interactive Process, and therefore this letter is not a request for a specific accommodation, but rather a request to begin the Interactive Process to find a mutually agreeable accommodation. However, I must make clear that if we are unable to reach agreement, I have the right to file a civil lawsuit under the Unruh Civil Rights Act, the Americans with Disabilities Act, and/or other law that protects my civil rights.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org

www.softlights.org

Mark Baker
Soft Lights Foundation
9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008
mbaker@softlights.org

Re: Request for Accommodation – RRFB Flashing Lights

Dear Mr. Baker,

This letter follows our meeting on March 13 regarding your request that the City of Woodland remove the Rectangular Rapid-Flashing Beacon (“RRFB”) located at the intersection of Main Street and 6th Street in the City of Woodland, as an accommodation under Title II of the Americans with Disabilities Act (ADA). Based on our meeting, it is my understanding that the only accommodation that you will accept is the removal of the RRFB at that location. I have discussed with our City Engineering Department whether your request could be accommodated, but given the fact that the removal of the RRFB at that location would result in significantly increased risk to pedestrian safety, I do not believe that your request constitutes a reasonable accommodation. I am happy to discuss other possible reasonable accommodations at your request.

As you have acknowledged in your correspondence to me, both the MUTCD and the CAMUTCD include RRFBs as a permitted and effective counter measure to protect pedestrian safety. The City is required to adhere to the standards set forth in these manuals in order to ensure traffic and pedestrian safety. Additionally, in separate fact sheets, the Federal Highway Administration (FHWA) and California Department of Transportation (CalTrans) both promote RRFBs as an effective counter measure to project pedestrian safety, and do not include traditional circular beacons (like the tungsten filament beacons you reference in your email) as an effective countermeasure to protect pedestrian safety. Below are links to fact sheets and studies published by FHWA and CalTrans that promote RRFBs as an effective counter measure to promote pedestrian safety:

<https://highways.dot.gov/safety/proven-safety-countermeasures/rectangular-rapid-flashing-beacons-rrfb>

https://highways.dot.gov/sites/fhwa.dot.gov/files/RRFB_508_0.pdf

<https://www.fhwa.dot.gov/publications/research/safety/16040/007.cfm>

http://pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=54#:~:text=The%20RRFB%20design%20differs%20from%20the%20standard%20flashing,option%20at%20many%20types%20of%20established%20pedestrian%20crossings

<https://highways.dot.gov/safety/proven-safety-countermeasures>



<https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ped-bike/caltrans-ped-safety-countermeasures-toolbox-a11y.pdf>

<http://pedbikesafe.org/PEDSAFE/countermeasures.cfm>

The intersection at Main Street and 6th Street in particular is an intersection that has poses significant pedestrian risk, and requires RRFBs as an appropriate safety measure. This section of Main Street has average daily traffic volumes of between 11,500-20,000 vehicles, and is part of a two block segment of Main Street that has had the highest volume of pedestrian involved traffic collisions in the entire City between 2009 and 2020, according to the City's recently adopted Active Transportation Plan. The City cannot risk removing a proven pedestrian safety countermeasure in this area, and consequently increase the risk of pedestrian injury or death.

I realize that you have made similar requests in many other communities as part of a larger campaign to eliminate the use of RRFBs throughout the nation, and that you have indicated that you will not accept the proposal for alternative routes through the City as an acceptable accommodation. However, you could very easily avoid that RRFB by traveling north from Main Street to Court Street, and avoid the RRFB on Main Street and 6th Street. You would still be able to access any location in the City by means of that route. The City can certainly discuss other accommodations as well, but given the increased risk of pedestrian injury and death that would arise from the removal of the RRFB at that location, we cannot agree to the one accommodation that you have said you are willing to accept.

This letter constitutes the City's response to your request for removal of the RRFB as an accommodation under Title II of the ADA. If this response does not satisfactorily resolve the issue, you may appeal the decision within 15 calendar days after receipt of this response to the City Manager. If you wish to appeal, please send your appeal letter to:

City of Woodland
300 First Street
Woodland, CA 95695
Attn: City Manager

Please contact me if you have any questions.

Sincerely,

Richard Perry
Management Analyst /ADA Coordinator
City of Woodland

Exhibit C



9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

June 18, 2024

BY EMAIL

Ken Hiatt, City Manager
Woodland, California
jennifer.robinson@cityofwoodland.gov

Re: Notice of Dangerous Condition – LED Flashing Lights

Dear Ken Hiatt,

This letter serves to provide Constructive Notice of a dangerous condition(s) within the city of Woodland. LED flashing lights have been proven to impair vision and cognitive functioning and can cause non-epileptic and epileptic seizures. The US Food and Drug Administration has not vetted LED flashing lights for photobiological, neurological, or psychological safety. LED flashing lights are unregulated and create hazardous, dangerous, and discriminatory conditions.

California Government Code Section 835 states:

Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:

(a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or

(b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

Here are a few reports of neurological, psychological, and physical injury caused by LED flashing light devices:

- Minnesota Department of Human Rights – LED RRFB – (<https://www.softlights.org/wp-content/uploads/2023/06/74059-6-15-2023-ECP-Memorandum-.pdf>)
- Seizure – LED RRFB - (<https://www.softlights.org/wp-content/uploads/2022/09/MA-Incident-Report.pdf>).
- Emergency Vehicle – Seizure Reaction / Panic Attack - (<https://www.softlights.org/wp-content/uploads/2021/09/Encounter-with-Emergency-Vehicle.pdf>)

The city is now on notice that LED flashing light devices create dangerous conditions, and that the city has a Due Care obligation to eliminate those dangerous conditions.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org



CITY OF
WOODLAND
CALIFORNIA

300 First Street, Woodland, California 95695

Phone: 530.661.5800

Fax: 530.661.5813

NOTICE OF REJECTION OF CLAIM
CITY OF WOODLAND

Mark Baker
17809 County Road 85C
Esparto, CA 95627

NOTICE IS HEREBY GIVEN that the claim, which you presented to the City of Woodland on June 26, 2024, is rejected by operation of law on July 11, 2024.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a State court action of this claim (refer to State of CA Government Code Section 945.6). Your time for filing an action in Federal court may be less than six months.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the CA Code of Civil Procedure, the City of Woodland will seek to recover all costs of defense in the event an action is filed in the matter and it is determined that the action was not brought in good faith and with reasonable cause.

All further inquiries should be directed to Yolo County Public Agency Risk Management Insurance Authority, 77 West Lincoln Avenue, Woodland, California 95695, 530-666-4456.

Dated: July 11, 2024


CLAIM NO. 24-060

CERTIFICATE OF SERVICE BY MAIL

I certify that on the date and at the place stated, I served the foregoing document by depositing a copy thereof (enclosed in a sealed envelope, postage prepaid) in the United States mail, addressed to each party or to his/her attorney as follows:

Mark Baker
17809 County Road 85C
Esparto, CA 95627

Executed on July 11, 2024, Woodland, California.


Kimberly McKinney
Director of Administrative Services

cc: City Clerk (1)
YCPARMIA (1)

Exhibit E



Mark Baker <mbaker@softlights.org>

Woodland Injury Claims - LED Flashing Lights

ddue@ycparmia.org <ddue@ycparmia.org>

Tue, Jul 16, 2024 at 7:49 AM

To: Mark Baker <mbaker@softlights.org>, claims@ycparmia.org

Mr. Baker,

Regarding the claim filed on June 25, 2024, the claim was rejected because traffic control devices are a significant safety mechanism for members of the public. They are approved for use by the State of California Department of Transportation and the Federal Highway Administration. Please see the links below.

California Department of Transportation<https://dot.ca.gov/programs/civil-rights/ada-grievance>**California Department of Transportation Traffic Control Devices Committee**<https://dot.ca.gov/programs/safety-programs/ctcdc>**Federal Highway Administration**<https://highways.dot.gov/safety/proven-safety-countermeasures/rectangular-rapid-flashing-beacons-rrfb>

Regarding the claim with a date of loss of July 9, 2024, the City will be sending a notice that the claim is insufficient. Once the claim has been corrected, we will respond to this claim

Thank you,

David Due, AIC, CA License #: 2F84320

Claims Administrator

YCPARMIA

530-666-4456 Ext. 206

Confidentiality Notice:

The information contained in this email or facsimile is highly confidential and intended for the exclusive use of the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, copying, or unauthorized use of this communication is strictly prohibited and subject to prosecution. If you have received this communication in error, please contact our office at 530-666-4456.

[Quoted text hidden]



Exhibit F

Mark Baker <mbaker@softlights.org>

Response: Your Civil Rights Division Report - 477116-LNL from the Disability Rights Section

1 message

DOJ Civil Rights - Do Not Reply <civilrightsdonotreply@mail.civilrights.usdoj.gov>
Reply-To: civilrightsdonotreply@mail.civilrights.usdoj.gov
To: mbaker@softlights.org

Wed, Jul 17, 2024 at 12:55 PM



U.S. Department of Justice
Civil Rights Division

civilrights.justice.gov

Dear Mark Baker,

You contacted the Department of Justice on July 10, 2024. After careful review of what you submitted, we have decided not to take any further action on your complaint.

What we did:

Team members from the Civil Rights Division reviewed the information you submitted. Based on our review, we have decided not to take any further action on your complaint. We receive several thousand reports of civil rights violations each year and cannot take direct action on every report.

Your report number was 477116-LNL.

What you can do:

We are not determining that your report lacks merit. Your issue may still be actionable by others - your state bar association or local legal aid office may be able to help.

To find a local office:

American Bar Association
https://www.americanbar.org/groups/legal_services/flh-home
(800) 285-2221

Legal Services Corporation (or Legal Aid Offices)
<https://www.lsc.gov/find-legal-aid>

How you have helped:

While we cannot take on each individual report, your report can help us find issues affecting multiple people or communities. It also helps us understand emerging trends and topics.

Thank you for taking the time to contact the Department of Justice about your concerns. We regret we are not able to provide more help on this matter.

Sincerely,

U.S. Department of Justice
Civil Rights Division

Contact

civilrights.justice.gov



mail

U.S. Department of
Justice
Civil Rights Division
[950 Pennsylvania
Avenue, NW](#)
Washington, D.C. 20530-
0001



phone

(202) 514-3847
1-855-856-1247 (toll-free)
Telephone Device for the
Deaf
(TTY) (202) 514-0716

Exhibit G

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 H

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 I

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 J

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.

