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4 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
5  
6 YOLO COUNTY

7 MARK BAKER,

8 Plaintiff,

9 vs.

10 ZIPLINE INTERNATIONAL, INC., YOLO  
11 LAND & CATTLE COMPANY, INC, YOLO  
12 COUNTY, AND DOES 1-20

13 Defendants.

Case No.: CV2025-0686

COMPLAINT PURSUANT TO:

1. THE AMERICANS WITH DISABILITIES ACT 42 U.S.C. §§ 1201 ET SEQ.;
2. THE UNRUH CIVIL RIGHTS ACT, CALIFORNIA CIVIL CODE §§ 51-52

CIVIL UNLIMITED.

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1 **I. INTRODUCTION**

2 1. This Complaint seeks injunctive relief and compensatory damages against Yolo  
3 Land & Cattle Company, Inc. (“Yolo Land”), Zipline International, Inc. (“Zipline”) and  
4 Yolo County for repeated and ongoing violations of the Americans with Disabilities Act  
5 (“ADA”) and California Unruh Civil Rights Act for construction and operation of an  
6 unpermitted commercial drone airport which has drones and drone towers that use intense,  
7 digitally pulsing LED lights which discriminate against Plaintiff in public spaces and on  
8 Plaintiff’s own property.

9 **II. PARTIES**

10 2. Plaintiff MARK BAKER is the Founder and President of the Soft Lights  
11 Foundation, a registered 501(c)(3) non-profit corporation dedicated to the protection of  
12 individuals and the environment from the harms of LED lights and is a resident of Yolo  
13 County, California. Petitioner files this complaint In Pro Per.

14 3. Defendant YOLO LAND & CATTLE COMPANY, INC. (“Yolo Land”) is a  
15 California Corporation. Yolo Land is a public accommodation as defined in 42 U.S.C. §  
16 12181(7)(B), hosting weddings and other events.

17 4. Defendant ZIPLINE INTERNATIONAL, INC. (“Zipline”) is a Delaware  
18 Corporation. Zipline is a public accommodation because Zipline provides goods or  
19 services to the public via drones and has facilities which geographically overlap with public  
20 and private spaces.<sup>1</sup>

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23  

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<sup>1</sup> <https://adata.org/event/what-public-accommodation-under-ada>

1 5. Defendant YOLO COUNTY is a political subdivision of the State of California.

2 6. Plaintiff does not know the true names and capacities, whether individual,  
3 corporate, associate, or otherwise, of Respondents DOE 1 through DOE 20, inclusive, and  
4 therefore sue said Defendants under fictitious names. Plaintiff will amend this Complaint to  
5 show their true names and capacities when they are known.

### 6 **III. JURISDICTION AND VENUE**

7  
8 7. This Court has jurisdiction of this action under California Civil Code § 51, 28  
9 U.S.C. §§ 1331 and 42 U.S.C. § 12133. The Court may grant declaratory and other relief  
10 pursuant to 28 U.S.C. §§ 2201 and 2202, and 42 U.S.C. § 12133.

11 8. The venue is proper because Yolo Land is located in this county, Plaintiff resides in  
12 Yolo County, and all the claims and events giving rise to this action occurred in this  
13 county.

14 9. The plaintiff exhausted all administrative remedies prior to filing this claim.

### 15 **IV. STATEMENT OF FACTS**

#### 16 **A. Light Emitting Diodes**

17 10. A Light Emitting Diode (“LED”) is a device that emits Visible Light radiation from a  
18 flat surface instead of from the curved surface of traditional light sources. The US  
19 Department of Energy states that LEDs are a “radically new technology” that emit a  
20 “directional” light with “unique characteristics.” It is the directional, focused, and digital  
21 nature of LEDs and other unique characteristics that make LED devices harmful for the  
22 environment and unsafe for certain individuals with disabilities. EXHIBIT A shows the  
23

1 spatial, spectral, and temporal physics differences between incandescent light and LED  
2 light.

3 11. The US Food and Drug Administration (“FDA”) is the responsible agency for  
4 regulating LED products as per 21 U.S.C. Part C. However, the FDA has failed to comply  
5 with the requirements of 21 U.S.C. Part C and thus there are no performance standards for  
6 LED products. The FDA has not tested or evaluated LED products, and the FDA has not  
7 published any limits on intensity, spectral power distribution, spatial distribution, square  
8 wave flicker, or flashing characteristics to ensure that LED light is safe for humans or the  
9 environment.

10 12. The Federal Aviation Administration (“FAA”) is the responsible agency for  
11 regulating drones. However, both the FDA and FAA are required by 21 U.S.C.  
12 360ii(a)(6)(A) to establish and maintain a liaison to test and evaluate LED products such as  
13 those used on drones and drone towers but have failed to do so. Thus, the FAA has  
14 published no regulations to ensure the health, safety, and civil rights of the public from the  
15 hazards of LED light.

16 13. Zipline has no legal basis for using unregulated LED lights on the drones and drone  
17 towers which have been shown to be hazardous to human health.

18 **B. Individuals with Disabilities**

19 14. LEDs have special characteristics that make the emitted light different from the light  
20 emitted by traditional light sources such as the sun, starlight, candle, tungsten filament, and  
21 High-Pressure Sodium. The flat surface geometry of the chip causes the LED light to be  
22 emitted in a directional beam. The beam is similar to a laser beam but more spread out and  
23 with spatially non-uniform energy within the beam. The spectral properties of LED light

1 do not match the spectral properties of natural light sources. LEDs have square wave  
2 flicker, as compared to the sine wave flicker or steady state of traditional light sources.  
3 LEDs can be turned on and off nearly instantly, creating a digital pulse of light. (EXHIBIT  
4 A).

5 15. The combination of intense beam, directionality, non-uniform spatial distribution,  
6 spectral power distribution characteristics, square wave flicker, and digital pulsing is  
7 neurologically intolerable for a class of individuals with disabilities such as epilepsy,  
8 autism, PTSD, photophobia, Traumatic Brain Injury, migraines, electromagnetic  
9 sensitivity, Sjogren's Syndrome, and others. Adverse impacts from exposure to even tiny  
10 amounts of LED light include non-epileptic and epileptic seizures, migraines, thoughts of  
11 suicide, nausea, vomiting, and loss of balance. Many individuals with disabilities are now  
12 confined to their homes and have grave difficulty traveling because of their severe  
13 reactions to LED lights.

14 These reports of harm from exposure to LED lights have been reported to the US  
15 Food and Drug Administration, but the FDA has taken no action to set performance  
16 standards for LED products. The Plaintiff has submitted several LED Incident Reports to  
17 the FDA via the Soft Lights Foundation. (EXHIBIT B).

### 18 **C. Commercial Drone Airport**

19 16. The Plaintiff first became aware of the subject LED strobe lights in December, 2024.  
20 Upon investigation, Plaintiff discovered that the LED strobe lights were located on drones  
21 and drone towers which had been newly installed on the property of Yolo Land.

22 17. During research, Plaintiff contacted Jeff Anderson, Principal Planner of Yolo County.

23 Mr. Anderson stated that Yolo County had received complaints from multiple individuals

1 about the LED strobe lights, and that Yolo County was working to get Zipline the permits  
2 they needed, apparently as a retroactive action.

3 18. Upon further research, Plaintiff determined that the Zipline drone airport was  
4 operating on Yolo Land property which is zoned Agricultural. A commercial drone airport  
5 is incompatible with the existing zoning for the Yolo Land parcel.

6 **D. Administrative Actions**

7 19. On January 24, 2025, Plaintiff sent an email to Yolo Land requesting confirmation  
8 that the drone airport was operating on Yolo Land property. Casey Stone, from Yolo Land,  
9 promptly responded on the same day, but deferred all questions to Zipline, a company that  
10 operates a drone business.

11 20. On January 24, 2025, Plaintiff emailed Casey Stone, notifying Mr. Stone about the  
12 adverse impacts of LED strobe lights, and requesting ADA accommodation. The requested  
13 accommodation was that either the LED lights be turned off or dimmed so that the lights  
14 did not interfere with Plaintiff's life in his own home, which is about 5 miles from the  
15 drone airport. (EXHIBIT C).

16 21. On January 27, 2025, Keval Patel, General Counsel for Zipline, emailed Plaintiff and  
17 referenced compliance with FAA regulations and stated that they would investigate  
18 diminishing the intensity of the LED strobe lights. However, Mr. Patel made no mention  
19 of Plaintiff's request for accommodation. (EXHIBIT D).

20 22. On January 27, 2025, at 7:23pm, Plaintiff emailed Yolo Land and Zipline, that  
21 Plaintiff had been discriminated against a second time by the LED strobe lights from the  
22 drone airport, reminding the parties of the Plaintiff's ADA accommodation request, and  
23

1 notifying the parties that the Unruh Civil Rights Act Section 52 provides for a statutory  
2 \$4,000 per incident damage award for any entity that aids in discrimination. (EXHIBIT E).

3 23. Over the course of the next month, Petitioner notified Yolo Land & Cattle Company,  
4 Zipline International, Yolo County, and the California Wildlife Conservation Board of each  
5 incident of discrimination. January 26, January 27, January 28, January 29, January 30,  
6 February 1, February 2, February 4, February 5, February 7, February 8, February 9,  
7 February 10, February 11, February 14, February 15, February 16, February 17, February  
8 20, February 21, February 22, February 24, February 25, February 26, February 27,  
9 February 28, March 1, and March 2. As of March 2, 2025, there have been 28 separate  
10 incidents of discrimination. Plaintiff has notified the parties on each separate incident,  
11 which occurred almost every night. Yet none of the parties have taken any steps to provide  
12 the requested ADA accommodation. The March 2, 2025 incident email is provided as  
13 EXHIBIT F.

14 24. On February 25, 2025, Plaintiff sent notice to each of the parties, notifying them of  
15 the Plaintiff's intent to sue, and requesting to know if any of the parties wanted to engage  
16 in constructive dialogue. Zipline responded that they would be willing to meet; however,  
17 when Plaintiff asked them to first show an act of good faith by turning off the LED strobe  
18 lights, Zipline did not answer. Yolo Land responded to the request to engage in  
19 constructive dialogue, but requested to meet in person, saying nothing about Plaintiff's  
20 requested ADA accommodation, and not responding to Plaintiff's request to turn off the  
21 LED strobe lights until this matter is resolved. Yolo County did not respond to the  
22 Plaintiff's request to engage in constructive dialogue.

23 25. Therefore, Petitioner has exhausted all administrative remedies and files this claim.



## **V. LEGAL STANDARD**

### **A. Americans with Disabilities Act**

26. The Americans with Disabilities Act was established in 1990 by Congress because, “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem” (42 U.S. Code § 12101(a)(2)). The purpose of the ADA is “to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;” (42 U.S. Code § 12101(b)(2)).

27. “The primary purpose of the ADA Amendments Act is to make it easier for people with disabilities to obtain protection under the ADA. Consistent with the ADA Amendments Act’s purpose of reinstating a broad scope of protection under the ADA, the definition of ‘disability’ in this part shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations and whether discrimination has occurred, not whether the individual meets the definition of ‘disability.’ The question of whether an individual meets the definition of ‘disability’ under this part should not demand extensive analysis.” (28 CFR § 36.101(a)).

28. Thus, in this case, the primary question is whether Yolo County, Zipline, and Yolo Land have complied with their obligations under the ADA. They have not.

29. Title III of the ADA applies to the services of a place of public accommodation. The preposition “of” does not indicate that that the service must take place inside a public

1 accommodation, but rather indicates that, if a business meets the criteria for public  
2 accommodation, then the business must not discriminate. "The statute applies to the  
3 services *of* a place of public accommodation, not services *in* a place of public  
4 accommodation. To limit the ADA to discrimination in the provision of services occurring  
5 on the premises of a public accommodation would contradict the plain language of the  
6 statute." *Robles v. Dominos Pizza, LLC* [emphasis included].

7 30. Here, Zipline and Yolo Land both meet the criteria for public accommodation and are  
8 thus required to ensure that their facilities, services, and operations do not discriminate.  
9 The unregulated, intense, digitally pulsing LED light emitted by Zipline's drones and  
10 towers extend Zipline's geographical footprint far beyond just the drone airport to about a  
11 10-mile radius around the drone. Title III of the ADA prohibits discrimination by Zipline  
12 and by Yolo Land. Thus, it is unlawful for Yolo Land and Zipline to use LED strobe lights  
13 which interfere with Plaintiff's path of travel, and which create a discriminatory barrier for  
14 Plaintiff in public spaces and on Plaintiff's own property.

15 31. To prevail on a discrimination claim under Title III, a plaintiff must show that: 1)  
16 That Plaintiff has a qualified disability; 2) That Defendant is an entity that is a public  
17 accommodation; and 3) That Plaintiff was denied full and equal access to the services or  
18 facilities of the public accommodation because of their disability. (*Arizona ex re. Goddard*  
19 *v. Harkins Amusement Enters, Inc.*, 603 F.3d 666, 670 (9th Cir. 2012); see also *Molski v.*  
20 *M.J. Cable, Inc.* (9th Cir. 2007) 481 F.3d 724, 730.). In this case, Plaintiff has the qualified  
21 ADA disabilities of autism and photophobia, Zipline and Yolo Land are public  
22 accommodations, and Plaintiff was denied full and equal access to public spaces and  
23

1 Plaintiff's own property because Zipline has overlapped their facilities with public spaces  
2 and with Plaintiff's private residence.

3 The Deliberate indifference standard of discrimination occurs when "the defendant  
4 knew that harm to a federally protected right was substantially likely and ... failed to act on  
5 that likelihood." (*Wilson v. The School Board of Seminole County Florida* (2010)). In this  
6 case, Yolo County, Zipline, and Yolo Land have each been notified numerous times that  
7 the use of LED strobe lights is violating Plaintiff's federally protected rights and yet failed  
8 to take any action.

9 32. The Supreme Court's 1999 *Olmstead v. L.C.* decision upheld the integration mandate  
10 and requires government agencies to eliminate unnecessary segregation of people with  
11 disabilities. The decision also affirms the right of people with disabilities to live in their  
12 communities and receive services in the least restrictive setting. In this case, Yolo County  
13 has allowed Zipline and Yolo County to segregate the Plaintiff and has violated Plaintiff's  
14 right to live in Plaintiff's community in the least restrictive setting. The LED strobe lights  
15 restrict Plaintiff's ability to look in the direction of the drone airport at night and Yolo  
16 County's failure to issue a permit to Zipline and Yolo Land that restricts the use of the LED  
17 strobe lights is a violation of the *Olmstead* integration mandate.

### 18 **B. California Unruh Civil Rights Act**

19 33. The California Unruh Civil Rights Act was passed by the California Legislature to  
20 provide additional protection for individuals with disabilities. "All persons within the  
21 jurisdiction of this state are free and equal, and no matter what their sex, race, color,  
22 religion, ancestry, national origin, disability, medical condition, genetic information,  
23 marital status, sexual orientation, citizenship, primary language, or immigration status are

1 entitled to the full and equal accommodations, advantages, facilities, privileges, or services  
2 in **all business establishments of every kind whatsoever.**” [emphasis added]. (California  
3 Civil Code Section 51(b)).

4 34. In *Thurston v. Fairfield Collectibles of Georgia, LLC*, the Court ruled that the  
5 Plaintiff was not required to purchase a product from Fairfield Collectibles’ website to be  
6 discriminated against. Similarly, in this case, Plaintiff is not attempting to use Zipline’s or  
7 Yolo Land’s facilities or services, but instead Zipline and Yolo Land are imposing their  
8 services and their facilities, including LED strobe lights, onto Plaintiff and discriminating  
9 against Plaintiff in the process. Thus, even though the discrimination is occurring 5 miles  
10 away from the unpermitted drone airport, Zipline and Yolo Land are in violation of  
11 California Civil Code § 51(b) because they are business establishments of every kind  
12 whatsoever.

13 35. California Civil Code § 52 provides for a statutory minimum of \$4,000 per incident  
14 for “Whoever denies, aids or incites a denial, or makes any discrimination...” This means  
15 that all parties in this case, Yolo County, Zipline, and Yolo Land, are liable for each and  
16 every offense because these entities have aided in discrimination or incited the denial of  
17 full and equal accommodation and privileges for Plaintiff. The minimum statutory damage  
18 award of \$4,000 is awarded for each incident. (*Munson v. Del Taco, Inc.* (2009)). Plaintiff  
19 has dutifully reported each separate incident to Yolo County, Zipline, and Yolo Land,  
20 which is more than 25 separate incidents as of March 2, 2025.

21 A violation of the right of any individual under the federal Americans with  
22 Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of the  
23 California Unruh Civil Rights Act. (California Civil Code Section 51(f)).

1  
2 **VI. FIRST CAUSE OF ACTION**

3 **Violations of Title II of the ADA**  
4

5 36. 42 U.S. Code § 12132 states:

6 Subject to the provisions of this subchapter, no qualified individual with a  
7 disability shall, by reason of such disability, be excluded from participation in or  
8 be denied the benefits of the services, programs, or activities of a public entity, or  
9 be subjected to discrimination by any such entity.

10 37. Yolo County's policies and procedures subject Plaintiff to discrimination. Neither  
11 Zipline nor Yolo Land submitted a permit application to Yolo County for operation of the  
12 commercial drone airport. Yolo County's failure to direct Zipline and Yolo Land to cease  
13 drone operations or issue a permit with restrictions denies Plaintiff the benefits of Yolo  
14 County's permit-issuing services which are fundamental to protecting the health and safety  
15 of the public and which ensure compliance with zoning regulations.

16 38. Yolo Land's property is zoned Agricultural and thus a commercial drone airport is  
17 incompatible with existing zoning for the Yolo Land parcel. If Yolo County were to issue  
18 a variance or waiver of the existing Agricultural zoning, Yolo County would need to do so  
19 in such a manner as to ensure that neighbors are protected from any adverse impacts of the  
20 zoning change. Since Yolo County is aware that the LED strobe lights discriminate against  
21 Plaintiff and possibly other neighbors, Yolo County would need to include restrictions in  
22 the permit to ensure the health, safety, and civil rights of the neighbors, such as allowing  
23 the drone operation only during daytime hours. However, Yolo County has failed to take

1 any action at all, thus excluding Plaintiff from the permitting service that is the duty of  
2 local government agencies such as Yolo County. This is discrimination by Yolo County.

3  
4 **VII. SECOND CAUSE OF ACTION**

5 **Violations of Title III of the ADA**

6  
7 39. 42 U.S. Code § 12182(a) states:

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

12 40. Zipline and Yolo Land & Cattle Company are subjecting Plaintiff, an individual with  
13 a qualified disability, to discrimination. The Plaintiff is not attempting to visit the drone  
14 airport and is not attempting to visit the Yolo Land property; rather, Zipline's facilities are  
15 bringing their discrimination to Plaintiff's private property via the use of unregulated,  
16 excessively intense, digitally pulsing LED lights. The LED strobe lights interfere with  
17 Plaintiff's path of travel on Plaintiff's own property and deter Plaintiff from looking  
18 towards the drone airport from Plaintiff's own property. Thus, Plaintiff is denied full and  
19 equal enjoyment of Defendant's facilities and Plaintiff's own property because Defendant's  
20 facilities extend over 5 miles beyond the Yolo Land property boundaries, and overlap with  
21 Plaintiff's residence.

22 42 U.S. Code § 12182(b)(1)(B) states:  
23

1 Goods, services, facilities, privileges, advantages, and accommodations shall be  
2 afforded to an individual with a disability in the most integrated setting  
3 appropriate to the needs of the individual.

4 41. Zipline's drone airport facilities are not being afforded to Plaintiff in the most  
5 integrated setting. Plaintiff is not attempting to visit the Defendant's facilities, and yet the  
6 Defendant's facilities, via use of the LED strobe lights, is isolating Plaintiff inside  
7 Plaintiff's own home. The most integrated setting is one where Plaintiff can freely walk  
8 around Plaintiff's own property and look in the direction of Yolo Land without the  
9 psychological trauma that is associated with intense, digitally pulsing LED lights.

10 42. 28 CFR § 36.401(a)(1) states:

11 Except as provided in paragraphs (b) and (c) of this section, discrimination for  
12 purposes of this part includes a failure to design and construct facilities for first  
13 occupancy after January 26, 1993, that are readily accessible to and usable by  
14 individuals with disabilities.

15 43. 28 CFR § 36.402(a)(1) states:

16 Any alteration to a place of public accommodation or a commercial facility, after  
17 January 26, 1992, shall be made so as to ensure that, to the maximum extent  
18 feasible, the altered portions of the facility are readily accessible to and usable by  
19 individuals with disabilities, including individuals who use wheelchairs.

20 44. The commercial drone airport that Zipline constructed is on the property of Yolo  
21 Land. Yolo Land is already a business that is open to the public, hosting weddings and  
22 other events on the property. Yolo Land is the property owner and is leasing the land to  
23 Zipline as a landlord.

1 45. In addition, Zipline is also a public accommodation, delivering products and services  
2 via drone to customers. The drone airport was constructed by and is owned by Zipline.  
3 The drone airport is also a commercial facility.

4 46. Therefore, both Section 28 CFR § 36.401(a)(1) and 28 CFR § 36.402(a)(1) are  
5 applicable because the drone airport is a new construction project but is also an alteration to  
6 the Yolo Land property. In both cases, the ADA requirement is to ensure that the facilities  
7 are readily accessible and usable by individuals with disabilities. Since the facilities use  
8 LED strobe lights on the drones and drone towers, the facilities are not readily accessible  
9 and usable by Petitioner, since LED strobe lights are intolerable for Petitioner.

10 47. Zipline has chosen to use very intense, digitally pulsing LEDs on their drones and  
11 drone towers, rather than using less intense and soft-glowing light sources. Nothing in the  
12 FAA regulations requires LED light sources that pulse digitally, and thus Zipline's choice  
13 of light source was their own decision, and not a regulatory requirement.

14 48. Zipline's decision to use such intense LED light sources means that the geographical  
15 footprint of Zipline's facility covers an area far beyond the Yolo Land property. Plaintiff  
16 lives 5 miles from the drone airport, and yet Plaintiff is being adversely impacted and  
17 discriminated against in Plaintiff's own home by Zipline's use of LED strobe lights.  
18 Zipline has geographically overlapped their facility with Plaintiff's private residence,  
19 denying Petitioner the civil right of navigating and perceiving freely within Plaintiff's own  
20 property.

21 49. 42 U.S. Code § 12182(b)(2)(A)(ii) states:

22 For purposes of subsection (a), discrimination includes a failure to make  
23 reasonable modifications in policies, practices, or procedures, when such



1 modifications are necessary to afford such goods, services, facilities, privileges,  
2 advantages, or accommodations to individuals with disabilities, unless the entity  
3 can demonstrate that making such modifications would fundamentally alter the  
4 nature of such goods, services, facilities, privileges, advantages, or  
5 accommodations;

6 50. The Plaintiff repeatedly requested accommodation from Zipline and Yolo Land.  
7 Despite over 25 requests for accommodation, Zipline and Yolo Land failed to make  
8 reasonable modifications to their policies, practices, or procedures to ensure that their  
9 facilities did not discriminate against Plaintiff. To Plaintiff's knowledge, the drone airport  
10 on the property of Yolo Land is a testing facility. Thus, there is no valid or mandatory  
11 reason to operate the drones at night and thus an accommodation of operating only during  
12 daylight hours is not a fundamental alteration to the unpermitted testing facility. It is also  
13 not necessary for the lights on the drones and drone towers to travel in an intense, digitally  
14 pulsing beam for over 5 miles. An accommodation of using incandescent lights instead of  
15 LEDs would not be a fundamental alteration to the drone facility.

16 51. 42 U.S. Code § 12188(a)(1) states:

17 The remedies and procedures set forth in section 2000a-3(a) of this title are the  
18 remedies and procedures this subchapter provides to any person who is being  
19 subjected to discrimination on the basis of disability in violation of this  
20 subchapter or who has reasonable grounds for believing that such person is about  
21 to be subjected to discrimination in violation of section 12183 of this title.

22 Nothing in this section shall require a person with a disability to engage in a futile  
23

1 gesture if such person has actual notice that a person or organization covered by  
2 this subchapter does not intend to comply with its provisions.

3 52. The Plaintiff notified Yolo County, Zipline and Yolo Land dozens of times in writing  
4 that Plaintiff is suffering significant psychological trauma from being exposed to the LED  
5 strobe lights and that the use of the LED strobe lights is causing Plaintiff to have to close  
6 the window shades at night to block the LED strobe lights and that Plaintiff is deterred  
7 from even looking towards the drone airport due to the LED strobe lights. Zipline and  
8 Yolo Land demonstrated that they do not intend to comply with the Title III of the ADA by  
9 not even temporarily halting the use of the LED strobe lights or even temporarily closing  
10 the drone airport at night and have met the deliberate indifference standard for  
11 discrimination.

## 12 **VIII. THIRD CAUSE OF ACTION**

### 13 **Violations of Unruh Civil Rights Act**

14  
15 53. California Civil Code § 51(a) states:

16 All persons within the jurisdiction of this state are free and equal, and no matter  
17 what their sex, race, color, religion, ancestry, national origin, disability, medical  
18 condition, genetic information, marital status, sexual orientation, citizenship,  
19 primary language, or immigration status are entitled to the full and equal  
20 accommodations, advantages, facilities, privileges, or services in all business  
21 establishments of every kind whatsoever.

22 54. Zipline and Yolo Land are “business establishments of every kind whatsoever”. As  
23 per CCC § 51, Plaintiff is “free and equal” regardless of Plaintiff’s disability and Plaintiff is

1 entitled to full and equal accommodations and privileges. Zipline and Yolo Land's actions  
2 of commandeering a geographic area with a radius exceeding 5 miles so that they can  
3 operate their commercial drone airport at night deny the Plaintiff's civil right to be free and  
4 equal on Plaintiff's own property.

5 55. California Civil Code § 52(a) states:

6 Whoever denies, aids or incites a denial, or makes any discrimination or  
7 distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every  
8 offense for the actual damages, and any amount that may be determined by a jury,  
9 or a court sitting without a jury, up to a maximum of three times the amount of  
10 actual damage but in no case less than four thousand dollars (\$4,000), and any  
11 attorney's fees that may be determined by the court in addition thereto, suffered  
12 by any person denied the rights provided in Section 51, 51.5, or 51.6.

13 Zipline, Yolo Land, and Yolo County are each aiding in the discrimination of the  
14 Plaintiff. Each party has a duty to ensure the protection of individuals with disabilities  
15 such as Plaintiff, and yet each entity has failed to take any action whatsoever, breaching  
16 this duty.

17 CCC § 52(a) applies to every person and entity, not just businesses, and thus Zipline,  
18 Yolo Land, and Yolo County are each liable for the statutory minimum damage award of  
19 \$4,000 per incident. As noted in *Munson v. Del Taco*, the \$4,000 statutory minimum is  
20 "per incident" and thus each discrimination event on each calendar date is considered to be  
21 a separate incident.

22 **IX. RELIEF REQUESTED**  
23

1 56. Plaintiff respectfully requests that the Court enter judgment:

2 A. Declaring that Yolo County has violated Title II of the ADA, 42 U.S. Code § 12132;

3 B. Declaring that Zipline and Yolo Land have violated Title III of the ADA, 42 U.S.C.  
4 §§ 12181-12189, and its implementing regulations, 28 C.F.R. Part 36;

5 C. Declaring that Zipline and Yolo Land have violated the Unruh Civil Rights Act,  
6 California Civil Code § 51;

7 D. Declaring that Zipline, Yolo Land, and Yolo County have aided in discrimination, as  
8 identified in Unruh Civil Rights Act, California Civil Code § 52;

9 E. For a permanent injunction, ordering Zipline and Yolo Land to operate the drone  
10 airport only during daytime hours or requiring Zipline and Yolo Land to use non-  
11 LED lights such as incandescent light bulbs on the drones and drone towers.

12 F. For actual damages for each offense pursuant to California Civil Code Section 52;

13 G. For statutory damages for each offense pursuant to California Civil Code Section 52;

14 H. Granting court costs and legal fees. 28 C.F.R. § 36.505, California Civil Code  
15 Sections 52 and Code of Civil Procedure 1021.5. (Also see Christiansburg Garment  
16 Company vs. Equal Employment Opportunity Commission).

17  
18 Dated: March 2, 2025

19 Respectfully Submitted,

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

# Exhibit A

## Physics of LED Light By Soft Lights Foundation

LEDs emit light that has drastically different spatial, spectral, and temporal properties as compared to light emitted by traditional light sources such as tungsten filament.

### Spatial Properties

A traditional light source, such as shown in the column on the left in Figure 1, emits light essentially uniformly in all directions in space. An LED, on the other hand, due to the flat surface geometry, emits light in a direction, and the light within the directional beam is not spatially uniform, as shown in the column on the right.

A lux meter can be used to measure the intensity of the light from a traditional light source by measuring the illuminance and then calculating the luminous intensity. However, a lux meter cannot be used for an LED light source because the LED chip emits high intensity light from such a tiny flat surface and because the light is not uniform in energy. Only computer modeling can be used to accurately calculate the intensity pattern of light from an LED source.

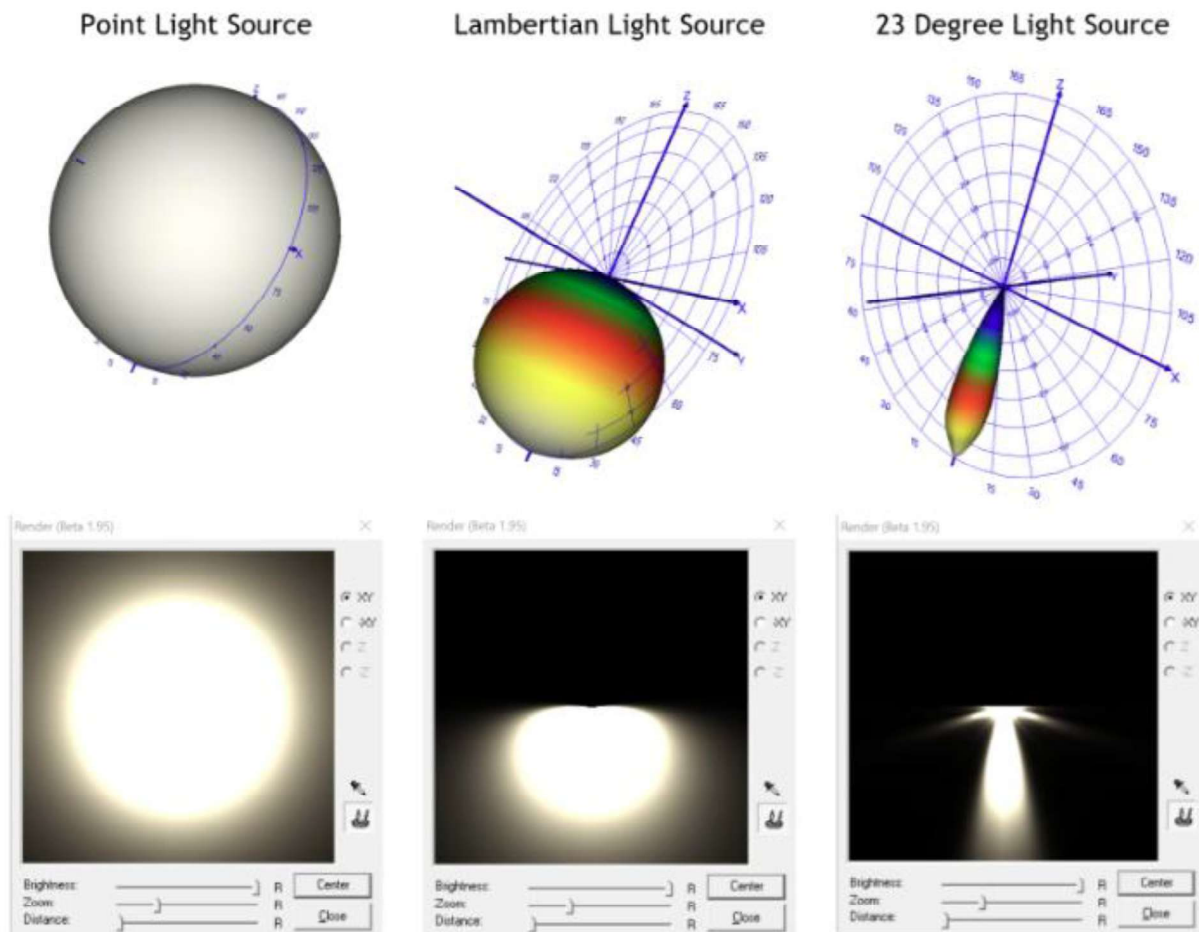


Figure 1 - Spatial Properties<sup>1</sup>

<sup>1</sup> <https://luminusdevices.zendesk.com/hc/en-us/articles/4411289188109-Optical-What-do-the-Radiation-Plots-in-LED-datasheets-mean-and-how-do-I-calculate-Lux>

## Spectral Properties

A tungsten filament light has a smooth curve of spectral power distribution, ranging from low blue to high red and infrared, as shown in Figure 2.

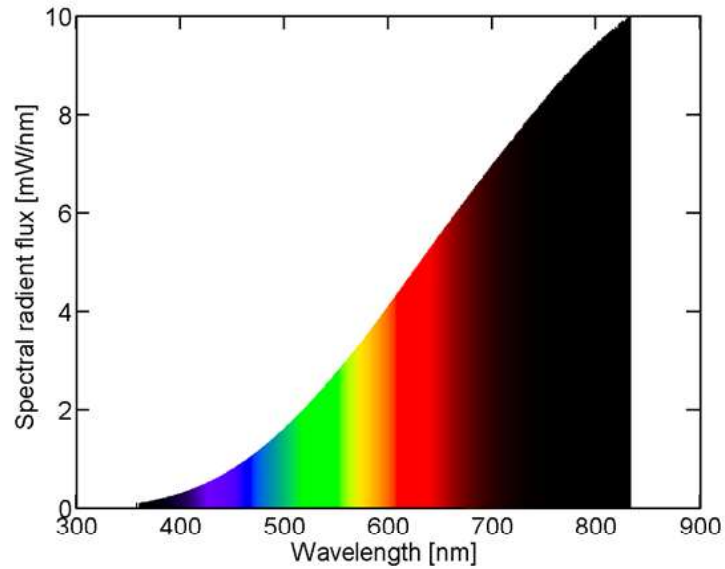


Figure 2 - Spectral Power Distribution of Incandescent

A 4000K LED has a spectral power distribution consisting of a sharp peak of blue wavelength light, very little red, and no infrared, as shown in Figure 3

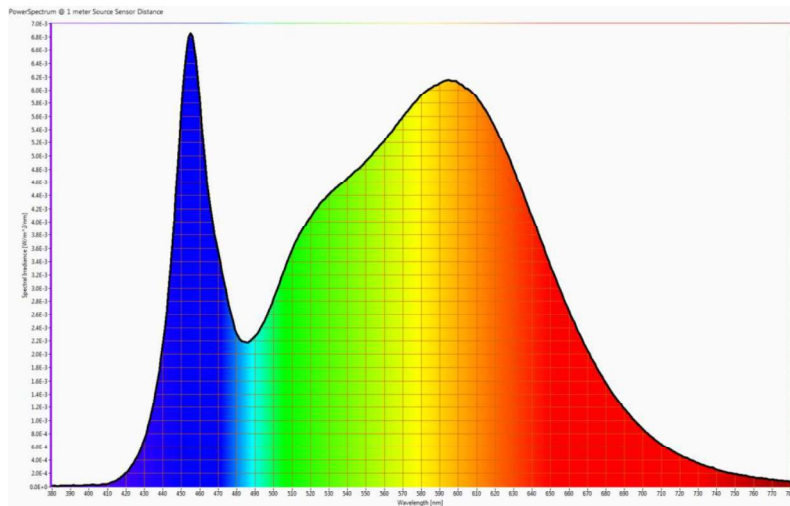


Figure 3 - Spectral Power Distribution LED

## Temporal Properties

An incandescent light bulb has sine wave flicker with about 6.6% percent flicker when connected to an A/C source, as shown in Figure 4.

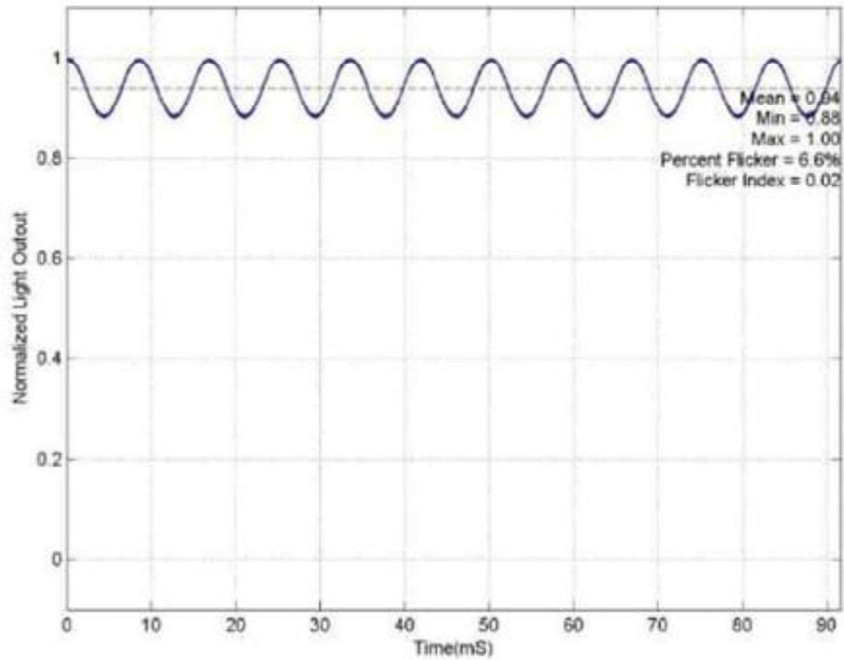


Figure 4 - Sine Wave Flicker

An LED exhibits square wave flicker with 100% percent flicker when connected to an A/C source, as shown in Figure 5. This graph also shows the effects of Pulse Width Modulation using an LED.

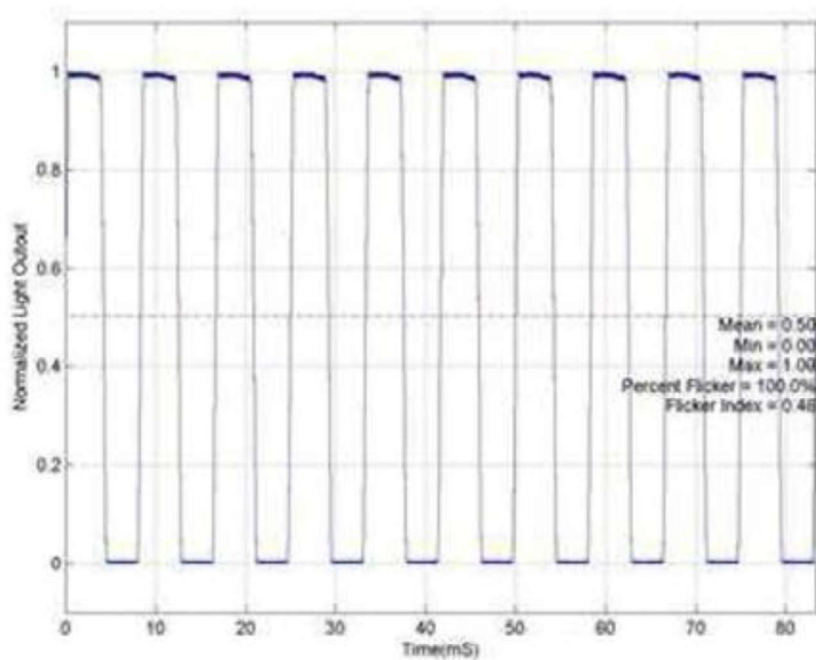


Figure 5 - Square Wave Flicker

# Exhibit B

## LED Incident Reports

Submitted by Mark Baker to US Food and Drug Administration

February 17, 2025 – Yolo County, CA – Autism

I was driving east on Hwy 16 towards Woodland, when I noticed intense amber LED flashing lights close to a mile ahead. I started to slow down. As I reached the LED flashing lights, the intensity and digital pulsing was unbearable. There were multiple vehicles. The panic started to set in. I covered my eyes with my hands and slowed to less than 20mph, basically trapped by the LED lights. I crept forward in my car, blocking nearly everything from my sight except for a narrow sliver of road near the center line that I could see. Major panic started to set in as I passed the vehicles, which turned out to be about 3 Yolo County Sheriff's vehicles. After I passed, I glanced back in my rear view mirror and was struck by red and blue LED flashing lights. I let out a scream of agony. I suffered significant emotional trauma from this event.

November 25, 2024 – Vacaville, CA – Autism

I was driving East on E. Monte Vista Ave. when I struck by the LED flashing lights on an RRFB. Instead of the RRFB making me stop, I start yelling fuck, fuck, fuck, fuck, fuck, fuck as I tilted my head down and drove straight through to escape the LED assault and save my life.

November 24, 2024 – Esparto, CA – Autism

I turned right at a T-intersection and was immediately struck by amber LED strobe lights on an AT&T utility truck. I yelled out profanity, raised my arms to try and block the strobes, closed my eyes, and felt a sudden urge to drive my car straight into the AT&T truck. Instead, I pulled over to the side of the road until I recovered.

November 23, 2024 – Sacramento, CA – Autism

I was driving in town when I was struck by a debilitating blue LED flashing light in a store window. I have previously notified the owner of this store twice that I cannot neurologically tolerate the intensity and digital pulsing of this light, but they haven't acted to turn it off.

November 23, 2024 – Yolo County, CA – Autism

I was driving on the highway when a firetruck with red and white LED strobe lights approached me. I could see it about half a mile away. I started to panic, knowing that I wouldn't be able tolerate it as it came closer. I pulled into a parking lot and waited for the firetruck to turn onto another street.

November 7, 2024 – Vacaville, CA – Autism

I was in the city just after sunset and all the blue LED car headlights and blue LED streetlights



started appearing. I started to go into a panic. It felt like it was an emergency, so I reached into the center console of my car and found some orange tinted clip on glasses. I put these on over my glasses, and the panic immediately stopped. All of the blue-rich LED lights were still far too intense, but the feeling of life-or-death panic was completely removed by putting on the orange-tinted glasses which filtered out the blue wavelength light.

October 12, 2024 – Esparto, CA – Autism

I was driving behind a vehicle when it suddenly pulled to the side of the road. Coming towards us was an ambulance with LED flashing lights. I felt like I was electrocuted and was going to go unconscious. I instantly closed my eyes and stopped my car. After a few seconds, a car behind me honked, and when I opened my eyes, the ambulance was already gone. Now I'm suffering the psychological after-effects.

October 11, 2024 – Yolo County, CA – Autism

I was driving East on a County road in the day when a vehicle came towards me with intense, rapidly flashing amber LED lights. I felt panic rushing in and put my arms up to block the assault. Since I now couldn't see the road, I came to a full stop. Then somebody honked a horn. I moved my arms, and saw that the lead truck had passed, but a wide-load mobile home on a truck was inches from the left side of my car. These LED flashing lights are a menace and violation of our civil rights. My anxiety ran high for 30 minutes after the encounter.

October 1, 2024 – Elk Grove, CA – Autism

I attempted to enter a large box store that had installed collections of LED "white" tube lights in the ceiling. I glanced up at these LED lights and immediately felt eye pain. I turned and left the store, knowing that the situation would only get worse if I remained.

September 14, 2024 – Vacaville, CA – Autism

I was driving at dusk when a fire truck or ambulance suddenly appeared with LED lights flashing. I immediately threw both of my arms in front of my face and hit the brakes to stop the car. I thought that this might be the end of my life. The LED flashing lights are sheer terror and I can't function. After the fire truck/ambulance passed by, I felt like I was going to cry from the emotional trauma. My brain then feels like it's dead even hours later.

August 31, 2024 – Madison, California – Autism

I was a passenger in a car. As we approached a roundabout, a truck with white LED lights, the circular ones near the bumper, struck me directly. I screamed profanity and began crying. The other 3 passengers all confirmed that the light was excessively bright. For me, however, it was severe emotional trauma. The after effects are very long lasting.

August 6, 2024 – Winters, CA – Autism

I was driving on a country road in the daytime. Over 1 mile ahead of me was a utility truck on the side of the road with amber LED flashing lights. For the entire mile, I was either glued to these LED flashing lights, or forcing myself to look away. As I approached the truck, the LED strobe lights were overwhelming and I could not see through the lights. I stopped my car in the road and started to panic. I put my hand in front of my right eye, and then tried to use my left eye to navigate around the truck. It is impossible for me to think or see with these LED flashing lights blasting me and I suffer extreme anxiety and panic.

July 17, 2024 – Sacramento, CA – Autism

I was driving on the freeway in the slow lane, when a tow truck in the fast lane ahead of me suddenly turned on LED strobe lights on the top of his truck. It felt like a lightning bolt when through my body. I instantly closed both eyes and felt like I should drive off the bridge.

July 9, 2024 – Woodland, California – Autism

A fire truck came down the street with LED strobe lights. The strobe lights caused me to suffer psychological trauma which lasts for hours after the incident.

June 1, 2024 – Fairfield, CA – Autism

During the day, I was driving a vehicle on a freeway when I struck by an LED flashing light from a bicycle on a parallel road. I reactively closed my eyes and then suffered a seizure reaction, which I would describe as like an electrical shock and loss of cognitive functioning and vision. I then had to emotionally fight off a panic attack.

4/30/2024 – Roseville, CA – Autism

I was standing in a room and another person's cell phone buzzed with a message notification. The iPhone also pulsed its LED camera flash, which struck me in the eyes. I fell to my knees, breathing hard, and trying to fight off a panic attack.

4/27/2024 – Elk Grove, CA – Autism

The Ziosk portable kiosk payment system has a bright LED screen. During dinner at a Chilis restaurant, we placed the kiosk face down on the table to avoid exposure to the LED Visible Light radiation from the LED screen. At payment time, my partner inserted the credit card for processing. At the completion of the processing, a large white LED light on the side of the kiosk suddenly irradiated me with white LED Visible Light radiation.

Due to the intensity of the white light, everything around me became black, except for the overwhelming feeling of bright white light. I felt disconnected from reality and as if I had entered a

nightmare dream. I believe that I was partially unconscious. As I began to recover consciousness, I thought that perhaps I was staring at the LED flash on a cell phone, but that this was much more powerful. Then, as I became more aware of my surroundings, I realized that that the white light was from a large, white LED from the side of the Ziosk device.

I felt nauseous, so I fell to my stomach and tried to vomit, but I only ended up coughing. I then felt overwhelming anxiety and panic and went to the kitchen, demanding accommodation. A staff person then began yelling at me. I ran outside screaming. I continued to try to vomit, but only spit came out. At some point, both of my hands went numb and tingly.

The police were called. I dialed 911 to tell them not to turn on their LED flashing lights, but they had the red and blue flashing lights on, which further debilitated me.

4/21/2024 – Beaverton, OR – Autism

LED flashing lights cause me to suffer severe anxiety, panic attacks, and fear.



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

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**Re: Website General Contact Form**

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**Mark Baker** <mbaker@softlights.org>  
To: casey stone <boyeatsbeef@yahoo.com>

Sat, Jan 25, 2025 at 10:39 PM

Dear Casey Stone,

Thank you for your response. As I infer from your email, Yolo Land and Cattle Company is allowing a company called Zipline Drones to use your property. Now that I am aware that this issue relates to a commercial interest, I would like to inform Yolo Land and Cattle Company that the use of LEDs creates an unlawful discriminatory barrier for individuals with disabilities because LED lights can trigger seizures, migraines, and panic attacks, and impair vision and cognitive functioning. I have the qualified ADA disability of autism spectrum disorder. I have recently settled an ADA and Unruh Civil Rights Act discrimination lawsuit with multiple companies at the Woodland Gateway Shopping Center involving LED lights. The LED lights were turned off.

Both Yolo Land and Cattle and Zipline Drones are responsible parties in this matter. The Unruh Civil Rights Act prohibits both discrimination, and aiding in discrimination. The accommodation request that I am making is to turn off the LEDs, or limit the intensity so that the light does not shine beyond property lines.

In addition, while I have not investigated the situation yet, there are likely environmental requirements that must be met as well.

Sincerely,

Mark Baker  
President  
Soft Lights Foundation  
[www.softlights.org](http://www.softlights.org)  
[mbaker@softlights.org](mailto:mbaker@softlights.org)  
X: @softlights\_org  
Bluesky: @softlights-org.bsky.social  
[Quoted text hidden]



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

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**Follow up on your inquiry with Yolo Land & Cattle**

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**Keval Patel** <keval.patel@flyzipline.com>

Mon, Jan 27, 2025 at 5:40 PM

To: mbaker@softlights.org

Cc: Conor French &lt;conor@flyzipline.com&gt;, Alyssa Pont &lt;alyssa.pont@flyzipline.com&gt;, Benjamin Berlin &lt;benjamin.berlin@flyzipline.com&gt;, Madeline Klein &lt;maddy.klein@flyzipline.com&gt;, "Chad E. Roberts" &lt;croberts@hsmlaw.com&gt;, CASEY STONE &lt;boyeatsbeef@yahoo.com&gt;, SCOTT STONE &lt;sastone57@gmail.com&gt;

Dear Mark Baker:

I'm General Counsel of Zipline International Inc. Thank you for raising your concern regarding the lights on certain UAVs that you've observed in Yolo County.

Zipline conducts flight testing operations of its UAVs in a manner consistent with applicable law, including aviation safety rules that call for lights of a minimum intensity on our UAVs. These safety rules are expressly required by the Federal Aviation Administration (FAA) so we can safely share the airspace with other aircraft.

Nevertheless, we hear your concern and are committed to being a positive force in the Yolo County community, and are actively looking into how we can diminish the intensity of the lights without violating FAA rules or sacrificing the safety of our operations. We will follow up with any updates we have on that front.

In the meantime, please let me know if you have any questions or if you'd like to discuss further.

Best,  
Keval

--

Keval M. Patel  
General Counsel  
Zipline International Inc.  
p: +1-925-963-6939  
e: [keval.patel@flyzipline.com](mailto:keval.patel@flyzipline.com)



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

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## Follow up on your inquiry with Yolo Land & Cattle

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

Mon, Jan 27, 2025 at 7:23 PM

To: Keval Patel &lt;keval.patel@flyzipline.com&gt;

Cc: Conor French &lt;conor@flyzipline.com&gt;, Alyssa Pont &lt;alyssa.pont@flyzipline.com&gt;, Benjamin Berlin &lt;benjamin.berlin@flyzipline.com&gt;, Madeline Klein &lt;maddy.klein@flyzipline.com&gt;, "Chad E. Roberts" &lt;croberts@hsmlaw.com&gt;, CASEY STONE &lt;boyeatsbeef@yahoo.com&gt;, SCOTT STONE &lt;sastone57@gmail.com&gt;

Dear Keval Patel,

Tonight is the second night in a row that I am reporting discrimination and harm caused by the use of intense red/green/white LED lights from Zipline's operation. As per the Unruh Civil Rights Act section 52, each discrimination incident carries a statutory minimum of \$4,000. This is now the second incident, so the total has already reached \$8,000.

In my case against Petrovich Development Company, et al, the damages reached \$20,000 before they wisely turned off the LED lights. The damages in this case will exceed \$20,000 by the end of the week. It is extremely unwise for Yolo Land & Cattle and Zipline to continue injuring me nightly, as the costs will be prohibitive. The \$4,000 is statutory: "(a) Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorney's fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51, 51.5, or 51.6."

As President of the Soft Lights Foundation, I am well-versed in the law, especially disability rights law. Your effort to portray this as an FAA-only issue does not solve Yolo Land & Cattle and Zipline's ADA and Unruh requirements.

The Food and Drug Administration and the FAA have failed to comply with 21 U.S.C. 360ii(a)(6)(A) and establish and maintain a liaison to test and evaluate LED lights. Therefore, there are no FAA regulations for LED lights that ensure public health and safety. As President of the Soft Lights Foundation, I have begun filing lawsuits against the FDA and other federal agencies to compel them to comply with the law. However, due to the lack of regulation of LED products and the special characteristics of LEDs, Zipline and Yolo Land & Cattle have no legal protections related to the use of unregulated LED products. Here is a link to LED Incident Reports where members of the public have reported their injuries from exposure to LED light. (<https://www.softlights.org/led-incident-reports/>). These reports are submitted to the FDA monthly.

I live 5 miles from the site of the drone activity. My life and my path-of-travel cannot be impaired by your business. I have made the accommodation request to have the lights turned off immediately. If your company can figure out how to use a lower-luminance version of the LEDs that I can't see from my house, that's fine, but the LED lights must be turned off now. As per California Unruh Civil Rights Act Section 51, "All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in **all business establishments of every kind whatsoever.**"

Sincerely,

Mark Baker  
President  
Soft Lights Foundation  
[www.softlights.org](http://www.softlights.org)  
[mbaker@softlights.org](mailto:mbaker@softlights.org)  
X: @softlights\_org  
Bluesky: @softlights-org.bsky.social

[Quoted text hidden]



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

## Notification of Discrimination - Incident Number 28

Mark Baker <mbaker@softlights.org>

Sun, Mar 2, 2025 at 8:36 PM

To: CASEY STONE <boyeatsbeef@yahoo.com>, Keval Patel <keval.patel@flyzipline.com>

Cc: Conor French <conor@flyzipline.com>, Alyssa Pont <alyssa.pont@flyzipline.com>, Benjamin Berlin <benjamin.berlin@flyzipline.com>, Madeline Klein <maddy.klein@flyzipline.com>, "Chad E. Roberts" <croberts@hsmlaw.com>, SCOTT STONE <sastone57@gmail.com>, Eric May <Eric.May@yolocounty.gov>, angel.barajas@yolocounty.gov

Dear Casey Stone, Yolo Land & Cattle Company, Keval Patel, Zipline, and Eric May, Senior Deputy County Counsel, Yolo County

On March 2, 2025 at approximately 7:15pm, I attempted to look towards the hills from my living room, but was deterred from doing so because of the intense, digitally pulsing LED lights from the drone airport. I was discriminated against by Yolo Land & Cattle Company, Zipline, and Yolo County. As per the California Unruh Civil Rights Act Section 52, each discrimination incident carries a statutory minimum of \$4,000 for anyone who discriminates or aids in discrimination. (See Munson v. Del Taco).

I have recorded the following separate discrimination incidents:

1. January 26, 2025 - \$4,000
2. January 27, 2025 - \$4,000
3. January 28, 2025 - \$4,000
4. January 29, 2025 - \$4,000
5. January 30, 2025 - \$4,000
6. February 1, 2025 - \$4,000
7. February 2, 2025 - \$4,000
8. February 4, 2025 - \$4,000
9. February 5, 2025 - \$4,000
10. February 7, 2025 - \$4,000
11. February 8, 2025 - \$4,000
12. February 9, 2025 - \$4,000
13. February 10, 2025 - \$4,000
14. February 11, 2025 - \$4,000
15. February 14, 2025 - \$4,000
16. February 15, 2025 - \$4,000
17. February 16, 2025 - \$4,000
18. February 17, 2025 - \$4,000
19. February 20, 2025 - \$4,000
20. February 21, 2025 - \$4,000
21. February 22, 2025 - \$4,000
22. February 24, 2025 - \$4,000
23. February 25, 2025 - \$4,000
24. February 26, 2025 - \$4,000
25. February 27, 2025 - \$4,000
26. February 28, 2025 - \$4,000
27. March 1, 2025 - \$4,000
28. March 2, 2025 - \$4,000

Total: \$112,000

Deliberate indifference requires both knowledge that a harm to a federally protected right is substantially likely, and a failure to act upon that likelihood. (See Duvall v. County of Kitsap, 2001). All parties have thus acted with Deliberate Indifference because I have notified the parties numerous times that I am being harmed and my federally protected right to be free of this harm is being violated, and all parties have failed to act on this knowledge, allowing the harm to continue unabated.

I once again request ADA accommodation of either turning off the LED lights, or reducing their intensity so that the light does not reach my house.

Mr. Stone: For Yolo Land & Cattle Company, my ADA request is to direct Zipline to cease using LED strobe lights.

Mr. Patel: For Zipline, my ADA request is for Zipline to cease using LED strobe lights.

Mr. May: For Yolo County, my ADA request is that Yolo County direct Yolo Land & Cattle Company and Zipline to cease using LED strobe lights because the use of the LED strobe lights violates the civil rights of individuals with disabilities.

Sincerely,

Mark Baker  
President  
Soft Lights Foundation  
[www.softlights.org](http://www.softlights.org)  
[mbaker@softlights.org](mailto:mbaker@softlights.org)  
X: [@softlights\\_org](https://www.x.com/softlights_org)  
Bluesky: [@softlights-org.bsky.social](https://bsky.app/profile/softlights-org.bsky.social)