

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
2 Including Professional Corporations  
GREGORY F. HURLEY, Cal. Bar No. 126791  
3 ghurley@sheppardmullin.com  
MICHAEL J. CHILLEEN, Cal. Bar No. 210704  
4 mchilleen@sheppardmullin.com  
ISAIAH Z. WEEDN, Cal. Bar No. 229111  
5 iweedn@sheppardmullin.com  
650 Town Center Drive, 4<sup>th</sup> Floor  
6 Costa Mesa, California 92626-1993  
Telephone: 714.513.5100  
7 Facsimile: 714.513.5130

8 Attorneys for Defendants COUNTY OF  
LOS ANGELES, COUNTY OF LOS  
9 ANGELES BOARD OF SUPERVISORS,  
and LOS ANGELES COUNTY  
10 DEPARTMENT OF PUBLIC SOCIAL  
SERVICES  
11

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
14

15 Housing Works, Los Angeles Catholic  
Worker, Independent Living Center of  
16 Southern California, Inc., and Timothy  
Laraway,

17 Plaintiffs,

18 v.  
19

20 County of Los Angeles, County of Los  
Angeles Board of Supervisors, and Los  
21 Angeles County Department of Public  
Social Services,

22 Defendants.  
23

Case No. 2:15-CV-08982

**FIRST AMENDED ANSWER TO  
COMPLAINT**

24 Defendants County of Los Angeles, County of Los Angeles Board of  
25 Supervisors, and Los Angeles County Department of Public Social Services,  
26 (collectively hereinafter “Defendants”), in answer to the Complaint of plaintiffs  
27 Housing Works, Los Angeles Catholic Worker, Independent Living Center of  
28

1 Southern California, Inc., and Timothy Laraway (collectively hereinafter  
2 “Plaintiffs”), admit, deny, and allege as follows:

3 **INTRODUCTION**

4 1. In response to Paragraph 1 of the Complaint, Defendants deny each and  
5 every allegation.

6 2. In response to Paragraph 2 of the Complaint, Defendants are not  
7 required to answer legal conclusions and argument. Moreover, as to Plaintiffs’  
8 factual allegations Defendants are without sufficient knowledge or information to  
9 form a belief as to the truth of the allegations. Defendants deny each and every  
10 allegation.

11 3. In response to Paragraph 3 of the Complaint, Defendants are without  
12 sufficient knowledge or information to form a belief as to the truth of the allegations  
13 and, on that basis, deny each and every allegation.

14 4. In response to Paragraph 4 of the Complaint, Defendants admit only  
15 that defendant Los Angeles County Department of Public Social Services (“DPSS”)  
16 is charged with administering General Relief benefits (“GR”) in Los Angeles  
17 County. Defendants deny each and every other allegation.

18 5. In response to Paragraph 5 of the Complaint, Defendants admit only  
19 that there are online applications for the CalFresh and CalWORKS programs, which  
20 are both separate from and independent of the GR benefits program. Defendants are  
21 not required to answer legal conclusions and argument. Except for the admissions  
22 specified herein, Defendants deny each and every other allegation.

23 6. In response to Paragraph 6 of the Complaint, Defendants are not  
24 required to answer legal conclusions and argument. Defendants deny each and  
25 every allegation.

26 7. In response to Paragraph 7 of the Complaint, Defendants deny each and  
27 every allegation.

28

8. In response to Paragraph 8 of the Complaint, Defendants deny each and every allegation.

9. In response to response to Paragraph 9 of the Complaint, Defendants are not required to answer legal conclusions and argument. Defendants deny each and every allegation.

10. In response to response to Paragraph 10 of the Complaint, Defendants admit only that the plaintiffs named in the Complaint are Housing Works, Independent Living Center of Southern California, Inc., Los Angeles Catholic Worker, and Timothy Laraway. Defendants deny each and every other allegation.

## JURISDICTION AND VENUE

11. In response to Paragraph 11 of the Complaint, Defendants are not required to answer legal conclusions and argument. Defendants deny each and every allegation.

12. In response to Paragraph 12 of the Complaint, Defendants admit only that they reside in this District and provide certain services in this District. Defendants are not required to answer legal conclusions and argument. Except for the admissions specified herein, Defendants deny each and every other allegation.

13. In response to Paragraph 13 of the Complaint, Defendants admit only that they reside in this District. Defendants are not required to answer legal conclusions and argument. Except for the admissions specified herein, Defendants deny each and every other allegation.

## THE PARTIES

14. In response to Paragraph 14 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, deny each and every allegation.

15. In response to Paragraph 15 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, deny each and every allegation.

1           16. In response to response to Paragraph 16 of the Complaint, Defendants  
2 are without sufficient knowledge or information to form a belief as to the truth of  
3 the allegations and, on that basis, deny each and every allegation.

4           17. In response to Paragraph 17 of the Complaint, Defendants are without  
5 sufficient knowledge or information to form a belief as to the truth of the allegations  
6 and, on that basis, deny each and every allegation.

7           18. In response to Paragraph 18 of the Complaint, Defendants admit only  
8 that Mr. Laraway applied for GR benefits at the Pomona DPSS office in 2013 and  
9 that his application was denied after he failed to attend a medical assessment  
10 appointment. Defendants deny each and every other allegation.

11           19. In response to Paragraph 19 of the Complaint, Defendants admit only  
12 that Mr. Laraway applied for GR benefits at the Metro East DPSS office and that his  
13 application was denied after he failed to attend a medical assessment appointment.  
14 Defendants deny each and every other allegation.

15           20. In response to Paragraph 20 of the Complaint, Defendants admit only  
16 that Mr. Laraway applied for GR benefits in August 2014, was designated  
17 temporary NSA, and approved for certain benefits. Defendants deny each and every  
18 other allegation.

19           21. In response to Paragraph 21 of the Complaint, Defendants admit only  
20 that defendant County of Los Angeles is a political subdivision of the State of  
21 California. Defendants are not required to answer legal conclusions and argument.  
22 Except for the admissions specified herein, Defendants deny each and every other  
23 allegation.

24           22. In response to Paragraph 22 of the Complaint, Defendants are not  
25 required to answer legal conclusions and argument. Defendants deny each and  
26 every allegation.

27           23. In response to Paragraph 23 of the Complaint, Defendants admit that  
28 defendant Los Angeles County Department of Public Social Services is responsible

1 for administering the GR program, as well as other benefit programs, in Los  
2 Angeles County.

3 **STATEMENT OF FACTS**

4 24. In response to Paragraph 24 of the Complaint, Defendants are not  
5 required to answer legal conclusions and argument. Defendants deny each and  
6 every allegation.

7 25. In response to Paragraph 25 of the Complaint, Defendants admit only  
8 that defendant Los Angeles County Department of Public Social Services is  
9 responsible for administering the General Relief program in Los Angeles County.  
10 Defendants are not required to answer legal conclusions and argument. Except for  
11 the admissions specified herein, Defendants deny each and every other allegation.

12 26. In response to Paragraph 26 of the Complaint, Defendants admit that,  
13 among other eligibility requirements, a GR benefits recipient must be a Los Angeles  
14 County resident, have monthly net income of less than \$221 (for one person), and  
15 have cash on hand or in a bank account of \$50 or less at the time of application.  
16 Defendants further admit that the current version of the DPSS website includes the  
17 language quoted in Paragraph 26.

18 27. In response to Paragraph 27 of the Complaint, Defendants admit that a  
19 GR recipient, living alone is currently eligible to receive monthly GR benefits in the  
20 maximum amount of \$221. Defendants are not required to answer legal conclusions  
21 and argument. Except for the admissions specified herein, Defendants deny each  
22 and every other allegation.

23 28. In response to Paragraph 28 of the Complaint, Defendants deny each  
24 and every allegation.

25 29. In response to Paragraph 29 of the Complaint, as to Plaintiffs'  
26 allegations concerning the purported experiences and/or perceptions of certain,  
27 unidentified applicants, Defendants are without sufficient knowledge or information  
28 to form a belief as to the truth of the allegations and, on that basis, deny each and

1 every one of these allegations. As to all other allegations, Defendants deny each and  
2 every one of them.

3 30. In response to Paragraph 30 of the Complaint, as to Plaintiffs'  
4 allegations concerning the purported experiences and/or perceptions of certain,  
5 unidentified applicants, Defendants are without sufficient knowledge or information  
6 to form a belief as to the truth of the allegations and, on that basis, deny each and  
7 every one of these allegations. As to all other allegations, Defendants deny each and  
8 every one of them.

9 31. In response to Paragraph 31 of the Complaint, Defendants deny each  
10 and every allegation.

11 32. In response to Paragraph 32 of the Complaint, Defendants admit that  
12 GR applicants are required to submit their applications in person at a DPSS office in  
13 Los Angeles County and that applicants may encounter lines during this process.  
14 Defendants deny each and every other allegation.

15 33. In response to Paragraph 33 of the Complaint, Defendants admit that  
16 GR applicants are required to pass through a security checkpoint before entering a  
17 DPSS office. As to Plaintiffs' allegations concerning the purported experiences  
18 and/or perceptions of certain, unidentified applicants, Defendants are without  
19 sufficient knowledge or information to form a belief as to the truth of the allegations  
20 and, on that basis, deny each and every one of these allegations. As to all other  
21 allegations, Defendants deny each and every one of them.

22 34. In response to Paragraph 34 of the Complaint, Defendants admit that  
23 GR applicants are provided with an application packet from DPSS personnel and  
24 that the applicant may encounter lines during this process . Defendants deny each  
25 and every other allegation.

26 35. In response to Paragraph 35 of the Complaint, Defendants admit that  
27 those GR applicants who have not previously obtained and completed their  
28 application packet may choose to complete their application packet in the DPSS

1 office's lobby. As to Plaintiffs' allegations concerning the purported experiences  
2 and/or perceptions of certain, unidentified applicants, Defendants are without  
3 sufficient knowledge or information to form a belief as to the truth of the allegations  
4 and, on that basis, deny each and every one of these allegations. As to all other  
5 allegations, Defendants deny each and every one of them.

6 36. In response to Paragraph 36 of the Complaint, Defendants admit that  
7 GR applicants are required to submit their application packet to and meet with a  
8 DPSS caseworker and that applicants may encounter some waiting time during this  
9 process. As to Plaintiffs' allegations concerning the purported experiences and/or  
10 perceptions of certain, unidentified applicants, Defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations and, on  
12 that basis, deny each and every one of these allegations. As to all other allegations,  
13 Defendants deny each and every one of them.

14 37. In response to Paragraph 37 of the Complaint, Defendants admit that  
15 during a GR applicant's initial meeting with a DPSS caseworker, the caseworker  
16 will, among other things, review the application and may, at that time, designate the  
17 applicant as "employable" or "unemployable" based on the applicant's statements as  
18 to his or her ability to work and/or documentation from a medical or mental  
19 healthcare provider concerning the applicant's ability to work. As to Plaintiffs'  
20 allegations concerning the purported experiences and/or perceptions of certain,  
21 unidentified applicants, Defendants are without sufficient knowledge or information  
22 to form a belief as to the truth of the allegations and, on that basis, deny each and  
23 every one of these allegations. As to all other allegations, Defendants deny each and  
24 every one of them.

25 38. In response to Paragraph 38 of the Complaint, Defendants admit that  
26 GR applicants identified as potentially NSA are referred for an evaluation by  
27 Department of Mental Health personnel who are co-located with DPSS. Defendants  
28 admit that such evaluations are typically scheduled to occur on the same day as the



1 initial caseworker interview but may, in certain circumstances, be scheduled for a  
2 later date. Defendants further admit that applicants may encounter wait times  
3 during this process. As to Plaintiffs' allegations concerning the purported  
4 experiences and/or perceptions of certain, unidentified applicants, Defendants are  
5 without sufficient knowledge or information to form a belief as to the truth of the  
6 allegations and, on that basis, deny each and every one of these allegations. As to  
7 all other allegations, Defendants deny each and every one of them.

8       39. In response to Paragraph 39 of the Complaint, Defendants admit that  
9 for those GR applicants not identified as potentially NSA during the caseworker  
10 meeting, the next steps in the application process are fingerprinting and issuance of  
11 an Electronic Benefits Transfer (EBT) card and that applicants may encounter wait  
12 times during these steps. Defendants deny each and every other allegation.

13       40. In response to Paragraph 40 of the Complaint, Defendants admit that  
14 certain applicants are required to submit to DPSS certain verifications in order to  
15 complete the GR application process. As to Plaintiffs' allegations concerning the  
16 purported experiences and/or perceptions of certain, unidentified applicants,  
17 Defendants are without sufficient knowledge or information to form a belief as to  
18 the truth of the allegations and, on that basis, deny each and every one of these  
19 allegations. As to all other allegations, Defendants deny each and every one of  
20 them.

21       41. In response to Paragraph 41 of the Complaint, Defendants admit that  
22 some GR applicants and recipients have mental disabilities and that the NSA  
23 program is intended, in part, to afford these individuals reasonable accommodations.  
24 Defendants are not required to answer legal conclusions and argument. Except for  
25 the admissions specified herein, Defendants deny each and every other allegation.

26       42. In response to Paragraph 42 of the Complaint, Defendants deny each  
27 and every allegation.  
28



1           43. In response to Paragraph 43 of the Complaint, as to Plaintiffs'  
2 allegations concerning the purported experiences and/or perceptions of certain,  
3 unidentified applicants, Defendants are without sufficient knowledge or information  
4 to form a belief as to the truth of the allegations and, on that basis, deny each and  
5 every one of these allegations. As to all other allegations, Defendants deny each and  
6 every one of them.

7           44. In response to Paragraph 44 of the Complaint, Defendants deny each  
8 and every allegation.

9           45. In response to Paragraph 45 of the Complaint, Defendants admit that  
10 DPSS personnel conduct "lobby sweeps" to, among other things, help identify  
11 potentially NSA GR applicants. As to all other allegations, Defendants deny each  
12 and every one of them.

13           46. In response to Paragraph 46 of the Complaint, as to Plaintiffs'  
14 allegations concerning the purported experiences and/or perceptions of certain,  
15 unidentified applicants, Defendants are without sufficient knowledge or information  
16 to form a belief as to the truth of the allegations and, on that basis, deny each and  
17 every one of these allegations. As to all other allegations, Defendants deny each and  
18 every one of them.

19           47. In response to Paragraph 47 of the Complaint, Defendants deny each  
20 and every allegation.

21           48. In response to Paragraph 48 of the Complaint, Defendants admit that  
22 DPSS caseworkers utilize "ABP 4029" to screen certain GR applicants for mental  
23 disabilities. As to all other allegations, Defendants deny each and every one of  
24 them.

25           49. In response to Paragraph 49 of the Complaint, Defendants admit that in  
26 2014, DPSS processed approximately 240,507 GR applications and designated  
27 approximately 18,267 of those applicants as NSA. Defendants further admit that in  
28 2014, DPSS approved approximately 114,970 GR applicants to receive benefits and

1 that approximately 16% of those approved applicants were designated as NSA. As  
2 to Plaintiffs' allegations concerning other organizations' alleged estimates,  
3 Defendants are without sufficient knowledge or information to form a belief as to  
4 the truth of the allegations and, on that basis, deny each and every one of these  
5 allegations. As to all other allegations, Defendants deny each and every one of  
6 them.

7 50. In response to Paragraph 50 of the Complaint, Defendants admit that  
8 the application process for the CalWORKs program administered by DPSS, which is  
9 separate from and independent of the GR benefits program, may include a voluntary  
10 screening for applicants to help identify potential barriers to employment. As to  
11 Plaintiffs' allegations concerning other organizations' alleged use of particular  
12 screening tools, Defendants are without sufficient knowledge or information to form  
13 a belief as to the truth of the allegations and, on that basis, deny each and every one  
14 of these allegations. As to all other allegations, Defendants deny each and every one  
15 of them.

16 51. In response to Paragraph 51 of the Complaint, Defendants deny each  
17 and every allegation.

18 52. In response to Paragraph 52 of the Complaint, Defendants admit that,  
19 under certain circumstances, GR applicants may be designated as "temporary NSA."  
20 As to all other allegations, Defendants deny each and every one of them.

21 53. In response to Paragraph 53 of the Complaint, Defendants deny each  
22 and every allegation.

23 54. In response to Paragraph 54 of the Complaint, as to Plaintiffs'  
24 allegations concerning the purported experiences and/or perceptions of certain,  
25 unidentified applicants, Defendants are without sufficient knowledge or information  
26 to form a belief as to the truth of the allegations and, on that basis, deny each and  
27 every one of these allegations. As to all other allegations, Defendants deny each and  
28 every one of them.

1           55. In response to Paragraph 55 of the Complaint, Defendants are not  
2 required to answer legal conclusions and argument and, on that basis, deny each and  
3 every allegation.

4           56. In response to Paragraph 56 of the Complaint, Defendants deny each  
5 and every allegation.

6           57. In response to Paragraph 57 of the Complaint, Defendants deny each  
7 and every allegation.

8           58. In response to Paragraph 58 of the Complaint, Defendants admit that  
9 for GR applicants designated as “employable,” an Employment Needs Evaluation  
10 conducted at a DPSS office is a mandatory part of the GR application process, that  
11 the Employment Needs Evaluation captures applicant information that will identify  
12 job readiness and barriers to employment, and that an applicant’s failure to  
13 participate in the Employment Needs Evaluation may result in the denial of benefits.  
14 As to all other allegations, Defendants deny each and every one of them.

15           59. In response to Paragraph 59 of the Complaint, Defendants admit that  
16 GR applicants designated as “employable” are required to attend an orientation for  
17 the General Relief Opportunities to Work program (“GROW”), that the orientation  
18 consists of a half-day classroom activity followed by a one-on-one interview  
19 between the participant and the GROW Case Manager, and that an applicant’s  
20 failure to attend the orientation may result in the denial of benefits. Defendants  
21 further admit that GR applicants may participate, on a strictly voluntary basis, in the  
22 Early Job Search program. Defendants further admit that certain GR recipients who  
23 are both designated as “employable” and enrolled in GROW may participate in a  
24 three-week program entitled Job Readiness Training. As to all other allegations,  
25 Defendants deny each and every one of them.

26           60. In response to Paragraph 60 of the Complaint, Defendants admit that  
27 participation in the GROW program is mandatory for GR recipients who are  
28 designated as “employable” and that non-compliance with this requirement may,

1 ultimately lead to the loss of GR benefits. As to all other allegations, Defendants  
2 deny each and every one of them.

3       61. In response to Paragraph 61 of the Complaint, Defendants admit that  
4 GR recipients designated “employable” are required to submit a Quarterly  
5 Eligibility Report once every three months stating, among other things, any changes  
6 in the recipient’s income, household composition, or property and that non-  
7 compliance with this requirement may, ultimately lead to the loss of GR benefits.  
8 As to all other allegations, Defendants deny each and every one of them.

9       62. In response to Paragraph 62 of the Complaint, Defendants admit that  
10 GR recipients designated “employable” who comply with program requirements  
11 may receive GR for nine months in a 12-month period. As to all other allegations,  
12 Defendants deny each and every one of them.

13       63. In response to Paragraph 63 of the Complaint, Defendants are not  
14 required to answer legal conclusions and argument. Defendants deny each and  
15 every allegation.

16       64. In response to Paragraph 64 of the Complaint, Defendants are not  
17 required to answer legal conclusions and argument. Defendants deny each and  
18 every allegation.

19       65. In response to Paragraph 65 of the Complaint, Defendants are not  
20 required to answer legal conclusions and argument. Defendants deny each and  
21 every allegation.

22       66. In response to Paragraph 66 of the Complaint, Defendants are not  
23 required to answer legal conclusions and argument. Defendants deny each and  
24 every allegation.

25       67. In response to Paragraph 67 of the Complaint, Defendants are not  
26 required to answer legal conclusions and argument. Defendants deny each and  
27 every allegation.

28

1           68. In response to Paragraph 68 of the Complaint, Defendants are not  
2 required to answer legal conclusions and argument. Defendants deny each and  
3 every allegation.

4           69. In response to Paragraph 69 of the Complaint, Defendants are not  
5 required to answer legal conclusions and argument. Defendants deny each and  
6 every allegation.

7           70. In response to Paragraph 70 of the Complaint, Defendants are not  
8 required to answer legal conclusions and argument. Defendants deny each and  
9 every allegation.

10          71. In response to Paragraph 71 of the Complaint, Defendants are not  
11 required to answer legal conclusions and argument. Defendants deny each and  
12 every allegation.

13          72. In response to Paragraph 72 of the Complaint, Defendants are not  
14 required to answer legal conclusions and argument. Defendants deny each and  
15 every allegation.

16          73. In response to Paragraph 73 of the Complaint, Defendants are not  
17 required to answer legal conclusions and argument. Defendants deny each and  
18 every allegation.

19          74. In response to Paragraph 74 of the Complaint, Defendants are not  
20 required to answer legal conclusions and argument. Defendants deny each and  
21 every allegation.

22          75. In response to Paragraph 75 of the Complaint, Defendants are not  
23 required to answer legal conclusions and argument. Defendants deny each and  
24 every allegation.

25          76. In response to Paragraph 76 of the Complaint, Defendants deny each  
26 and every allegation.

27          77. In response to Paragraph 77 of the Complaint, as to Plaintiffs'  
28 allegations concerning the purported experiences and/or perceptions of certain,

1 unidentified GR applicants, Defendants are without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations and, on that basis, deny  
3 each and every one of these allegations. As to all other allegations, Defendants deny  
4 each and every one of them.

5 78. In response to Paragraph 78 of the Complaint, Defendants deny each  
6 and every allegation.

7 79. In response to Paragraph 79 of the Complaint, Defendants deny each  
8 and every allegation.

9 **FIRST CAUSE OF ACTION**

10 **AMERICANS WITH DISABILITIES ACT**

11 **42 U.S.C. § 12132**

12 80. In response to Paragraph 80 of the Complaint, Defendants incorporate  
13 their responses to the previously alleged paragraphs of the Complaint.

14 81. In response to Paragraph 81 of the Complaint, Defendants are not  
15 required to answer legal conclusions and argument. Defendants deny each and  
16 every allegation.

17 82. In response to Paragraph 82 of the Complaint, Defendants are not  
18 required to answer legal conclusions and argument. Defendants deny each and  
19 every allegation.

20 83. In response to Paragraph 83 of the Complaint, Defendants are not  
21 required to answer legal conclusions and argument. Defendants deny each and  
22 every allegation.

23 84. In response to Paragraph 84 of the Complaint, Defendants are not  
24 required to answer legal conclusions and argument. Defendants deny each and  
25 every allegation.

26 85. In response to Paragraph 85 of the Complaint, Defendants are not  
27 required to answer legal conclusions and argument. Defendants deny each and  
28 every allegation.

1           86. In response to Paragraph 86 of the Complaint, Defendants are not  
2 required to answer legal conclusions and argument. Defendants deny each and  
3 every allegation.

4           87. In response to Paragraph 87 of the Complaint, Defendants are not  
5 required to answer legal conclusions and argument. Defendants deny each and  
6 every allegation.

7           88. In response to Paragraph 88 of the Complaint, Defendants are not  
8 required to answer legal conclusions and argument. Defendants deny each and  
9 every allegation.

10          89. In response to Paragraph 89 of the Complaint, Defendants are not  
11 required to answer legal conclusions and argument. Defendants deny each and  
12 every allegation.

13          90. In response to Paragraph 90 of the Complaint, Defendants are not  
14 required to answer legal conclusions and argument. Defendants deny each and  
15 every allegation.

16          91. In response to Paragraph 91 of the Complaint, Defendants are not  
17 required to answer legal conclusions and argument. Defendants deny each and  
18 every allegation.

19          92. In response to Paragraph 92 of the Complaint, Defendants are not  
20 required to answer legal conclusions and argument. Defendants deny each and  
21 every allegation.

22          93. In response to Paragraph 93 of the Complaint, Defendants are not  
23 required to answer legal conclusions and argument. Defendants deny each and  
24 every allegation.

25          94. In response to Paragraph 94 of the Complaint, Defendants are not  
26 required to answer legal conclusions and argument. Defendants deny each and  
27 every allegation.

28



1           95. In response to Paragraph 95 of the Complaint, Defendants are not  
2 required to answer legal conclusions and argument. Defendants deny each and  
3 every allegation.

4           96. In response to Paragraph 96 of the Complaint, Defendants are not  
5 required to answer legal conclusions and argument. Defendants deny each and every  
6 allegation.

7           97. In response to Paragraph 97 of the Complaint, Defendants are not  
8 required to answer legal conclusions and argument. Defendants deny each and  
9 every allegation.

## 10                                   **SECOND CAUSE OF ACTION**

### 11                           **SECTION 504 OF THE REHABILITATION ACT OF 1973**

#### 12                                   **29 U.S.C. § 794**

13           98. In response to Paragraph 98 of the Complaint, Defendants incorporate  
14 their responses to the previously alleged paragraphs of the Complaint.

15           99. In response to Paragraph 99 of the Complaint, Defendants are not  
16 required to answer legal conclusions and argument. Defendants deny each and  
17 every allegation.

18           100. In response to Paragraph 100 of the Complaint, Defendants are not  
19 required to answer legal conclusions and argument. Defendants deny each and  
20 every allegation.

21           101. In response to Paragraph 101 of the Complaint, Defendants admit that  
22 each of them receive federal funds.

23           102. In response to Paragraph 102 of the Complaint, Defendants are not  
24 required to answer legal conclusions and argument. Defendants deny each and  
25 every allegation.

26           103. In response to Paragraph 103 of the Complaint, Defendants are not  
27 required to answer legal conclusions and argument. Defendants deny each and  
28 every allegation.

1           104. In response to Paragraph 104 of the Complaint, Defendants deny each  
2 and every allegation.

3           105. In response to Paragraph 105 of the Complaint, Defendants deny each  
4 and every allegation.

5           106. In response to Paragraph 106 of the Complaint, Defendants deny each  
6 and every allegation.

7           107. In response to Paragraph 107 of the Complaint, Defendants deny each  
8 and every allegation.

9           108. In response to Paragraph 108 of the Complaint, Defendants deny each  
10 and every allegation.

11           109. In response to Paragraph 109 of the Complaint, Defendants deny each  
12 and every allegation.

13           110. In response to Paragraph 110 of the Complaint, Defendants deny each  
14 and every allegation.

15                           **THIRD CAUSE OF ACTION**

16                           **CALIFORNIA GOVERNMENT CODE § 11135**

17           111. In response to Paragraph 111 of the Complaint, Defendants incorporate  
18 their responses to the previously alleged paragraphs of the Complaint.

19           112. In response to Paragraph 112 of the Complaint, Defendants are not  
20 required to answer legal conclusions and argument. Defendants deny each and  
21 every allegation.

22           113. In response to Paragraph 113 of the Complaint, Defendants admit that  
23 each of them receive funds from the State of California.

24           114. In response to Paragraph 114 of the Complaint, Defendants deny each  
25 and every allegation.

26           115. In response to Paragraph 115 of the Complaint, Defendants deny each  
27 and every allegation.  
28

1           116. In response to Paragraph 116 of the Complaint, Defendants deny each  
2 and every allegation.

3           117. In response to Paragraph 117 of the Complaint, Defendants deny each  
4 and every allegation.

5           118. In response to Paragraph 118 of the Complaint, Defendants deny each  
6 and every allegation.

7           119. In response to Paragraph 119 of the Complaint, Defendants deny each  
8 and every allegation.

9           In addition, Defendant asserts the following affirmative defenses with respect  
10 to all of Plaintiff's causes of actions and claims. These affirmative defenses are  
11 proffered with the caveat that Defendants have not had the opportunity to undertake  
12 any discovery in this matter and Plaintiffs have not provided – indeed, have refused  
13 to provide – their initial disclosures. Accordingly, Defendants reserve the right to  
14 amend this Answer to include additional affirmative defenses and/or additional  
15 factual bases for affirmative defenses stated below to the extent Defendants deem  
16 such amendment(s) necessary.

17                                   **AFFIRMATIVE DEFENSES**

18                                   **FIRST AFFIRMATIVE DEFENSE**

19                                   (Failure to State a Claim)

20           1. The Complaint, and each and every claim therein, fails to state a claim  
21 for which relief can be granted and should, therefore, be dismissed.

22                                   **SECOND AFFIRMATIVE DEFENSE**

23                                   (Lack of Standing)

24           2. Plaintiffs lack standing to pursue their alleged claims.

25                                   **THIRD AFFIRMATIVE DEFENSE**

26                                   (Statute of Limitations)

27           3. Plaintiffs' claims are barred to the extent that they are based on alleged  
28 denials of benefits more than two years prior to the date the Complaint was filed.

1 Cal. Civ. Proc. § 335.1; *see, e.g., Californians for Disability Rights, Inc. v.*  
 2 *California Dept. of Transp.*, 2009 WL 2982840, \*1 (N.D. Cal. 2009) (California's  
 3 two-year limitations period for personal injury actions applies to federal disability  
 4 discrimination claims brought in California).

#### 5 **FOURTH AFFIRMATIVE DEFENSE**

6 (Equal Opportunity/Effective Access)

7 4. Plaintiffs had an equal opportunity to benefit from the benefits  
 8 identified in the Complaint. For example, even if certain features of the benefits'  
 9 application/approval process mentioned in the Complaint allegedly did not comply  
 10 with applicable access standards, any alleged noncompliance was de minimis, the  
 11 benefits were equally accessible despite the features' alleged noncompliance, and/or  
 12 Plaintiffs were able to access the benefits.

#### 13 **FIFTH AFFIRMATIVE DEFENSE**

14 (Demanded Accommodations Would Violate the ADA)

15 5. The potential accommodations mentioned in the Complaint are not  
 16 reasonable because, if implemented, they would, themselves, constitute a violation  
 17 of the Americans with Disabilities Act.

#### 18 **SIXTH AFFIRMATIVE DEFENSE**

19 (Privilege)

20 6. Defendants' conduct was privileged because it was undertaken  
 21 pursuant to the terms of the applicable laws, regulations, orders, and approvals  
 22 relating to provision of the benefits and programs identified in the Complaint.

#### 23 **SEVENTH AFFIRMATIVE DEFENSE**

24 (Undue Burden)

25 7. Insofar as Defendants have not made alterations to the benefits/program  
 26 application process at issue, which Plaintiff contends should have been made, those  
 27 alterations were not and are not required under federal or California law, and any  
 28

1 requirements to make those alterations would impose an undue burden upon  
2 Defendants.

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 (Estoppel)

5 8. Plaintiffs are estopped by their conduct from recovering any relief  
6 under the Complaint.

7 **NINTH AFFIRMATIVE DEFENSE**

8 (Waiver)

9 9. Plaintiffs' claims are barred, in whole or in part, by the doctrine of  
10 waiver.

11 **TENTH AFFIRMATIVE DEFENSE**

12 (Failure to Mitigate Damages)

13 10. Plaintiffs failed to properly mitigate their alleged damages and  
14 therefore are precluded from recovering those alleged damages.

15 **ELEVENTH AFFIRMATIVE DEFENSE**

16 (Indispensable Party)

17 11. Plaintiffs' alleged claims are barred, in whole or in part, because of  
18 their failure to name an indispensable party or parties, including but not limited to  
19 parties responsible for providing mental health care or other relevant services or  
20 benefits to Plaintiffs and/or Plaintiffs' clients.

21 **TWELFTH AFFIRMATIVE DEFENSE**

22 (Fundamental Alteration)

23 12. Any allegedly wrongful acts or omissions performed by Defendants or  
24 their agents, if there were any, do not subject Defendants to liability because the  
25 relief demanded in the Complaint would, if granted, result in a fundamental  
26 alteration of Defendants' services.

**THIRTEENTH AFFIRMATIVE DEFENSE**

(Mootness)

13. Plaintiffs' claims are barred under the doctrine of mootness because the barriers alleged by Plaintiffs, if there were any, have been remediated.

**FOURTEENTH AFFIRMATIVE DEFENSE**

(Reasonable Modifications to Policies, Practices and Procedures)

14. Plaintiffs' claims are barred because Defendants made and/or were willing to make reasonable modifications to their policies, practices, and/or procedures to accommodate Plaintiffs' alleged disabilities.

**FIFTEENTH AFFIRMATIVE DEFENSE**

(No Private Right Of Action)

15. Plaintiffs' claims are barred because there is no private right of action to enforce Defendants' Self-Evaluation and Transition Plan.

**SIXTEENTH AFFIRMATIVE DEFENSE**

(Accessible When Viewed In Their Entirety)

16. Plaintiffs' claims are barred because Defendants' services, programs and activities are readily accessible to and usable by Plaintiff when viewed in their entirety.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

(Lack of Notice)

17. Plaintiffs' claims are barred because Plaintiffs failed to provide any notice to Defendants regarding the alleged accessibility issues prior to filing this lawsuit.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

(Laches)

18. Plaintiffs' claims are barred under the doctrine of laches.

**NINETEENTH AFFIRMATIVE DEFENSE**

(Torts Claims Act; Failure to Exhaust Administrative Remedies)

19. Plaintiffs' claims are barred because they failed to comply with the Tort Claims Act, including, without limitation, the claim presentation requirements and thus Plaintiffs failed to exhaust their administrative remedies.

**PRAYER**

**WHEREFORE**, Defendants pray that this Court enter a judgment as follows:

1. That the Complaint be dismissed with prejudice and that judgment be entered in favor of Defendants;
2. That Plaintiffs take nothing by way of their Complaint;
3. That Defendants be awarded their costs of suit incurred in defense of this action, including their reasonable attorney's fees; and
4. For such further and other relief as the Court may deem just and proper.

Dated: January 11, 2016

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By                     /s/ Isaiah Z. Weedn                      
GREGORY F. HURLEY  
MICHAEL J. CHILLEEN  
ISAIAH Z. WEEDN

Attorneys for Defendants  
COUNTY OF LOS ANGELES,  
COUNTY OF LOS ANGELES BOARD OF  
SUPERVISORS, and  
LOS ANGELES COUNTY DEPARTMENT OF  
PUBLIC SOCIAL SERVICES



**DEMAND FOR JURY TRIAL**

Defendants hereby demand a trial by jury.

Dated: January 11, 2016

SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP

By /s/ Isaiah Z. Weedn

GREGORY F. HURLEY  
MICHAEL J. CHILLEEN  
ISAIAH Z. WEEDN

Attorneys for Defendants  
COUNTY OF LOS ANGELES,  
COUNTY OF LOS ANGELES BOARD OF  
SUPERVISORS, and  
LOS ANGELES COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES