

KELLER BENVENUTTI KIM LLP
 101 MONTGOMERY STREET, STE. 1950
 SAN FRANCISCO, CALIFORNIA 94104

KELLER BENVENUTTI KIM LLP
 TOBIAS S. KELLER (Cal. Bar No. 151445)
 (tkeller@kbbkllp.com)
 DAVID A. TAYLOR (Cal. Bar No. 247433)
 (dtaylor@kbbkllp.com)
 THOMAS B. RUPP (Cal. Bar No. 278041)
 (trupp@kbbkllp.com)
 101 Montgomery Street, Ste. 1950
 San Francisco, California 94104
 Telephone: (415) 496-6723
 Facsimile: (650) 636-9251

*Attorneys for the Debtors and
 Debtors in Possession*

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re:

LEFEVER MATTSON, a California
 corporation, *et al.*,¹

Debtors.

Lead Case No. 24-10545 (CN)

(Jointly Administered)

Chapter 11

**DECLARATION OF GABRIELLE L.
 ALBERT IN SUPPORT OF DEBTORS'
 PRELIMINARY OPPOSITION TO
 MOTION FOR RELIEF FROM THE
 AUTOMATIC STAY**

In re

KS MATTSON PARTNERS, LP,

Debtor.

[Dkt. No. 1938]

Date: August 22, 2025

Time: 11:00 a.m.

Place: United States Bankruptcy Court
 1300 Clay Street, Courtroom 215
 Oakland, CA 94612

¹ The last four digits of LeFever Mattson's tax identification number are 7537. The last four digits of the tax identification number for KS Mattson Partners, LP ("KSMP") are 5060. KSMP's address for service is c/o Stapleton Group, 514 Via de la Valle, Solana Beach, CA 92075. The address for service on LeFever Mattson and all other Debtors is 6359 Auburn Blvd., Suite B, Citrus Heights, CA 9562. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://veritaglobal.net/LM>.

1 I, Gabrielle Albert, hereby declare pursuant to 28 U.S.C. § 1746:

2 1. I am an attorney with Keller Benvenutti Kim LLP, attorneys for the Debtors in the
3 above-captioned Chapter 11 Cases. I am admitted to practice law in the State of California and
4 before this Court.

5 2. I submit this declaration in support of the *Debtors' Preliminary Opposition to*
6 *Motion for Relief from the Automatic Stay* (the "Opposition").²

7 3. On June 15, 2025, I received an e-mail from Mark Baker threatening to file a
8 discrimination lawsuit against Golden Hills and other parties unless he received confirmation that
9 the blue LED lights on the video surveillance system in the parking lot of The Shops were turned
10 off prior to June 18, 2025. A true and correct copy of Mr. Baker's email is attached hereto as
11 Exhibit A.

12 4. On June 16, 2025, I responded to Mr. Baker's email by attaching a letter addressed
13 to his attention, which provided notice of the Chapter 11 Cases and demanded that he cease any
14 actions against the Debtors. A true and correct copy of my email is included in Exhibit A, and a
15 true and correct copy of the letter is attached hereto as Exhibit B.

16 5. On July 16, 2025, after receiving notice of the State Court Litigation, I sent an email
17 to Mr. Baker attaching a letter addressed to his attention, which provided notice of his violation of
18 the automatic stay and demanded that he withdraw his complaint against Golden Hills. True and
19 correct copies of my email and the letter are attached hereto as Exhibits C and D.

20 6. On July 16, 2025, I received an email from Mr. Baker acknowledging that relief
21 from the automatic stay was required to continue to the State Court Litigation. A true and correct
22 copy of Mr. Baker's email is attached hereto as Exhibit E.

23 7. On July 16, 2025, after he acknowledged that relief from the automatic stay was
24 required, I received a series of emails from Mr. Baker making demands for payment from the
25 Debtors and threatening to engage in prolonged litigation. True and correct copies of Mr. Baker's
26 emails are attached hereto as Exhibits F.

27
28 ² Capitalized terms not otherwise defined herein shall have the meanings given to them in
the Opposition.

8. On July 17, 2025, I caused a notice of stay of proceedings to be filed in the State Court Litigation. A true and correct copy of such notice is attached hereto as **Exhibit G**.

9. On information and belief, the blue LED light at The Shops was turned off as of August 5, 2025, and the entire system has been removed from the premises.

10. On August 13, 2025, I received an email from Mr. Baker demanding payment to resolve the State Court Litigation on terms similar to those he discussed with Jack in the Box, which include a \$4,000 payment and evidence of efforts made to turn off the blue LED lights. A true and correct copy of Mr. Baker's email is attached hereto as **Exhibit H**.

11. On August 18, 2025, Mr. Baker sent an email to my colleague, Tyler Davis, demanding payment to resolve the State Court Litigation and threatening increased damages in the State Court Litigation. A true and correct copy of Mr. Baker's email is attached hereto as **Exhibit I**.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 20, 2025.

By: /s/ Gabrielle L. Albert
 Gabrielle L. Albert

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT A

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Tyler Davis

From: Gabrielle Albert <galbert@kbkllp.com>
Sent: Monday, June 16, 2025 9:04 AM
To: Mark Baker; Mark Bennett
Cc: scuff@dsiconsulting.com; quentin.caruso@marcusmillichap.com; Tim Lindell; Bryce Higbee; Sarah Shemwell; amir.agam@fticonsulting.com; Gotthardt, Greg; Daar, Sofi; David Taylor; Thomas Rupp
Subject: Re: Blue LED Lights - Discrimination Incident - June 15 2025 - Intent to Sue
Attachments: L027B (Baker Letter re Notice of Bankruptcy Stay).pdf; 128 Notice of Bankruptcy (filed 09.30.2024).pdf

Mr. Baker,

Please see the attached letter.

Best regards,
Brelle

Gabrielle L. Albert
Keller Benvenuti Kim LLP
101 Montgomery Street, Suite 1950
San Francisco, CA 94104
Direct: 415.364.6778
[Email: galbert@kbkllp.com](mailto:galbert@kbkllp.com)



IMPORTANT NOTICE: WE HAVE MOVED, AGAIN! PLEASE NOTE OUR NEW PHYSICAL ADDRESS.

Online banking fraud is on the rise. Never trust wiring instructions sent via email. Please confirm all wiring instructions by phone directly with our office before transferring funds.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

From: Mark Baker <mbaker@softlights.org>
Date: Sunday, June 15, 2025 at 2:13 PM
To: Mark Bennett <mbennett@lefma.com>
Cc: Gabrielle "Brelle" Albert <galbert@kbkllp.com>, "scuff@dsiconsulting.com" <scuff@dsiconsulting.com>, "quentin.caruso@marcusmillichap.com" <quentin.caruso@marcusmillichap.com>, Tim Lindell <Tim.Lindell@jackinthebox.com>, Bryce Higbee <bryce.higbee@lvt.com>, Sarah Shemwell

<Sarah.Shemwell@jackinthebox.com>, "amir.agam@fticonsulting.com" <amir.agam@fticonsulting.com>

Subject: Blue LED Lights - Discrimination Incident - June 15 2025 - Intent to Sue

To All Parties,

On June 15, 2025, I entered the parking lot of The Shops at Golden Hills in Vacaville, California, fully expecting that the blue LED lights on the LVT video surveillance system had been turned off to protect my safety and that the discriminatory barrier created by the blue LED lights had been eliminated. Instead, I was immediately struck by the strobing blue LED light on the top of the tower of the LVT system next to the Jack in the Box. I felt immediate pain and trauma and screamed out profanity in my car. I promptly turned around and left the shopping center parking lot. This is discrimination.

On June 12, 2025, in the case A.J.T. v. Osseo Area Schools, Independent School District No. 279, the US Supreme Court ruled that "deliberate indifference" is the universal threshold for discrimination claims. Deliberate indifference means, "Did the public or private entity try hard enough to help eliminate the discriminatory barrier?". In this case with the blue LED lights, the obvious answer is that none of the parties listed in this email have tried hard enough, instead choosing to aid in the discrimination by not providing the contact information for the Jack In The Box franchise owner and not contacting LVT and directing them to turn off the blue LED lights.

I am not going to subject myself to the trauma of those blue LED lights in the shopping center again. It is my intent to file a discrimination lawsuit against every party in this email for aiding in discrimination, under Section 52 of the California Unruh Civil Rights Act, and under the ADA's prohibition of discrimination. Once I file the lawsuit, it will become part of the bankruptcy proceedings of the shopping center owner and it will be on the Court's docket. Then, every time a hearing is held, the judge will ask, "Did anybody get those blue lights turned off?" and the lawyers will all point at each other and try to cast the blame onto somebody other than their client. This issue will not go away and the bankruptcy will not be completed until the blue LED lights are turned off.

I have already established nearly the entire procedure for legally compelling entities to turn off the blue LED lights via my lawsuit Baker v. Petrovich Development Company, et al. In that case, the Court dismissed the defendant's Demurrers and allowed the case to proceed. We went through RFPs, RFAs, and Interrogatories. It was when we arrived at the deposition that the defendants finally recognized the futility of continuing the case, and settled with me out of court. The case cost the companies tens of thousands of dollars and produced nothing of benefit for the companies. The blue LED lights were turned off, and I can safely access the Woodland Gateway shopping center again.

I currently cannot safely access The Shops at Golden Hills due to the blue LED lights. Unless I receive an affirmative notice via email by June 18, 2025 that the blue LED lights have been turned off on the LVT system and that I can safely access The Shops at Golden Hills, I will file a discrimination lawsuit against all parties.

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org

mbaker@softlights.org

X: @softlights_org

Bluesky: @softlights-org.bsky.social

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT B

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June 16, 2025

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

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

Re: *In re: LeFever Mattson*, a California corporation, *et. al.*, Case No. 24-10545
(Jointly Administered) (Bankr. N. D. Cal.) – Notice of Chapter 11
Bankruptcy and Demand to Cease Any Actions Against the Debtors

Dear Mr. Baker:

We are counsel to LeFever Mattson, a California corporation, and its affiliates that are debtors and debtors in possession, including RT Golden Hills, LP, (collectively, the “Debtors”) in the above-referenced chapter 11 cases (the “Chapter 11 Cases”) pending before the Honorable Charles Novack, United States Bankruptcy Judge, in the United States Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”).

I am writing to inform you that on September 12, 2024, LeFever Mattson and its affiliates, including RT Golden Hills, LP, commenced voluntary cases under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court. A copy of the Notice of Chapter 11 Bankruptcy Case is enclosed with this letter. A complete list of Debtors is attached as Exhibit 1 to the Notice of Chapter 11 Bankruptcy Case.

Please be advised that, pursuant to section 362(a) of the Bankruptcy Code (the “Automatic Stay”), the filing of a bankruptcy petition “operates as a stay, applicable to all entities,” of, among other things, “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [the Bankruptcy Code], or to recover a claim against the debtor that arose before the commencement of the [bankruptcy] case.” 11 U.S.C. § 362(a)(1).

The protection of the Bankruptcy Code prohibits commencing any actions against the Debtors, including actions alleging noncompliance with the Americans with Disabilities Act of 1990 (the “ADA”), which can be construed as a willful violation of the Automatic Stay. Moreover, filing a discrimination lawsuit does not fall into one of the narrow exception to the Automatic Stay. “Courts have consistently held that the automatic stay applies to [*qui tam* actions], at least when the government has not intervened, because they do not fall within the governmental unit exception.” *Porter v. Nabors Drilling USA, Ltd. P’ship*, 854 F.3d 1057, 1062 (9th Cir. 2017). As such, any action taken against the

Debtors without first obtaining relief from the Automatic Stay from the Bankruptcy Court is void *ab initio* and may result in a finding of contempt for violation of the Automatic Stay.

The Debtors reserve all rights to seek appropriate relief in the Bankruptcy Court, including but not limited to seeking an injunction or monetary sanctions for violations.

Should you have any questions regarding the Chapter 11 Cases, please contact the undersigned counsel for the Debtors.

Yours truly,

A handwritten signature in blue ink, appearing to be 'G. Albert', written over a horizontal line.

Gabrielle L. Albert

Encl.:

Notice of Chapter 11 Bankruptcy Case

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT C

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LM - Baker Complaint

From Gabrielle Albert <galbert@kbkllp.com>

Date Wed 7/16/2025 9:24 AM

To Mark Baker <mbaker@softlights.org>

Cc David Taylor <dtaylor@kbkllp.com>; Thomas Rupp <trupp@kbkllp.com>; Tyler Davis <tdavis@kbkllp.com>; Gotthardt, Greg <Greg.Gotthardt@fticonsulting.com>; Daar, Sofi <sofi.daar@fticonsulting.com>

 1 attachment (3 MB)

L029X (Baker Letter re Notice of Violation of Stay).pdf;

Mr. Baker,

Please see attached.

Best,
Gabrielle

GABRIELLE L. ALBERT
Keller Benvenuti Kim LLP
101 Montgomery Street, Suite 1950
San Francisco, CA 94104
Direct: 415.364.6778
[Email: galbert@kbkllp.com](mailto:galbert@kbkllp.com)



IMPORTANT NOTICE: WE HAVE MOVED, AGAIN! PLEASE NOTE OUR NEW PHYSICAL ADDRESS.

Online banking fraud is on the rise. Never trust wiring instructions sent via email. Please confirm all wiring instructions by phone directly with our office before transferring funds.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT D

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July 16, 2025

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Mark Baker
(mbaker@softlights.org)
1520 E. Covell Suite 5 -467
Davis, CA 95616

Re: *In re: LeFever Mattson*, a California corporation, *et. al.*, Case No. 24-10545
(Jointly Administered) (Bankr. N. D. Cal.) – Notice of Violation of the
Automatic Stay and Demand to Withdraw Complaint Against Debtor RT
Golden Hills, LP

Dear Mr. Baker:

As we informed you in our letter dated as of June 16, 2025 (the “June Letter”), LeFever Mattson and its affiliates, including RT Golden Hills, LP (collectively, the “Debtors”), commenced voluntary cases under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”) on September 12, 2024.

On July 11, 2025, we have received a summons with respect to a complaint you filed on July 10, 2025, against our client, RT Golden Hills, LP, in the Superior Court of California, County of Solano, case number CU25-06372 (the “Complaint”). A copy of the summons is enclosed with this letter.

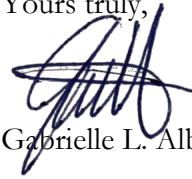
The filing of the Complaint, without first obtaining relief from the Bankruptcy Court, constitutes a clear violation of the automatic stay and contempt of court, as you acknowledge having received the June Letter with notice of the above-referenced bankruptcy cases in the Complaint. A bankruptcy court can make a finding of contempt where a moving party has shown by clear and convincing evidence that the contemnor violated a specific and definite order of the court. *Knupper v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1190-91 (9th Cir. 2003). The automatic stay qualifies as a specific and definite court order. *Id.* at 1191. Upon making a finding of contempt for a violation of the automatic stay, the bankruptcy court may impose civil contempt sanctions if it finds that the contemnor knew of the automatic stay and that his actions which violated the stay were intentional. *See id.* Civil contempt sanctions may include reasonable attorneys’ fees incurred in the process of voiding a violation of the Automatic Stay. *Id.* at 1195.

Accordingly, we hereby demand that you immediately dismiss the Complaint with respect to RT Golden Hills, LP. Should you fail to promptly take action necessary to rectify the violation of the automatic stay, the Debtors will seek appropriate relief in the Bankruptcy Court, including, but not limited to, seeking a finding of contempt and award of monetary sanctions for such violation.

Gabrielle L. Albert, Esq.
July 16, 2025
Page 2

Should you have any questions regarding the Chapter 11 Cases, please contact the undersigned counsel for the Debtors.

Yours truly,

A handwritten signature in blue ink, appearing to read 'G. Albert', with a large, stylized flourish at the end.

Gabrielle L. Albert

Encl.:

Summons

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

GOGRIIS CORPORATION., JACK IN THE BOX, INC, RT GOLDEN HILLS, LP, LIVEVIEW TECHNOLOGIES, INC., AND DOES 1-20

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Mark Baker

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Solano County Superior Court

580 Texas Street, Fairfield, CA 94533

CASE NUMBER:
(Número del Caso):

CU25-06372

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

1520 E. Covell Blvd. Suite 5-467, Davis, CA 95616

DATE:

(Fecha) 07/10/2025

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): RT Golden Hills, LP
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☒ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Mark Baker
1520 E. Covell Blvd. Suite 5-467
Davis, CA 95616

TELEPHONE NO.: 408-455-9233

FAX NO.:

EMAIL ADDRESS: mbaker@softlights.org

ATTORNEY FOR (Name): In Pro Per

FOR COURT USE ONLY

ELECTRONICALLY FILED

Superior Court of California,
County of Solano

07/10/2025 at 10:33:42 PM

By: S. McClure, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Solano County

STREET ADDRESS: 580 Texas Street

MAILING ADDRESS:

CITY AND ZIP CODE: Fairfield, CA 94533

BRANCH NAME: Old Solano Courthouse

CASE NAME:

Mark Baker v. Gogris Corporation, et al.

CASE NUMBER:

CU25-06372

JUDGE:

DEPT.:

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$35,000) ☐ **Limited** (Amount demanded is \$35,000 or less)

Complex Case Designation☐ Counter ☐ Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

*Items 1–6 below must be completed (see instructions on page 2).*1. Check **one** box below for the case type that best describes this case:**Auto Tort**

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☒ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment☐ Enforcement of judgment (20)**Miscellaneous Civil Complaint**

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Three

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 10, 2025

Mark Baker

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Case: 24-10345

Doc#: 2065-4

Filed: 08/20/25

Entered: 08/20/25 17:24:53

Page 5

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

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\$435

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
SOLANO COUNTY

MARK BAKER,

Plaintiff,

vs.

GOGRIIS CORPORATION., JACK IN THE
BOX, INC, RT GOLDEN HILLS, LP,
LIVEVIEW TECHNOLOGIES, INC., AND
DOES 1-20

Defendants.

CU25-06372
Case No.: _____

COMPLAINT PURSUANT TO:

1. THE AMERICANS WITH DISABILITIES ACT 42 U.S.C. §§ 12101 ET SEQ.;
2. THE UNRUH CIVIL RIGHTS ACT, CALIFORNIA CIVIL CODE §§ 51-52

CIVIL UNLIMITED.

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I. INTRODUCTION

- 1.
- This Complaint seeks injunctive relief and statutory damages against Gogris Corporation (“Gogris”), Jack in the Box, Inc. (“Jack in the Box”), RT Golden Hills, LP (“RT”), and Liveview Technologies, Inc. (“LVT”) for repeated and ongoing violations of the Americans with Disabilities Act (“ADA”) and California Unruh Civil Rights Act (“Unruh”) related to the operation of a video surveillance system which is designed to intentionally discriminate against individuals through the use of high-intensity blue LED lights, and which create an illegal discriminatory barrier for individuals with disabilities, including Plaintiff.

II. PARTIES

- 2.
- Plaintiff MARK BAKER is an individual with a qualified disability, is the Founder and President of the Soft Lights Foundation, a registered 501(c)(3) non-profit corporation dedicated to the protection of individuals and the environment from the harms of LED lights, and is a resident of Yolo County, California. Petitioner files this complaint In Pro Per.
- 3.
- Defendant GOGRI CORPORATION is a California Corporation. Gogris is a franchisee operator of a restaurant called Jack in the Box, which is a public accommodation as defined in 42 U.S.C. § 12181(7)(B). The Agent for service is listed as Karan Gogri, 404 MIWOK CT. FREMONT, CA 94539 by the California Secretary of State.
- 4.
- Defendant JACK IN THE BOX, INC. is a Delaware Corporation. Jack in the Box is the franchisor for Jack in the Box restaurants. The Agent for service is listed as 1505 Corporation, 2710 Gateway Oaks Drive, Sacramento, CA 95833.

5. Defendant RT GOLDEN HILLS, LP is a California Limited Partnership. RT Golden Hills is the owner of The Shops at Golden Hills shopping center. The Agent for service is listed as Tim Lefever, 6359 Auburn Heights Blvd Suite B, Citrus Heights, CA 95621.

6. Defendant LIVEVIEW TECHNOLOGIES, INC. is a Delaware Corporation. LVT operates a video surveillance system designed to intentionally discriminate. The Agent for service is listed as 1505 Corporation, 330 N. Brand Blvd., Glendale, CA 91203.

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

III. JURISDICTION AND VENUE

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

9. The venue is proper because the Jack in the Box restaurant is located in this county, and all the claims and events giving rise to this action occurred in this county.

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

IV. STATEMENT OF FACTS

A. Light Emitting Diodes

11. A Light Emitting Diode (“LED”) is a device that emits Visible Light radiation. The US Department of Energy states that LEDs are a “radically new technology” that emit a “directional” light with “unique characteristics.” It is the directionality, small size, and digital nature of LEDs, along with other unique characteristics, that make LED devices unsafe for certain individuals with disabilities.

12. The US Food and Drug Administration (“FDA”) is the responsible agency for regulating LED products as per 21 U.S.C. Part C. However, the FDA has failed to comply with the requirements of 21 U.S.C. Part C and thus there are no performance standards for LED products. The FDA has not tested or evaluated LED products, and the FDA has not published any limits on intensity (luminance) or digital flashing characteristics to ensure that LED light is safe for individuals with disabilities.

13. Gogris and LVT have no legal basis for using unregulated LED lights on the LVT video surveillance system and no government agency has provided authorization to use the LED lights in the LVT video surveillance system.

B. Individuals with Disabilities

14. The two primary characteristics of the blue LED lights on the LVT video surveillance system that create a discriminatory barrier for individuals with disabilities are the intensity and the digital flashing. Intensity of an LED is measured with the metric “luminance” in candela per square meter or nit. The human eye has a bi-convex lens that focuses the light and recreates the intensity of the light on the retina, which in turn sends signals to the brain. Digital flashing greatly increases the hazard risk associated with light.

One reason why the Plaintiff has strong adverse reactions to LED light is that individuals with autism may have a slower pupil reflex, so too much of the intense light

1 reaches the retina. In addition, the pupil reflex for monochromatic light is known to be
2 slower than for full spectrum light.

3 The Plaintiff has submitted multiple reports of harm from exposure to LED light to
4 the FDA via the Soft Lights Foundation. (EXHIBIT A).

5
6 **C. The Shops at Golden Hills**

7 15. The Shops at Golden Hills is a shopping center in Vacaville, California with tenant
8 businesses and a parking lot. An LVT video surveillance system that uses intense blue
9 LED lights, some strobing, some static, was installed near a Jack in the Box restaurant.

10 When subjected to the blue LED lights on the LVT system, the Plaintiff suffers
11 extremely adverse neurological and psychological reactions. The trauma is long lasting.

12 **D. Intentional Discrimination**

13 16. LVT has designed their video surveillance system as a deterrence system. Therefore,
14 by definition, the LVT system is a discriminatory system, segregating individuals with
15 certain characteristics from the general population. Below are some quotes from LVT's
16 website.

17 17. "LVT's advanced security cameras and real-time monitoring **deter** criminals and
18 unwanted activity, delivering a proven 56% decrease in incidents while increasing revenue
19 for many fast-casual restaurant franchise locations nationwide. They also add a layer of
20 safety for employees and customers, helping to increase retention and sales with greater
21 security measures."¹ [emphasis added].

22
23

¹ <https://www.lvt.com/industries/restaurant-security>

18. “I was going to say this is all around creating that impression of control, making the green shoppers feel safer and **detering** activity from the red shopper.”² [emphasis added].

19. “Light up your property with outdoor security lights from LiveView Technologies. Equipped with remote control, **strobe features**, timers, motion sensors, and more, LVT’s outdoor security lights are highly innovative and perfect for securing any area.”³ [emphasis added].

20. “LVT is the leader in enterprise safety and security systems for outdoor environments. Our flagship product is a rapidly deployable, mobile security unit that runs on solar, connects to cellular networks, and uses a combination of cameras, sensors, and AI to eliminate blind spots and **deter** unwelcome behavior in just about any outdoor environment.”⁴ [emphasis added].

21. “What is a security strobe light? It is a flashing light on or near the cameras. Sometimes it turns on when an alarm is activated and then **pulses on and off very quickly**. Other times it may be set to run continuously. The light can be a range of colors from white, yellow, red, or blue. It attracts visual attention just as a siren attracts auditory attention.”⁵ [emphasis added].

22. “Security strobe lights improve safety and security in several ways, which include:

- The flashing light tells neighbors or other business owners that the property is under surveillance.

² <https://www.lvt.com/webinars/fear-safety-evaluating-parking-lot-interventions-for-aggressive-street-behaviors>

³ <https://www.lvt.com/resources/lvt-brochure>

⁴ <https://www.lvt.com/resources/lvt-brochure>

⁵ <https://www.lvt.com/blog/guide-to-security-cameras-with-strobe-lights>

- It can be armed to go off only when the alarm is sounded and can indicate that a breach has just occurred.
- The strobe light looks like law enforcement, and therefore increases the cameras' **deterrence**.
- It helps police find the location faster at night, along with fire department personnel, if necessary.
- It is an additional way to **deter** intruders and warn bystanders.⁶ [emphasis added].

23. The LVT system has two sets of blue LED lights. The first set of blue LED lights is on the base of the system, and the second set of blue LED lights is on the top of the tower. Sometimes the blue LED lights on the base are static, but often the lights on the base and tower are strobing. The blue lights exist as a method of deterrence, supposedly discriminating against good shoppers and bad shoppers.

24. LVT's video surveillance system is intentionally discriminatory. Creating a barrier to path of travel is inherent in the entire design of the LVT video surveillance system. The goal of LVT is to deter criminals from using the area. The blue LED lights create a barrier to entry and use. However, LVT does not differentiate between criminals and individuals with disabilities, and thus, while it is not illegal to create a barrier for path of travel for criminals, it is illegal to create a barrier for path of travel for individuals with disabilities.

25. What LVT doesn't detail on their website is the neurological and psychological reaction to the blue lights. LVT clearly believes that blue LED lights have an impact on

⁶ <https://www.lvt.com/blog/guide-to-security-cameras-with-strobe-lights>

1 people and believes that there is a difference in psychological reaction between static and
2 strobing lights. LVT believes that there is a difference between blue LED lights and red or
3 green LED lights. LVT has laboratories where they have studied all of these things and
4 LVT has concluded that using blue LED lights alters human behavior.

5 26. What LVT hasn't explained is how blue LED lights only discriminate against
6 individuals who are criminals. LVT has provided no explanation as to how individuals
7 with disabilities such as epilepsy, autism, PTSD, migraines, photophobia, and others are
8 not discriminated against by those same blue LED lights.

9 27. What we know is that, in fact, LVT makes no differentiation between criminals and
10 individuals with disabilities. LVT's blue LED lights discriminate and deter both criminals
11 and individuals with disabilities, intentionally and indiscriminately.

12
13 **E. Alteration**

14 28. As Plaintiff understands it, Gogris entered into an agreement with LVT to have an
15 LVT video surveillance system in the parking lot of The Shops at Golden hills owned and
16 operated by RT. Plaintiff does not know whether Gogris received permission from RT to
17 install and operate the LVT system.

18 29. LVT has been aware since at least March 18, 2023, that the blue LED lights on the
19 LVT system create a discriminatory barrier. (EXHIBIT B). However, LVT continues to
20 operate the blue LED lights and has made no change to their policies, practices, or
21 procedures to ensure protection of individuals with disabilities. Plaintiff does not know
22 whether LVT notified Gogris that the use of the blue LED lights would discriminate
23 against individuals with disabilities.

30. Neither Gogris, RT, nor LVT took any steps to ensure that the alteration of installing the LVT video surveillance system was made in such a way as to ensure that the Jack in the Box restaurant and the shopping center parking lot would be readily accessible and usable for individuals with disabilities, as required by 28 CFR § 36.402(a)(1).

31. The only action that was needed to ensure accessibility for individuals with disabilities was to ensure that the blue LED lights were not turned on, and yet neither Gogris, RT, nor LVT took this simple action to ensure accessibility, and thus Gogris and RT, because they operate a place of public accommodation, are in violation of the ADA.

F. Administrative Actions

32. The Plaintiff first notified LVT of the discriminatory barrier created by the blue LED lights on March 18, 2023, and then dozens of times since. LVT has responded with letters from their legal team stating that LVT is not required to take any action because LVT is not a public accommodation. LVT has not established any limits on intensity or flashing characteristics for the blue lights to ensure that the blue LED lights do not cause harm, and LVT has not modified their policies, practices, or procedures to address the issue of LED light discrimination. On June 27, 2025, LVT wrote to Plaintiff and denied any responsibility related to this case and declined to take any action to turn of the blue LED lights. (EXHIBIT C).

33. On May 8, 2025, the Plaintiff wrote to Jack in the Box and requested ADA accommodation. Jack in the Box responded on June 4, 2025 that Jack in the Box is the franchisor and has no obligations in this matter. (EXHIBIT D). Plaintiff requested the email address of the franchisee, but Jack in the Box declined to provide the email address.

34. The Plaintiff contacted the property management company for the Shops at Golden Hills in June, 2025. The property owner, RT Golden Hills, responded on June 6, 2025 that they are in Chapter 11 bankruptcy, and therefore cannot be sued for an ADA claim. (EXHIBIT E). Plaintiff disagrees that the bankruptcy proceeding authorizes discrimination.

35. On June 17, 2025, Plaintiff spoke with Gogris Jack in the Box franchisee owner owner Karan Gogris on the phone. Mr. Gogris assured the Plaintiff that he would have the blue LED lights turned off. On June 30, 2025, Plaintiff again encountered the blue LED lights still operating, despite Mr. Gogris' assurances that the blue lights would be turned off. Plaintiff entered the Jack in the Box and retrieved the manager's contact information from a staff member at Jack in the Box. Plaintiff then called the office manager for Gogris and was told that she would make sure that the blue lights were turned off and that she would call Plaintiff within two days. The office manager did not call back. On July 9, 2025, Plaintiff called the office manager who told Plaintiff that she was no longer authorized to speak to the Plaintiff.

36. On June 23, 2025, Plaintiff notified all defendants about a nearly identical discrimination case involving Plaintiff, the Woodland Gateway shopping center, and the LVT video surveillance system. In that case, Baker v. Petrovich Development Company, the Court denied the defendant's demurrers, and the case was allowed to proceed towards trial. All defendants in that case eventually settled for damages prior to the depositions. Despite being made aware of this nearly identical case, every defendant has chosen to litigate this case, rather than simply acting to have the blue LED lights turned off.

37. Therefore, Petitioner has exhausted all administrative remedies, the discriminatory blue LED lights are still operating, and Plaintiff thus files this claim.

V. LEGAL STANDARD

A. Americans with Disabilities Act

38. 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)).

39. “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)).

40. As stated by the Court in *Hason v. Medical Bd. Of California* (2001), “Courts must construe the language of the ADA broadly in order to effectively implement the ADA's fundamental purpose of "provid[ing] a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." “In sum, the ADA

represents Congress' considered efforts to remedy and prevent what it perceived as serious, widespread discrimination against the disabled.” *Coolbaugh v. State of Louisiana* (1998).

41. Thus, in this case, the primary question is whether Gogris and RT have complied with their obligations under the ADA. They have not.

42 U.S. Code § 12182 states, “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”

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

43. Here, both Gogris and RT meet the criteria for places of public accommodation, with Gogris owning and operating a Jack in the Box franchise restaurant, 42 USC § 12181(7)(B), and RT owning and operating a shopping center with Gogris as a tenant, 42 USC § 12181(7)(E).

44. 28 CFR § 36.201(b) states, “Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As

1 between the parties, allocation of responsibility for complying with the obligations of this
2 part may be determined by lease or other contract.” Typically, the tenant would need to
3 seek permission from the landlord to install the LVT system into the parking lot. The
4 Plaintiff does not know the details here, but the ADA makes clear that both the landlord
5 and the tenant bear responsibility for ensuring compliance with the ADA.

6 45. To prevail on a discrimination claim under Title III, a plaintiff must show that: 1)
7 That Plaintiff has a qualified disability; 2) That Defendant is an entity that is a public
8 accommodation; and 3) That Plaintiff was denied full and equal access to the services or
9 facilities of the public accommodation because of their disability. (*Arizona ex re. Goddard*
10 *v. Harkins Amusement Enters, Inc.*, 603 F.3d 666, 670 (9th Cir. 2012); see also *Molski v.*
11 *M.J. Cable, Inc.* (9th Cir. 2007) 481 F.3d 724, 730.).

12 46. In this case, Plaintiff has the qualified ADA disabilities of autism and photophobia,
13 Gogris and RT are public accommodations, and Plaintiff was denied full and equal access
14 to the services and facilities because of Plaintiff’s disabilities.

15 47. The denial of full and equal access “because of their disability” is a crucial element in
16 an ADA case. For example, even though Plaintiff has qualified ADA disabilities, the
17 Plaintiff cannot claim denial of services due to lack of curb ramps for wheelchair access
18 because Plaintiff is ambulatory. There must be a concrete connection between the access
19 barrier created by the intense and often strobing blue LED lights and the denial of full and
20 equal access.

21 48. In this case, the Plaintiff has been diagnosed with autism spectrum disorder and
22 photophobia, both of which are neurological conditions. As is typical for individuals with
23 autism and photophobia, sensitivity to light can be higher than for neurotypical individuals

and light that is excessively intense or flashing or strobing can cause severe adverse reactions for individuals with disabilities but no adverse reactions for individuals without those specific disabilities.

49. Plaintiff has demonstrated extreme reactions to LED lights, including anxiety and panic, and has been hospitalized as a direct result of exposure to intense LED lights.

Therefore, there is a concrete connection between Plaintiff's disabilities and the access barrier created by the intense blue LED lights on the LVT system.

50. Therefore, all three prongs of the discrimination claim have been met: 1) qualified disability, 2) public accommodation, 3) denial of full and equal access due to disability.

51. It should be noted here that Plaintiff is only alleging ADA discrimination by Gogris and RT. This is not to say that Jack in the Box and LVT have not also violated the ADA, but it is more challenging to prove that Jack in the Box and LVT have responsibilities under Title III of the ADA. Therefore, Plaintiff accuses only Gogris and RT of ADA violations, and Plaintiff accuses Jack in the Box and LVT only of California Unruh Civil Rights Act violations, as described below.

B. California Unruh Civil Rights Act

52. The California Unruh Civil Rights Act was passed by the California Legislature to provide additional protection for individuals with disabilities. "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

1 in all business establishments of every kind whatsoever.” (California Civil Code Section
2 51(b)).

3 53. California Civil Code § 51(f) states, “A violation of the right of any individual under
4 the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also
5 constitute a violation of this section.” Therefore, a violation of the ADA is automatically a
6 violation of Unruh.

7 54. California Civil Code § 52(a) states, “Whoever denies, aids or incites a denial, or
8 makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for
9 each and every offense for the actual damages, and any amount that may be determined by
10 a jury, or a court sitting without a jury, up to a maximum of three times the amount of
11 actual damage but in no case less than four thousand dollars (\$4,000), and any attorney's
12 fees that may be determined by the court in addition thereto, suffered by any person denied
13 the rights provided in Section 51, 51.5, or 51.6.”

14 55. Gogris and RT have violated Unruh because of their violations of the ADA and thus
15 are liable for statutory damages. In addition, Jack in the Box and LVT have also violated
16 Unruh because they have aided in the discrimination. Both Jack in the Box and LVT have
17 responsibilities in this case. For example, Jack in the Box refused to provide the email
18 address or phone number for Gogris and Jack in the Box failed to modify their policies,
19 practices, or procedures to ensure that their franchisees did not cause LED light
20 discrimination. LVT has failed to notify their clients that the blue LED lights are
21 discriminatory and has failed to modify their policies, practices, or procedures to set the
22 blue LED lights off by default. Despite repeated requests from the Plaintiff for intervention
23 from Jack in the Box and LVT, both defendants chose to aid in the discrimination, rather

than acting to eliminate the discrimination, and are thus liable for statutory damages under Unruh section 52.

56. California Civil Code § 52 provides for a statutory minimum of \$4,000 per incident for “Whoever denies, aids or incites a denial, or makes any discrimination...” This means that all parties in this case, Gogris, RT, Jack in the Box, and LVT, are liable for each and every offense because these entities have aided in discrimination or incited the denial of full and equal accommodation and privileges for Plaintiff. The minimum statutory damage award of \$4,000 is awarded for each incident. (*Munson v. Del Taco, Inc.* (2009)). Plaintiff has reported at least 5 separate incidents to the defendants.

VI. FIRST CAUSE OF ACTION

Violations of Title III of the ADA

(Against Defendant Gogris)

57. Plaintiff re-pleads and incorporates by reference, as if fully set forth again herein, the allegations contained in all prior paragraphs of this complaint.

58. Defendant Gogris is a public accommodation under 42 USC § 12181(7)(B) - Restaurant. The Jack in the Box restaurant is a place of public accommodation under 42 U.S.C. § 12182(a). Gogris owns, leases, and operates a place of public accommodation under 42 U.S.C. § 12182(a). Under 42 U.S.C. § 12182(a), it is an act of discrimination to fail to ensure that the privileges, advantages, accommodations, facilities, goods and services of the Jack in the Box restaurant are offered on a full and equal basis to Plaintiff by Defendant Gogris.

59. Defendant Gogris failed to make reasonable modifications in policies, practices, or procedures under 42 U.S. Code § 12182(b)(2)(A)(ii) even though such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to Plaintiff. Specifically, Defendant Gogris failed to turn off the discriminatory blue LED lights on the LVT video surveillance system.

60. Under 42 U.S. Code § 12182(b)(1)(A)(ii), defendant Gogris discriminated against Plaintiff by not providing Plaintiff the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is equal to that afforded to other individuals. Specifically, the use of the discriminatory blue LED lights on the LVT video surveillance system creates an unequal benefit by causing Plaintiff to suffer pain, anxiety, and panic and by interfering with Plaintiff's path of travel.

61. Defendant Gogris made an alteration to the Jack in the Box and The Shops at Golden Hills parking lot by installing the LVT video surveillance system without ensuring that the alteration was made in such a way as to be readily accessible and usable to Plaintiff, as required by 28 CFR § 36.402(a)(1).

VII. SECOND CAUSE OF ACTION

Violations of Title III of the ADA

(Against Defendant RT)

62. Plaintiff re-pleads and incorporates by reference, as if fully set forth again herein, the allegations contained in all prior paragraphs of this complaint.

63. Defendant RT is a public accommodation under 42 USC § 12181(7)(E) – Shopping Center. The Shops at Golden Hills parking lot is a place of public accommodation under Mark Baker v. Gogris, et al. - 20

42 U.S.C. § 12182(a). RT owns, leases to, and operates a place of public accommodation under 42 U.S.C. § 12182(a). Under 42 U.S.C. § 12182(a), it is an act of discrimination to fail to ensure that the privileges, advantages, accommodations, facilities, goods and services of the Jack in the Box and The Shops at Golden Hills are offered on a full and equal basis to Plaintiff by Defendant RT.

64. Defendant RT failed to make reasonable modifications in policies, practices, or procedures under 42 U.S. Code § 12182(b)(2)(A)(ii) even though such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to Plaintiff. Specifically, Defendant RT failed to direct its tenant Gogris or contact LVT to turn off the discriminatory blue LED lights on the LVT video surveillance system.

VIII. THIRD CAUSE OF ACTION

Violations of the Unruh Civil Rights Act

(Against All Defendants)

65. Plaintiff re-pleads and incorporates by reference, as if fully set forth again herein, the allegations contained in all prior paragraphs of this complaint.

66. Under California Civil Code § 51(f), a violation of the ADA is a violation of Unruh.

67. Defendant Gogris has denied, aided, or incited the denial contrary to section 51 of Unruh by failing to turn off the discriminatory blue LED lights on the LVT video surveillance system. Under California Civil Code § 52(a), Gogris is thus liable for statutory damages pursuant to California Civil Code § 52(a).

68. Defendant Jack in the Box has denied, aided, or incited the denial contrary to section 51 of Unruh by failing to direct franchisee Gogris or LVT to turn off the discriminatory blue LED lights on the LVT video surveillance system, by failing to provide the phone number or email address of franchisee Gogris, and by failing to modify their policies, practices, and procedures to address LED light discrimination. Under California Civil Code § 52(a), Jack in the Box is thus liable for statutory damages pursuant to California Civil Code § 52(a).

69. Defendant RT has denied, aided, or incited the denial contrary to section 51 of Unruh by failing to direct tenant Gogris or LVT turn off the discriminatory blue LED lights on the LVT video surveillance system. Under California Civil Code § 52(a), RT is thus liable for statutory damages pursuant to California Civil Code § 52(a).

70. Defendant LVT has denied, aided, or incited the denial contrary to section 51 of Unruh by leasing or operating the discriminatory LVT video surveillance system, by failing to turn off the discriminatory blue LED lights, and by failing to modify their policies, practices, and procedures to address LED light discrimination, and thus is liable for statutory damages pursuant to California Civil Code § 52(a).

IX. RELIEF REQUESTED

71. Plaintiff respectfully requests that the Court enter judgment:

- A. Declaring that defendants Gogris and RT have violated Title III of the ADA, 42 U.S. Code §§ 12181-12189, and its implementing regulations, 28 C.F.R. Part 36;

1 B. Declaring that each defendant has violated the Unruh Civil Rights Act, California
2 Civil Code §§ 51-52;

3 C. For a permanent injunction, ordering LVT to turn off all blue LED lights on the LVT
4 video surveillance system.

5 D. For actual and statutory damages for each offense pursuant to California Civil Code
6 Section 52;

7 E. Granting reasonable attorney fees, court costs and legal fees pursuant to 28 C.F.R. §
8 36.505, California Civil Code Section 52, and Code of Civil Procedure 1021.5. (Also
9 see Christiansburg Garment Company vs. Equal Employment Opportunity
10 Commission).

11
12 Dated: July 10, 2025

13 Respectfully Submitted,

14 By: /s/ Mark Baker
15 In Pro Per
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Exhibit A

LED Incident Reports

Submitted by Mark Baker

The following LED Incident Reports were submitted by Mark Baker to the U.S. Food and Drug Administration via the Soft Lights Foundation.

July 10, 2025 – Vacaville, CA – Autism

I was at a restaurant when a woman at the next table turned on a device that was about the size of a cell phone, but had a ring of intense, blue-rich LED lights, acting something like a flashlight. I was struck directly by the LED lights, and a few seconds later began going into a panic and meltdown. I got up from the table and began breathing hard and made my way outside, and then collapsed to my knees and began crying.

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, 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 to 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 28, 2024 – Esparto, CA – Autism

I was driving and encountered a utility truck with both sets of headlights turned on. I turned on my non-LED high beams in the hope that the driver would turn off the high beams. Instead, the driver turned on amber LED flashing lights that incapacitated me. I was unable to proceed forward and stopped my car. Instead of driving off, the driver of the utility truck stopped also. My vision and cognitive abilities were severely impaired, with panic setting in. Finally, I started to inch forward, and then so did the utility truck. It seems like the driver

was doing it on purpose. After he left, I spent several minutes simply stopped in the middle of the road, trying to breathe and let the panic subside.

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 lighting 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.

Exhibit B

Soft Lights
Foundation

9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

March 18, 2023

BY EMAIL

Ryan Porter, CEO
LiveView Technologies
support@lvt.com

Re: LED Strobe Light – Americans with Disabilities Act Accommodation Request

Dear Ryan Porter,

On March 17, 2023, I encountered a LiveView Technologies mobile security system in a parking lot in Sacramento, California similar to the one shown in the figure below.



I have been diagnosed with Autism Spectrum Disorder, a qualified disability under the Americans with Disabilities Act. The LiveView mobile system uses blue LED strobe lights that violate my

civil rights and prevent me from safely accessing the parking lot. Your business, which includes the sales, rental, manufacture, and operation of a device that uses LED strobe lights, is discriminating against me and others who cannot neurologically process LED strobe lights and because these LED strobe lights interfere with our ability to see, think, and concentrate.

The US Food and Drug Administration is the federal agency that regulates electromagnetic radiation from electronic products, and LED products specifically. Jeffrey Shuren (jeff.shuren@fda.hhs.gov) has been the Director of the Center for Devices and Radiological Health at the FDA since 2010 and he has not directed the FDA to publish any comfort, health, or safety regulations for LED products. The Administrative Procedure Act of 1946 requires that companies submit a petition to the FDA for approval to use LEDs in their products. The Soft Lights Foundation submitted a petition to the FDA on June 12, 2022, docket number FDA-2022-P-1151, to regulate LED products. The FDA has not acted on this petition. Therefore, LiveView Technologies has no legal basis for using LED strobe lights in their products.

LED strobe lights cause seizures, migraines, panic attacks, decreased vision, impaired cognitive functioning, nausea, and vomiting. LED strobe lights violate the basic human and civil right to visual freedom by pulsing high intensity visible radiation into the eyes and nerves of individuals without their permission. For information on the impacts of LED strobe lights on individuals with photosensitive epilepsy, refer to the February 7, 2022, article in Epilepsia titled Visually sensitive seizures: An updated review by the Epilepsy Foundation¹

The Americans with Disabilities Act prohibits discrimination and requires that businesses provide equal access. Title III of the ADA is codified as Title 28 Part 36 in the Code of Federal Regulations. A parking lot is a place of public accommodation, serving the needs of the public as part of their use of public accommodations such as restaurants and gyms. The installation and operation of LED strobe lights creates a discriminatory barrier for those who cannot neurologically tolerate LED strobe lights, such as individuals with PTSD, autism, photosensitive epilepsy, migraineurs, and traumatic brain injury. LiveView Technologies does not directly provide the public accommodation, but since LiveView's system is mobile and creates the transient discriminatory barrier in the place of public accommodation, LiveView is the responsible party.

The case *Christianburg Garment Company vs. the EEOC* established that the defendant in an ADA discrimination lawsuit cannot recover attorney fees, even if successfully defending an ADA lawsuit. The California Unruh Civil Rights Act provides additional protection from discrimination and damage awards for cases of discrimination.

Therefore, given that LiveView has no authorization from the FDA and no legal justification to use LED strobe lights, and given that LED strobe lights cause serious adverse neurological impacts, and since LED strobe lights create discriminatory barriers that prevent equal access, then on behalf of myself and all others similarly situated, I request that LiveView disable the LED strobe lights on their products. This is not an undue burden and is a reasonable accommodation because the strobe lights are controlled via remote software and can easily be switched off.

¹ <https://onlinelibrary.wiley.com/doi/10.1111/epi.17175>

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org



Mark Baker <mbaker@softlights.org>

Intent to Sue - Settlement Offer

Bryan Benard <BBenard@hollandhart.com>

Fri, Jun 27, 2025 at 10:30 AM

To: Mark Baker <mbaker@softlights.org>

Cc: "tim.lindell@jackinthebox.com" <tim.lindell@jackinthebox.com>, "karan@gogris.com" <karan@gogris.com>, "galbert@kbkllp.com" <galbert@kbkllp.com>, "quentin.caruso@marcusmillichap.com" <quentin.caruso@marcusmillichap.com>, "sarah.shemwell@jackinthebox.com" <sarah.shemwell@jackinthebox.com>, "amir.agam@fticonsulting.com" <amir.agam@fticonsulting.com>, "greg.gotthardt@fticonsulting.com" <greg.gotthardt@fticonsulting.com>, "sofi.daar@fticonsulting.com" <sofi.daar@fticonsulting.com>, "dtaylor@kbkllp.com" <dtaylor@kbkllp.com>, "trupp@kbkllp.com" <trupp@kbkllp.com>

Mr. Baker,

As you know, this office represents LiveView Technologies ("LVT"). We have several times in the past sought to engage you in good faith (met with unreasonable responses) and explain to you that you do not have valid claims against LVT. And we think your claims against any other parties are dubious as well. LVT is not interested in settlement with you at this time and does not see any merit to your claims.

Bryan Benard
Partner, Holland & Hart LLP

bbenard@hollandhart.com | T: (801) 799-5833 | M: (801) 792-2232

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this email.

From: Mark Baker <mbaker@softlights.org>**Date:** June 23, 2025 at 8:44:51 PM MDT**To:** Tim Lindell <Tim.Lindell@jackinthebox.com>, karan@gogris.com

Cc: Mark Bennett <mbennett@lefma.com>, scuff@dsiconsulting.com, Gabrielle Albert <galbert@kbkllp.com>, quentin.caruso@marcusmillichap.com, Bryce Higbee <bryce.higbee@lvt.com>, Sarah Shemwell <Sarah.Shemwell@jackinthebox.com>, amir.agam@fticonsulting.com, "Gotthardt, Greg" <Greg.Gotthardt@fticonsulting.com>, "Daar, Sofi" <Sofi.Daar@fticonsulting.com>, David Taylor <dtaylor@kbkllp.com>, Thomas Rupp <trupp@kbkllp.com>

Subject: Re: Intent to Sue - Settlement Offer

[Quoted text hidden]



Mark Baker <mbaker@softlights.org>

Request for Accommodation - Blue LED Lights

Tim Lindell <Tim.Lindell@jackinthebox.com>

Wed, Jun 4, 2025 at 2:26 PM

To: "mbaker@softlights.org" <mbaker@softlights.org>, "quentin.caruso@marcusmillichap.com"

<quentin.caruso@marcusmillichap.com>, "bryce.higbee@lvt.com" <bryce.higbee@lvt.com>

Cc: Sarah Shemwell <Sarah.Shemwell@jackinthebox.com>

Mr. Baker –

Jack in the Box Inc. is in receipt of your attached correspondence and the below email chain.

Please be advised that the restaurant referenced in your letter, [1035 Alamo Drive, Vacaville, CA 95687](#), is owned and operated by an independently owned and operated third-party franchisee. Jack in the Box Inc. does not own the real estate, is not a party to any lease associated therewith, and is not a party to any contract with LVT in relation to this location or the LVT system in question. Consequently, we are unable to engage in any discussion regarding the merits of your asserted claim or your request that the blue light be turned off.


We therefore kindly ask that you remove Jack in the Box Inc. from further communications regarding this matter.

Respectfully,

Timothy P. Lindell

VP, Brand Services General Counsel

Jack in the Box Inc.

[9357 Spectrum Center Blvd.](#)[San Diego, CA 92123](#)signature_4224291784

From: Sarah Super <Sarah.Super@jackinthebox.com>**Date:** Wednesday, June 4, 2025 at 9:27 AM

7/10/25 9:01 PM

Soft Lights Mail - Request for Accommodation - Blue LED Lights

To: Tim Lindell <Tim.Lindell@jackinthebox.com>

Subject: FW: [EXTERNAL] Re: Request for Accommodation - Blue LED Lights

[Quoted text hidden]

This email communication and any attachments may contain confidential information which also may be legally privileged and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. Additionally, if you have received this communication in error, please immediately notify us by replying to this email, delete the communication and destroy all copies.



Jack in the Box - Request for Accommodation[93].pdf

145K

June 16, 2025

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

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

Re: *In re: LeFever Mattson*, a California corporation, *et. al.*, Case No. 24-10545
(Jointly Administered) (Bankr. N. D. Cal.) – Notice of Chapter 11
Bankruptcy and Demand to Cease Any Actions Against the Debtors

Dear Mr. Baker:

We are counsel to LeFever Mattson, a California corporation, and its affiliates that are debtors and debtors in possession, including RT Golden Hills, LP, (collectively, the “Debtors”) in the above-referenced chapter 11 cases (the “Chapter 11 Cases”) pending before the Honorable Charles Novack, United States Bankruptcy Judge, in the United States Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”).

I am writing to inform you that on September 12, 2024, LeFever Mattson and its affiliates, including RT Golden Hills, LP, commenced voluntary cases under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court. A copy of the Notice of Chapter 11 Bankruptcy Case is enclosed with this letter. A complete list of Debtors is attached as Exhibit 1 to the Notice of Chapter 11 Bankruptcy Case.

Please be advised that, pursuant to section 362(a) of the Bankruptcy Code (the “Automatic Stay”), the filing of a bankruptcy petition “operates as a stay, applicable to all entities,” of, among other things, “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [the Bankruptcy Code], or to recover a claim against the debtor that arose before the commencement of the [bankruptcy] case.” 11 U.S.C. § 362(a)(1).

The protection of the Bankruptcy Code prohibits commencing any actions against the Debtors, including actions alleging noncompliance with the Americans with Disabilities Act of 1990 (the “ADA”), which can be construed as a willful violation of the Automatic Stay. Moreover, filing a discrimination lawsuit does not fall into one of the narrow exception to the Automatic Stay. “Courts have consistently held that the automatic stay applies to [*qui tam* actions], at least when the government has not intervened, because they do not fall within the governmental unit exception.” *Porter v. Nabors Drilling USA, Ltd. P’ship*, 854 F.3d 1057, 1062 (9th Cir. 2017). As such, any action taken against the

Gabrielle L. Albert, Esq.

June 16, 2025

Page 2

Debtors without first obtaining relief from the Automatic Stay from the Bankruptcy Court is void *ab initio* and may result in a finding of contempt for violation of the Automatic Stay.

The Debtors reserve all rights to seek appropriate relief in the Bankruptcy Court, including but not limited to seeking an injunction or monetary sanctions for violations.

Should you have any questions regarding the Chapter 11 Cases, please contact the undersigned counsel for the Debtors.

Yours truly,



Gabrielle L. Albert

Encl.:

Notice of Chapter 11 Bankruptcy Case



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO**

CIVIL DIVISION

☐

OLD SOLANO COURTHOUSE

580 Texas Street
Fairfield, CA 94533
(707) 207-7330

☐

HALL OF JUSTICE

600 Union Avenue
Fairfield, CA 94533
(707) 207-7330

Plaintiff(s):

Case No.

**NOTICE OF ASSIGNMENT OF JUDGE
FOR ALL PURPOSES**

Defendant(s):

**NOTICE OF CASE MANAGEMENT
CONFERENCE ONE**

This matter has been assigned to the following judge for all purposes:

Name:

Location:

This matter has been set for a Case Management Conference One as follows:

Date:

Time:

Plaintiff and any Defendants served with the summons and complaint **MUST APPEAR** at this hearing unless otherwise instructed by the court. Parties with attorneys may appear through counsel.

This notice contains important information regarding the case management process. The court expects all attorneys and parties without attorneys to read this notice and to comply with the instructions.



If you are the **PLAINTIFF**, you must do the following:

1. Serve your summons, complaint, and a copy of this *Notice of Case Management Conference One and Notice of Assignment of Judge for All Purposes ("Notice of CMC One")* on all defendants within sixty (60) days of the date you filed your complaint with the court.
2. File a proof of service of summons showing service has been completed for each defendant.
3. Comply with the meet and confer obligations in California Rules of Court, rule 3.724 at least thirty (30) days prior to the Case Management Conference One.
4. File a *Case Management Statement* (Judicial Council form CM-110) with the court and have it served on all attorneys (or parties representing themselves) at least fifteen (15) days before the Case Management Conference One.
5. Review and comply with local and statewide rules regarding civil litigation. They are available at:

<http://www.courts.ca.gov/rules.htm>

<http://www.solano.courts.ca.gov/LocalRulesofCourt.html>



If you are the **DEFENDANT**, you must do the following:

1. File and serve any responsive pleadings within thirty (30) days after the complaint is served on you, if you have not already done so. This deadline cannot be extended unless authorized by law.



Appearing at the Case Management Conference One does not excuse a defendant from this requirement.

2. File a proof of service showing all plaintiffs have been served with a copy of your responsive pleadings.
3. Comply with the meet and confer obligations in California Rules of Court, rule 3.724 at least thirty (30) days prior to the Case Management Conference One.
4. File a *Case Management Statement* (Judicial Council form CM-110) with the court and have it served on all attorneys (or parties representing themselves) at least fifteen (15) days before the Case Management Conference One.
5. Review and comply with local and statewide rules regarding civil litigation. They are available at:

<http://www.courts.ca.gov/rules.htm>
<http://www.solano.courts.ca.gov/LocalRulesofCourt.html>



If you are the **DEFENDANT** and you have filed or will file a **CROSS-COMPLAINT**, you must do the following:

1. Serve a copy of this *Notice of CMC One* on each cross-defendant with the cross-complaint.
2. Ensure that any cross-complaint served after Case Management Conference One has been held has a *Notice of Case Management Conference Two* served with it.



If you are demanding a **JURY TRIAL**, you must do the following:

1. Ensure that jury fees are paid as required by law. If you believe you cannot afford the jury fee, you can ask the court to waive them. Ask the Civil Clerk's office for more information.



At least one party demanding a jury on each side of a civil case must pay a nonrefundable fee of \$150.00 on or before the initial case management conference or as otherwise provided by statute.



WHAT TO EXPECT AT CASE MANAGEMENT CONFERENCE ONE AND AFTER:

1. At any Case Management Conference, counsel shall be completely aware of all procedural, factual, and legal aspects of the case. They shall also have full authority to discuss and resolve any issues that arise at the conference, including settlement of the case. ***This applies equally to both attorneys of record and specially-appearing counsel.***
2. The court will set the date, time, and place for any future case management conferences. The court will also make orders about what the court expects counsel and self-represented parties will accomplish prior to those case management conferences.
3. Each attorney of record and self-represented party shall complete, file, and serve a *Case Management Statement* (Judicial Council form CM-110) at least fifteen (15) days before each future case management conference hearing, unless the court excuses that requirement.

The court may impose sanctions pursuant to Solano County Local Rules, rule 4.6, if a Case Management Statement is not timely filed and/or served or is not fully completed, or if the requirements of Rule 4.6 are not met, or if an attorney or self-represented party fails to appear at the conference without good cause.

AFFIDAVIT OF SERVICE

I, the undersigned, declare under penalty of perjury that I am employed as a deputy clerk of the above-entitled court, that I am not a party to the above-entitled action, and that I served this *Notice Of Assignment Of Judge For All Purposes & Notice Of Case Management Conference One* as follows:

☐ **ELECTRONIC SERVICE:** I served the notice electronically on (date) _____
at (time) _____ on the person(s) named below:

Name:

Email address:

Name:

Email address:

☐ See next page for additional service

☐ **PERSONAL SERVICE:** I served the notice personally on (date) _____
at (time) _____ on the person(s) named below:

Name:

Name:

☐ See next page for additional service

☐ **MAILED SERVICE:** I caused to be placed a true copy of this notice in an envelope which was then sealed and postage fully prepaid on the date shown below; that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; that the above stated document will be deposited in the Superior Court of California, County of Solano's outgoing mailbox for collection by county mail carriers on the date indicated. Said envelope was addressed to the attorneys for the parties, or the parties, as shown below:

☐ See next page for additional service

Date:

07/11/2025

Clerk of the Court
Superior Court of California, County of Solano

By: _____

Deputy Clerk



AFFIDAVIT OF SERVICE

Additional Service Addresses:

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT E

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Re: LM - Baker Complaint

From Mark Baker <mbaker@softlights.org>

Date Wed 7/16/2025 11:21 AM

To Gabrielle Albert <galbert@kbkllp.com>

Cc David Taylor <dtaylor@kbkllp.com>; Thomas Rupp <trupp@kbkllp.com>; Tyler Davis <tdavis@kbkllp.com>; Gotthardt, Greg <Greg.Gotthardt@fticonsulting.com>; Daar, Sofi <sofi.daar@fticonsulting.com>

Ms. Albert,

After further research, it appears to me that the "commenced" issue is not limited to temporal issues, and therefore it does appear that I will need to seek relief from the court. I therefore intend to file a Motion for Relief from Automatic Stay.

Mark Baker

On Wed, Jul 16, 2025 at 9:51 AM Mark Baker <mbaker@softlights.org> wrote:

Ms. Albert,

As I previously informed you, 11 U.S. Code § 362 - Automatic stay states, "(1)the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;" This ADA claim could not have been commenced before the bankruptcy proceeding, and therefore is not subject to the automatic stay.

RT Golden Hills position that it could not have directed Gogris Corporation or LVT to turn off the blue LED lights is untenable. RT Golden Hills did not cease to exist as a company merely by filing a bankruptcy petition. The claim that RT Golden Hills is now immune from all discrimination laws simply because the company filed a bankruptcy is not justifiable.

I offer the following settlement proposal:

1. RT Golden Hills agrees to direct LVT to turn off the blue LED lights.
2. RT Golden Hills agrees to settle for \$4,000 damages.

Mark Baker

On Wed, Jul 16, 2025 at 9:24 AM Gabrielle Albert <galbert@kbkllp.com> wrote:

Mr. Baker,

Please see attached.

Best,

Gabrielle

GABRIELLE L. ALBERT

Keller Benvenuti Kim LLP

101 Montgomery Street, Suite 1950

San Francisco, CA 94104

Direct: 415.364.6778

[Email: galbert@kbklp.com](mailto:galbert@kbklp.com)

KBK | KELLER BENVENUTTI KIM
www.kbklp.com

IMPORTANT NOTICE: WE HAVE MOVED, AGAIN! PLEASE NOTE OUR NEW PHYSICAL ADDRESS.

Online banking fraud is on the rise. Never trust wiring instructions sent via email. Please confirm all wiring instructions by phone directly with our office before transferring funds.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT F

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Re: LM - Baker Complaint

From Mark Baker <mbaker@softlights.org>

Date Wed 7/16/2025 11:19 PM

To Gabrielle Albert <galbert@kbklp.com>

Cc David Taylor <dtaylor@kbklp.com>; Thomas Rupp <trupp@kbklp.com>; Tyler Davis <tdavis@kbklp.com>; Gotthardt, Greg <Greg.Gotthardt@fticonsulting.com>; Daar, Sofi <sofi.daar@fticonsulting.com>; Bryan Benard <BBenard@hollandhart.com>

1 attachment (184 KB)

Policy Mod Request LED Light Discrimination Jul2025.pdf;

Ms. Albert,

As you have read in the complaint, discrimination is LVT's business model. Therefore, LVT will likely take this case all the way through trial. RT Golden Hills will be more of a rider on the case, even though RT Golden Hills is the place of public accommodation that violated the ADA.

Attached is a letter that I received today from the University of California at San Diego. They write, "Current legal consensus does not establish LED lighting as inherently discriminatory, and federal regulations do not require blanket prohibitions or general policies absent such a determination." Thus, this action involving the blue LED lights is important both for LVT, which wishes to continue their discriminatory business model, and for the Soft Lights Foundation, which wishes to protect individuals with disabilities from LED light discrimination. Once we have a positive ruling on a case, then perhaps agencies such as UCSD will no longer be able to claim that the legal consensus does not establish LEDs as discriminatory. Perhaps LVT would even appeal to the appellate court, and then we could get a positive ruling that really would help our cause.

This is not to say that I wish to take this case all the way through trial. I just want the blue lights turned off, but since nobody is willing to turn the lights off, the only mechanism is for me to sue. So if any company wants to settle, then I will certainly settle

So while LVT and Mark Baker will likely battle this out to the end, for your clients, I don't see the value of staying in the case.

Mark Baker

On Wed, Jul 16, 2025 at 11:02 PM Mark Baker <mbaker@softlights.org> wrote:

Ms. Albert,

You don't appear to have any experience with the Americans with Disabilities Act (<https://www.kbklp.com/gabriellealbert>). Mr. Benard of LVT seems to have some Title I ADA experience (<https://www.hollandhart.com/bbenard>), but based on his emails to me, Mr. Benard has

Case: 24-10545 Doc# 2065-6 Filed: 08/20/25 Entered: 08/20/25 17:24:53 Page 2

little knowledge of how Title III of the ADA works, or he would have advised his client to turn off the blue LED lights on all LVT systems across the country.

I'm only sending this information for the benefit of your client. I doubt that a lawyer in a bankruptcy proceeding cares anything about limiting time or costs, but in my limited experience, I have found that judges can get prickly when they find out that the entire lawsuit could have been avoided by turning off a light. The ADA case will involve Interrogatories, RFP's, RFA's, and a Deposition for your client, in the middle of the bankruptcy proceeding. In my opinion, settling this case is the only intelligent option for your client.

Mark Baker

On Wed, Jul 16, 2025 at 10:43 PM Mark Baker <mbaker@softlights.org> wrote:

Ms. Albert,

Attached is the settlement agreement between Mark Baker and Ulta, which you may consider using as a template, should your client choose to settle.

Mark Baker

On Wed, Jul 16, 2025 at 10:40 PM Mark Baker <mbaker@softlights.org> wrote:

Ms. Albert,

I have composed the MOTION FOR RELIEF FROM AUTOMATIC STAY and will file on July 17, 2025 once I figure out how to file electronically as a Pro Se litigant. It appears to me that there are two options for the bankruptcy case. I can file the discrimination case as part of the bankruptcy, or the Bankruptcy Court will authorize the Relief from Automatic Stay to allow the nonbankruptcy discrimination case to continue. In either case, RT Golden Hills is not immune from discrimination as you have alleged.

I will again explain to you that I have been through a nearly identical case with LVT and a shopping center regarding the blue LED lights, with the exception being this bankruptcy issue, so I know how long and expensive this process will be for your client. The decision not to take action to have the blue LED light turned off has already consumed more time and cost more money for the two letters that you wrote to me than it would have taken to pick up the phone and call LVT to have them turn off the blue LED lights. At this point, I can assure you that it will still be less time consuming and cheaper for your client to direct LVT to turn off the blue LED lights and settle for \$4,000 versus litigating this issue for a year.

Sincerely,

Mark Baker

President

Soft Lights Foundation

www.softlights.org

mbaker@softlights.org

X: @softlights_org

Bluesky: @softlights-org.bsky.social

On Wed, Jul 16, 2025 at 3:07 PM Mark Baker <mbaker@softlights.org> wrote:

What do you mean "please"? How about RT Golden Hills "please" direct LVT to turn off the blue LED lights? Here's the contact information for LVT. (<https://www.lvt.com/contact>)

Is it RT Golden Hill's position that, because there is a bankruptcy proceeding, that RT Golden Hills does not need to comply with the ADA?

Mark Baker

On Wed, Jul 16, 2025 at 2:55 PM Gabrielle Albert <galbert@kbklp.com> wrote:

Thank you. Please dismiss this case immediately as it is void. If you get relief from stay, you can refile.

GABRIELLE L. ALBERT

Keller Benvenuti Kim LLP

101 Montgomery Street, Suite 1950

San Francisco, CA 94104

Direct: 415.364.6778

Email: galbert@kbklp.com

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www.kbklp.com

IMPORTANT NOTICE: WE HAVE MOVED, AGAIN! PLEASE NOTE OUR NEW PHYSICAL ADDRESS.

Online banking fraud is on the rise. Never trust wiring instructions sent via email. Please confirm all wiring instructions by phone directly with our office before transferring funds.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

From: Mark Baker <mbaker@softlights.org>
Date: Wednesday, July 16, 2025 at 11:21 AM
To: Gabrielle "Brelle" Albert <galbert@kbkllp.com>
Cc: David Taylor <dtaylor@kbkllp.com>, Tom Rupp <trupp@kbkllp.com>, Tyler Davis <tdavis@kbkllp.com>, "Gotthardt, Greg" <Greg.Gotthardt@fticonsulting.com>, "Daar, Sofi" <sofi.daar@fticonsulting.com>
Subject: Re: LM - Baker Complaint

Ms. Albert,

After further research, it appears to me that the "commenced" issue is not limited to temporal issues, and therefore it does appear that I will need to seek relief from the court. I therefore intend to file a Motion for Relief from Automatic Stay.

Mark Baker

On Wed, Jul 16, 2025 at 9:51 AM Mark Baker <mbaker@softlights.org> wrote:

Ms. Albert,

As I previously informed you, 11 U.S. Code § 362 - Automatic stay states, "(1)

the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;" This ADA claim could not have been commenced before the bankruptcy proceeding, and therefore is not subject to the automatic stay.

RT Golden Hills position that it could not have directed Gogris Corporation or LVT to turn off the blue LED lights is untenable. RT Golden Hills did not cease to exist as a company merely by filing a bankruptcy petition. The claim that RT Golden Hills is now immune from all discrimination laws simply because the company filed a bankruptcy is not justifiable.

I offer the following settlement proposal:

1. RT Golden Hills agrees to direct LVT to turn off the blue LED lights.
2. RT Golden Hills agrees to settle for \$4,000 damages.

Mark Baker

On Wed, Jul 16, 2025 at 9:24 AM Gabrielle Albert <galbert@kbkllp.com> wrote:

Mr. Baker,

Please see attached.

Best,

Gabrielle

GABRIELLE L. ALBERT

Keller Benvenuti Kim LLP

101 Montgomery Street, Suite 1950

San Francisco, CA 94104

Direct: 415.364.6778

Email: galbert@kbkllp.com

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IMPORTANT NOTICE: WE HAVE MOVED, AGAIN! PLEASE NOTE OUR NEW PHYSICAL ADDRESS.

Case: 24-10545 Doc# 2065-6 Filed: 08/20/25 Entered: 08/20/25 17:24:53 Page 6

Online banking fraud is on the rise. Never trust wiring instructions sent via email. Please confirm all wiring instructions by phone directly with our office before transferring funds.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT I

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CU25-06372 - All Parties Served

From Mark Baker <mbaker@softlights.org>

Date Mon 8/18/2025 9:36 PM

To GogrisCO@gmail.com <GogrisCO@gmail.com>; Courtney Thompson <CThompson@hollandhart.com>; Tyler Davis <tdavis@kbklp.com>; Jan Buddingh <jbuddingh@grsm.com>; Karan Gogri <karan@gogris.com>

 4 attachments (440 KB)

POS_TDocument_152662445_Gogris.pdf; Proof_226697038_JackInTheBox.pdf; Proof_226931063_LVT.pdf; Proof_227186371_RT Golden Hills.pdf;

To All Parties,

All four parties in this matter have been formally served.

The goal of this lawsuit is to get the blue LED lights turned off on the LVT system that is operating in front of the Jack in the Box at the Shops at Golden Hills. The sooner the blue LED lights get turned off, the fewer the number of \$4,000 discrimination incidents. Jack in the Box, Inc. has notified LVT that the blue LED lights on the LVT systems on all corporate Jack in the Boxes must be turned off. The holdout here is that LVT has declined my request to turn off the blue LED lights, and Gogris Corporation has declined to request LVT to turn off the blue LED lights. RT Golden Hills has also declined to request that LVT turn off the blue LED lights.

While Jack in the Box, Inc. was not cooperative prior to the lawsuit, since the initiation of the lawsuit, Jack in the Box, Inc. has been helpful in directing LVT to turn off the blue LED lights on all corporate-owned properties. This will eliminate many discriminatory barriers. I am hopeful that I will be able to settle with Jack in the Box for a single \$4,000 incident and have Jack in the Box, Inc. dismissed from this case quickly.

RT Golden Hills feels like they can have this case stayed while they go through the bankruptcy. We have a hearing on this matter on August 22, 2025. RT Golden Hills has declined to enter into any settlement negotiations and has declined to direct LVT to turn off the blue LED lights.

LVT is non-cooperative, so I am expecting to depose LVT and take the case to trial.

Gogris Corporation was hiding from the process server. Now that they have been served, I don't know what their position will be. I don't know if they have retained legal counsel.

Sincerely,

Mark Baker
President
Soft Lights Foundation

Case: 24-10545 Doc# 2065-7 Filed: 08/20/25 Entered: 08/20/25 17:24:53 Page 2

www.softlights.org

mbaker@softlights.org

X: @softlights_org

Bluesky: @softlights-org.bsky.social

EXHIBIT H

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Settlement Proposal - Blue LED Lights

From Mark Baker <mbaker@softlights.org>

Date Wed 8/13/2025 11:08 AM

To Tyler Davis <tdavis@kbklp.com>; Gabrielle Albert <galbert@kbklp.com>

Mr. Davis,

Jack in the Box, Inc. has notified me that they have requested LVT to turn off the blue LED lights on all LVT systems at all Jack in the Box corporate owned properties. Jack in the Box is likely to settle this case for \$4,000 and a copy of the letter that they sent to LVT to turn off the blue LED lights. I encourage LeFever Mattson to also settle this case under similar terms.

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org
X: @softlights_org
Bluesky: @softlights-org.bsky.social

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, STE. 1950
SAN FRANCISCO, CALIFORNIA 94104

EXHIBIT G

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Tyler Davis (CA Bar No. 338117)

Keller Benvenuti Kim LLP

101 Montgomery Street, Ste 1950

San Francisco, CA 94104

TELEPHONE NO.: (415) 496-6723

FAX NO. (Optional):

E-MAIL ADDRESS (Optional): tdavis@kbbkllp.com

ATTORNEY FOR (Name): RT Golden Hills, LP

FOR COURT USE ONLY

ELECTRONICALLY FILEDSuperior Court of California,
County of Solano**07/17/2025 at 02:59:39 PM**

By: N. Shaw, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO

STREET ADDRESS: 580 Texas Street

MAILING ADDRESS:

CITY AND ZIP CODE: Fairfield, 94533

BRANCH NAME: Old Solano Courthouse

PLAINTIFF/PETITIONER: Mark Baker

DEFENDANT/RESPONDENT: RT Golden Hills, LP

NOTICE OF STAY OF PROCEEDINGS

CASE NUMBER:

CU25-06372

JUDGE: Hon. Wendy Getty

DEPT.: 8

To the court and to all parties:

1. Declarant (name): Tyler Davis

- a. ☒ is ☐ the party ☒ the attorney for the party who requested or caused the stay.
- b. ☐ is ☐ the plaintiff or petitioner ☐ the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.

2. This case is stayed as follows:

- a. ☐ With regard to all parties.
- b. ☒ With regard to the following parties (specify by name and party designation): RT Golden Hills, LP

3. Reason for the stay:

- a. ☒ Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
- b. ☐ Order of a federal court or of a higher California court. (Attach a copy of the court order.)
- c. ☐ Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
- d. ☐ Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
- e. ☐ Other:

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

Date: July 17, 2025

Tyler Davis

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE)

Information to identify the case:

Debtors LeFever Mattson, a California corporation, and affiliates EIN: 68-0197537 See **Exhibit 1** for the other affiliated Debtors' EINs.

Name

United States Bankruptcy Court California Northern Bankruptcy Court Date case filed for chapter: 11 9/12/24

Case number: 24-10545, et al. (Jointly Administered)

Official Form 309F1 (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

10/20

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. **Debtors' full names** LeFever Mattson, a California corporation, and affiliated Debtors listed on **Exhibit 1** attached hereto.

2. **All other names used in the last 8 years**

3. **Address**

6359 Auburn Blvd.
Suite B
Citrus Heights, CA 95621

4. **Debtor's attorney**
Name and address

Thomas B. Rupp
Keller Benvenuti Kim LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

Contact phone 415-496-6723

5. **Bankruptcy clerk's office**

Documents in this case may be filed at this address. You may inspect all records filed in this case online at <https://pacer.uscourts.gov>.

Mailing Address:

U.S. Bankruptcy Court
1300 Clay Street, Suite 300
Oakland, CA 94612

Hours open:

Monday – Friday 9:00 am to 4:30 pm

Contact phone (888) 821-7606

Date: 9/25/24

6. **Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.

October 21, 2024 at 10:00 AM

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

Location:

Teleconference, Call in number/URL:
1-888-455-8838, Passcode: 4169593

Important Notice to Individual Debtors: The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors. **Failure to Appear May Result in the Dismissal of the Case without further notice.** A request for a continuance or to be excused from appearing must be made in writing at least 7 days before the meeting, timely filed with the court at the address above in box 5.

For more information, see page 2

7. Proof of claim deadline	Deadline for filing proof of claim:	1/10/25	**Unless the Court orders otherwise, in which case creditors will receive a further notice.
<p>For a bankruptcy case pending in the Northern District of California, a Proof of Claim may be filed electronically online at www.canb.uscourts.gov in the Quick Links section, click on "File an Electronic Proof of Claim."</p>	<p>For all creditors (except a governmental unit):</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> • your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>; • you file a proof of claim in a different amount; or • you receive another notice. <p>If your claim is not scheduled or if your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at https://pacer.uscourts.gov.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>		
8. Exception to discharge deadline	<p>If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.</p>		
<p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p>	Deadline for filing the complaint:	12/20/24	
9. Creditors with a foreign address	<p>If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>		
10. Filing a Chapter 11 bankruptcy case	<p>Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.</p>		
11. Discharge of debts	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.</p>		

Exhibit 1 to Notice of Chapter 11 Bankruptcy Case

<u>Debtor Name</u>	<u>EIN</u>
LeFever Mattson, a California corporation	68-0197537
California Investment Properties, a California corporation	30-0289474
Home Tax Service of America, Inc., dba LeFever Mattson Property Management	68-0262554
Apan Partners LLC	N/A
Autumn Wood I, LP	20-0164208
Bay Tree, LP	82-1071378
Beach Pine, LP	83-2643272
Bishop Pine, LP	83-2643038
Black Walnut, LP	47-2451858
Buck Avenue Apartments, LP	54-2090323
Buckeye Tree, LP	88-2980108
Bur Oak, LP	87-4699497
Butcher Road Partners, LLC	45-5159521
Cambria Pine, LP	83-2644771
Chestnut Oak, LP	87-4702239
Country Oaks I, LP	26-0860694
Divi Divi Tree, L.P.	71-0926806
Douglas Fir Investments, LP	47-4674444
Firetree I, LP	82-3519393
Firetree II, LP	82-3519554
Firetree III, LP	82-3919655
Foxtail Pine, LP	83-2643197
Ginko Tree, LP	88-2960976
Golden Tree, LP	82-1060045

<u>Debtor Name</u>	<u>EIN</u>
Hagar Properties, LP	04-3598044
Heacock Park Apartments, LP	46-3737509
LeFever Mattson I, LLC	47-4960075
Live Oak Investments, LP	47-3786181
Monterey Pine, LP	83-2644824
Napa Elm, LP	54-2090332
Nut Pine, LP	83-2661795
Pinecone, LP	84-2395880
Redbud Tree, LP	88-2961999
Red Cedar Tree, LP	88-3572519
Red Mulberry Tree, LP	88-3572594
Red Oak, LP	61-2022650
Red Oak Tree, LP	92-1008382
Red Spruce Tree, LP	92-0780568
River Birch, LP	86-3020630
River Tree Partners, LP	81-3671554
River View Shopping Center 1, LLC	47-4186147
River View Shopping Center 2, LLC	47-4186476
RT Capitol Mall, LP	81-3775896
RT Golden Hills, LP	81-3708073
Scotch Pine, LP	86-3043628
Sequoia Investment Properties, LP	32-0136044
Sienna Pointe, LLC	47-4712579
Spruce Pine, LP	84-2396399
Tradewinds Apartments, LP	54-2090326
Vaca Villa Apartments, LP	54-2090327
Valley Oak Investments, LP	47-3383417
Watertree I, LP	82-3519819

<u>Debtor Name</u>	<u>EIN</u>
Willow Oak, LP	87-4700495
<i>Windscape Apartments, LLC¹</i>	<i>83-1597353</i>
Windscape Apartments I, LP	26-0860477
Windscape Apartments II, LP	26-0860509
Windscape Holdings, LLC	83-1608759
Windtree, LP	82-4974654
Yellow Poplar, LP	86-3043392

¹ The Chapter 11 case of Windscape Apartments, LLC was filed on August 6, 2024. A separate Notice of Chapter 11 Bankruptcy Case was filed in that case (Case No. 24-10417) at Docket No. 10 and served on creditors of Windscape Apartments, LLC only. **That notice contains separate dates, deadlines, and other information that does not apply to the other Debtors listed herein.**