

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED-CLERK
U.S. DISTRICT COURT

2004 JUN 25 A 11:46

ADVOCATES FOR DISABLED
AMERICANS (AFDA); CAROLYN
SCHWEBEL; CARMENA STONEY,

: CASE NO.

04-3030(SRC)

Plaintiffs,

: CIVIL ACTION

vs.

MIDDLETOWN TOWNSHIP

: COMPLAINT

Defendant.

Plaintiff Advocates For Disabled Americans (AFDA) doing business in New Jersey;
Carolyn Schwebel, residing at 79 Hamilton Avenue, Leonardo, New Jersey; and Plaintiff
Carmena Stoney, residing at 53 Locust Street, Cliffwood, New Jersey 07721 by way of
complaint against Defendant states:

JURISDICTION

1. Jurisdiction is based on 28 U.S.C. § 1331 in that Plaintiffs allege a cause of action
base on federal statutes, the Americans With Disabilities Act and the Rehabilitation
Act of 1973.

PARTIES

2. Plaintiff AFDA is a nonprofit corporation organized and existing under the laws
of the State of New Jersey. The AFDA members consist of disabled members as
defined by the ADA. The AFDA is engaged *inter alia* in seeking compliance
with the ADA, Rehabilitation Act of 1973 and other federal and state civil rights
laws, educational efforts to correct violations and when necessary, appropriate
litigation to require persons of entities in violation of civil rights laws to comply

with said laws. The AFDA and its members, including Plaintiffs have sustained direct or indirect injury as a result o the Defendant's civil rights violations.

3. Plaintiff Carolyn Schwebel is disabled and uses a wheelchair.
4. Plaintiff Carmena Stoney is disabled and uses a motorized scooter.
5. Dcfendant Middletown Township is a municipality of the State of New Jersey.

FIRST COUNT

6. On many occasions the Plaintiffs Carolyn Schwebel and Carmena Stoney have utilized the services of the Dcfendant.
7. Said Plaintiffs' abilities to utilize said services have been impaired because of the lack of accessibility to the disabled.
8. Specifically, the Defendant's City Hall, city parks and streets are not accessible to the disabled. The Defendant does not have proper parking for the disabled, does not have proper access routes, accessible bathrooms, etc.
9. Plaintiffs reserve the right to amend its complaint as discovery progresses.
10. In addition, Defendant has not implemented a transition plan as required by the ADA.
11. The above lack of accessibility is a violation of the ADA and the New Jersey Law Against Discrimination and is discrimination against the Plaintiffs based on their disabilities.
12. As a result the Plaintiffs sustained anger and emotional distress.
13. Plaintiffs gave many warnings prior to filing this action.
14. Plaintiffs scek an injunction ordering the Defendant to make its services accessible to the disabled and to enact a transition plan and to maintain same.

WHEREFORE, Plaintiffs Schwebel and Stoney demand judgment for:

- 1) Damages.
- 2) Injunctive relief.

- 3) Attorney fees.
- 4) Costs of suit.

SECOND COUNT

15. Plaintiffs repeat the allegations of the first count.
16. Upon information and belief the above-mentioned lack of accessibility is a violation of the Rehabilitation Act of 1973 in that Defendant receives federal funding.

WHEREFORE, Plaintiffs demand judgement for:

- 1) Damages.
- 2) Attorney fees.
- 3) Costs of suit.
- 4) Injunctive relief.

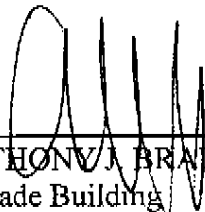
THIRD COUNT

17. Plaintiff AFDA repeats the allegations of the first and second counts.
18. As a result of the aforementioned access violations the AFDA has been injured.

WHEREFORE, Plaintiff AFDA demands judgment for:

- 1) Damages.
- 2) Injunctive relief.
- 3) Attorney fees.
- 4) Costs of suit.

DATED: June 17, 2004



ANTHONY J. BRADY, JR. ESQUIRE
Parkade Building
519 Federal Street, Room 202 (08103)
P O Box 649
Camden, NJ 08101
(856) 541-1930
Attorney for Plaintiffs