

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jonathan Corbett,
Plaintiff

v.

Insomniac Holdings, LLC,
Speedway Motorsports, Inc.
Defendants

16-CV-_____

**COMPLAINT FOR AMERICANS
WITH DISABILITIES ACT
VIOLATIONS AND RELATED
STATE LAW**

JURY DEMANDED

SUMMARY

1. Defendant Insomniac Holdings, LLC (“INSOMNIAC”) is a California-headquartered producer of a music festival known as Electric Daisy Carnival (“EDC”), attracting in excess of 100,000 people annually to Defendant Speedway Motorsports, Inc. (“SPEEDWAY”)’s Las Vegas Motor Speedway in Las Vegas, NV.
2. For the 2016 edition of EDC, INSOMNIAC has published rules for all attendees that include a complete ban on entering the music festival with over-the-counter (“OTC”) medications and requiring anyone attempting to enter with prescription medications to have a copy of the prescription with them and to explain themselves to an INSOMNIAC “safety officer.”
3. Plaintiff Jonathan Corbett (“CORBETT”) is a regular attendee of EDC who was planning to, but cannot, return in 2016 due to his need to carry both prescription and OTC medications with him at all times.

JURY TRIAL

4. Plaintiff Jonathan Corbett (“CORBETT”) demands a jury trial.

PARTIES

5. CORBETT is an individual residing in Miami-Dade County, Florida.

6. Defendant Insomniac Holdings, LLC, is a Delaware limited liability company headquartered in Beverly Hills, CA.
7. Defendant Speedway Motorsports, Inc., is a Delaware corporation headquartered in Concord, NC.

JURISDICTION & VENUE

8. This Court has subject matter jurisdiction under 42 U.S.C. § 12181 (the “Americans with Disabilities Act”), as implemented by 28 CFR Part 36, and 28 USC § 1331.
9. This court has subject matter jurisdiction under 28 U.S.C. § 1367 (“supplemental jurisdiction”) over the state law claims related to the federal claims.
10. Venue is appropriate because Defendant INSOMNIAC is headquartered within this district.
11. Venue is further appropriate because Defendant SPEEDWAY maintains offices within the State of California.
12. Finally, venue is appropriate because, upon belief, the policy complained of was created and published by employees within the INSOMNIAC headquarters within this district.

ALLEGATIONS OF FACT

13. INSOMNIAC is a company that produces music and nightlife events in California, within several other states in the United States, and internationally, including the EDC music festival.
14. EDC is open to the public, drawing an annual attendance far in excess of 100,000 people.
15. SPEEDWAY is a company that owns, among other things, several racetracks across the country, including the Las Vegas Motor Speedway.
16. Since 2011, there has been an EDC event at SPEEDWAY in Las Vegas, NV, and the event is scheduled to occur next from June 17th, 2016 until June 19th, 2016.
17. CORBETT has attended EDC in Las Vegas in 2012, 2014, and 2015, and had planned to attend the 2016 event.

18. However, on May 17th, 2016, and from within the State of California, CORBETT reviewed the official Web site for EDC, published by INSOMNIAC, at <http://www.electricdaisycarnival.com/>. See Exhibit A.
19. On that date, and as of the date of the filing of this complaint, that Web site maintained a list of “prohibited items” which included “Over-the-counter medication.”
20. On that date, and as of the date of the filing of this complaint, that Web site maintained a list of “acceptable items” which included the following bullet point: “Prescription medication (must show physician’s prescription and consult with a safety officer upon entry).”
21. CORBETT has legitimate medical conditions for which he carries both prescription and OTC medication on his person when he leaves his home.
22. CORBETT cannot attend EDC without these medications without fear that he may encounter significant adverse medical effects.
23. CORBETT does not want to have to “explain” his prescription (or any other) medication to an INSOMNIAC “safety officer.”
24. A review of the EDC Web site shows no information on the qualifications of such “safety officers,” and in no way evidences that they are doctors (or have any medical training whatsoever) or peace officers, or that disclosure to them would be HIPAA-protected.
25. Upon information of the massive scale and monetary value of EDC to SPEEDWAY, as well as the necessary requirement of SPEEDWAY’s cooperation, SPEEDWAY knows of and permits the rules created by INSOMNIAC for EDC as displayed on the Web site.
26. Upon information and belief, INSOMNIAC conducts a majority of the planning for EDC from its Beverly Hills, CA headquarters office.
27. Upon information and belief, INSOMNIAC created and/or published the EDC Web site that lists its discriminatory policy from its Beverly Hills, CA headquarters office.
28. Upon information and belief, INSOMNIAC does not maintain year-round offices in the State of Nevada.

CLAIMS FOR RELIEF

Counts 1 – 4: Americans with Disabilities Act, Title III

29. Title III of the Americans with Disabilities act provides that “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 U.S.C. § 12182(a); 28 CFR Part 36.
30. “Public accommodation” is defined as including “A restaurant, bar, or other establishment serving food or drink,” “A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment,” and “An auditorium, convention center, lecture hall, or other place of public gathering.”
31. EDC at the Las Vegas Motor Speedway meets each of these options (for which only one is required) to be considered a public accommodation, and therefore is a public accommodation.
32. By prohibiting OTC medication at EDC, INSOMNIAC is liable as a lessee or operator of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 1).
33. By requiring those who require prescription medication during attendance EDC to explain themselves to an INSOMNIAC employee, and be subject to denial of entry into the festival based on their arbitrary discretion, INSOMNIAC is liable as a lessee or operator of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 2).
34. By allowing INSOMNIAC to prohibit OTC medication at EDC, SPEEDWAY is liable as the owner of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 3).
35. By allowing INSOMNIAC to require those who require prescription medication during attendance EDC to explain themselves to an INSOMNIAC employee, and be subject to denial of entry into the festival based on their arbitrary discretion, SPEEDWAY is liable as a lessee or operator of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 4).

Counts 5 – 6, Unruh Civil Rights Act

36. Paragraphs 29 – 31 are incorporated by reference as if stated in full herein.
37. California’s nondiscrimination law, the Unruh Act (Cal. Civ. Code, § 51, *et. seq.*) prohibits all business establishments from denying “full and equal accommodation” to those with a medical condition (§ 51(b)), and explicitly makes any violation of the federal Americans with Disabilities Act a violation of the state’s Unruh Act (§ 51(f)).
38. INSOMNIAC’s use of its California headquarters to create and publish a policy that was directed at CORBETT while he was within the State of California subjects it to the requirements of California law.
39. By prohibiting OTC medication at EDC, INSOMNIAC is liable as a California business for unlawfully discriminating against those whose disability requires access to such medication (Count 5).
40. By requiring those who require prescription medication during attendance EDC to explain themselves to an INSOMNIAC employee, and be subject to denial of entry into the festival based on their arbitrary discretion, INSOMNIAC is liable as a California business for unlawfully discriminating against those whose disability requires access to such medication (Count 6).

Counts 7 – 10, Nevada Nondiscrimination Law, NRS 651 *et seq.*

41. Paragraphs 29 – 31 are incorporated by reference as if stated in full herein.
42. Nevada’s nondiscrimination law, in particular at NRS 651.070, prohibits a “place of public accommodation” from discriminating against individuals based on their “disability.”
43. “Public accommodation” substantially includes the same categories as the Americans with Disabilities Act, defined *supra*, ¶ 30, and thus, EDC and the Las Vegas Motor Speedway are public accommodations.
44. By prohibiting OTC medication at EDC, INSOMNIAC is liable as a lessee or operator of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 7).
45. By requiring those who require prescription medication during attendance EDC to explain themselves to an INSOMNIAC employee, and be subject to denial of entry into

the festival based on their arbitrary discretion, INSOMNIAC is liable as a lessee or operator of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 8).

46. By allowing INSOMNIAC to prohibit OTC medication at EDC, SPEEDWAY is liable as the owner of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 9).

47. By allowing INSOMNIAC to require those who require prescription medication during attendance EDC to explain themselves to an INSOMNIAC employee, and be subject to denial of entry into the festival based on their arbitrary discretion, SPEEDWAY is liable as a lessee or operator of a public accommodation for unlawfully discriminating against those whose disability requires access to such medication (Count 10).

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a) Declaratory relief stating that a public music or nightlife event may not prohibit its customers from entering with either OTC or prescription medication.
- b) Declaratory relief stating that public music or nightlife events may not require customers to explain their need to carry medicine as a condition of entry.
- c) Injunctive relief requiring INSOMNIAC and SPEEDWAY to allow those needing OTC and prescription medication unimpeded access to the festival, both for 2016's EDC as well as for future events, and to publish updated policies describing the same.
- d) Statutory damages against INSOMNIAC per Cal. Civ. Code § 52(a) of an amount to be determined by a jury, but no less than \$4,000 for each of the two counts charged against INSOMNIAC under the Unruh Civil Rights Act.
- e) Cost of the action.
- f) Reasonable attorney's fees, should CORBETT retain an attorney¹.
- g) Any other such relief as the Court deems appropriate.

Dated: Los Angeles, CA

May 24th, 2016

Respectfully submitted,

Jonathan Corbett

Plaintiff, *Pro Se*

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Miami, FL 33179

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¹ CORBETT is presently representing himself in this action *pro se*, and is not seeking attorney's fees for any *pro se* work. CORBETT only seeks attorney's fees in the event that he retains an attorney at a later point, and only for the work completed by said attorney.

Exhibit A

ACCEPTABLE ITEMS

Small bags, single compartment backpacks, plush backpacks, & purses (maximum 12"×12")
Official Insomniac water bottles—must be empty upon entry
Hydration packs with no more than two main compartments and one smaller compartment—must be empty upon entry
Cell phones and portable chargers/external batteries
Fanny packs
Sunglasses & hats
Lighters and sealed packs of cigarettes
Earplugs
Sealed lip balm & gloss
Powder makeup and sealed tampons
Glowsticks & glowing/illuminated costumes or jewelry
Sealed packs of gum
Prescription medication (must show physician's prescription and consult with a safety officer upon entry)
Hula hoops (including led hoops)
Inflatables (must be deflated upon entry)
Flags/banners or handmade signs (no corporate/company branded and no hard flag poles)
Festival totems or decorated pool noodles (see TOTEM GUIDELINES below)
Non-professional flash/still cameras, handheld video devices under 6" (sony action cam, GoPro, etc.), and GoPro extendable poles
Single-use/disposable E-cigs or vapes that do not have refillable liquid chambers

PROHIBITED ITEMS

Illegal substances
Drugs or drug paraphernalia
Pets
Massagers
Laser pointers and air horns
LED gloves or LED microlights used for light shows
Pacifiers, dust masks or gas masks
Eye drops (available inside festival at the general store)
Over-the-counter medication
Liquid makeup or unsealed tampons (upon entry)
Glass, cans, cups or coolers
Markers, pens or spray paint
Large chains or spiked jewelry
Stickers, flyers
Balls or Frisbees
Tents, large umbrellas, chairs or blankets
Bota bags
Large purses, bags or backpack (over 12"×12")
Stuffed animals or dolls
Open packs of cigarettes (upon entry)
Outside food or beverages (including alcohol and candy)
Weapons of any kind (includes pocket knives, pepper spray, fireworks, etc.)
Professional photo, video, or audio recording equipment (no detachable lenses, tripods, big zooms or commercial-use rigs)