

Jessica R. Barsotti
State Bar Number 209557
LAW OFFICE OF JESSICA R. BARSOTTI
1271 Washington Avenue #185
San Leandro, CA 94577
Tel. 510-315-0405
Jessica@barsottilawfirm.com
Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Free Now Foundation, a California non-profit corporation; A.T., a minor, by and through his parent P.H.; and P.H. and individual;

Plaintiffs,

vs.

Poway Unified School District, a public school district in San Diego

County California; and DOES 1-25, inclusive,

Defendants.

CASE NO. 25-cv-03452-AJB-MSB

**COMPLAINT FOR DAMAGES AND
DECLARATORY AND INJUNCTIVE
RELIEF**

1. Violation of Americans with Disabilities Act-Failure to Accommodate
2. Violation of Americans with Disabilities Act-Discriminatory Class
3. Violation of the Americans with Disabilities Act Violation of Due Process
4. Violation of 504 of the Rehabilitation Act Under 29 U.S.C. § 794

DEMAND FOR JURY TRIAL

COME NOW Plaintiffs Free Now Foundation, A.T., by and through his parent P.H., and P.H. and hereby allege against the above-named Defendants as follows.

//

INTRODUCTION

This case is about a young disabled boy who faces expulsion from school due to his disability. Poway Unified School District (“PUSD”) has denied his legitimate request for accommodation from vaccine requirements due to his disability solely because the request for accommodation/exemption is written by an out of state medical doctor and advocate. A.T.’s Americans with Disabilities Act (“ADA”) request for accommodation/exemption is written by an out of state doctor only because A.T.’s 2017 medical exemption from his long-standing in-state doctor was revoked due to the subsequent discipline of his doctor by the California state medical board. PUSD has stated that they do not accept out of state medical evaluations for the purposes of exemptions from vaccine policy due to state law. But the ADA does not contain any such restriction and Plaintiffs allege that PUSD is violating the ADA in its actions. PUSD, on the other hand, claim that they can ignore their ADA affirmative obligations, requirements and the protections it provides to A.T. due to state law. A present and actual controversy has arisen between plaintiffs and Defendants. Are disabled California school children entitled to the full protections of the ADA or can their rights be abridged by state law as implemented by a school district such as Defendant?

JURISDICTION AND VENUE

Subject Matter Jurisdiction

1. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, and 42 U.S.C. § 12133.
2. This Court has authority to grant the requested declaratory relief under 28 U.S.C. Sections 2201 and 2202, damages under 42 U.S.C. § 12133; 29 U.S.C. § 794a(a)(2) and Title VI of the Civil Rights Act of 1964 and injunctive relief pursuant to Fed. R. Civ. P. 65.

Personal Jurisdiction

3. Personal Jurisdiction to Defendants

3.1 The Poway Unified School District is a California public school district located and doing business in San Diego County, California and located within the confines of the Southern District of California.

3.2 To the extent DOES 1-25 are identified, if any, personal jurisdiction will be established at the time of identification.

Venue

4. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the acts giving rise to this lawsuit occurred in this District, specifically.

PLAINTIFFS

Free Now Foundation

5. Plaintiff Free Now Foundation was incorporated as a non-profit corporation on April 7, 2023 and operates principally in California.

6. One of the primary stated purposes of Free Now Foundation is to protect civil liberties and health rights for all, especially children.

7. To this date, Free Now Foundation has approximately 30,000 members, with a social media following in the tens of thousands more.

8. A substantial number of Free Now Foundation's membership includes individuals who have minor children who are disabled, as that word is defined by the Americans with Disabilities Act of 1990 as amended (42 U.S.C. § 12101, et. seq.) and thereby afforded broad protections under the Act.

9. The members and followers of Free Now Foundation include significant numbers of parents and grandparents of California disabled children who wish to attend California schools, pre-schools and daycare centers with equal access to all programs and services of such schools on a non-discriminatory basis when these children's medical disabilities prevent them from receiving vaccinations.

10. Those individual members and followers of Free Now Foundation who are the parents and grandparents of disabled children who wish to attend California schools, pre-schools and daycare centers with the same privileges and access as non-disabled children would have standing in their own right in this case: (1) as advocates for the rights of their minor disabled children and grandchildren to attend California schools with equal access as non-disabled children; (2) because those parents and grandparents of disabled children who forego their rights to demand equal access under the ADA to attend California schools are at risk of bearing the personal and financial costs of caring for any of those disabled children who risk further injury as a result of any immunizations mandated under California law, (3) because they live and pay taxes in this District and (4) because they may have to bear the personal and financial burdens of securing alternative means of education, including homeschooling the children excluded from public and private schools under Health and Safety Code Sections 120370 and 120372.

11. Because a significant number of members of Free Now Foundation have the right and ability to sue in their own capacities, they have elected to have their interests be represented by plaintiff Free Now Foundation in this case on behalf of all such members.

12. Free Now Foundation's primary mission is to raise money to fund litigation to advance medical freedom, especially for children.

13. Free Now Foundation is a nonprofit organized for the purpose of helping children and parents advocate for medical freedom and rights.

14. For these reasons, Free Now Foundation has organizational standing in this proceeding.

A.T. and his parent P.H.

15. P.H. is an individual residing in San Diego, California.

16. A.T is a minor child residing in San Diego, California.

17. At all times relevant herein P.H. and A. T. resided in San Diego County California.
18. P.H. is the mother of A.T., a minor 10-year-old child with disabilities.
19. A.T. received a medical exemption from all vaccinations from his California-licensed doctor in 2017. A.T.'s valid 2017 medical exemption was grandfathered in after the 2019 state law change.
20. Due to the State's subsequent discipline of A.T.'s doctor, by the Medical Board of California (MBC), this resulted in A.T.'s medical exemption being revoked and a determination under the state law that such medical exemption is no longer valid.
21. A.T.'s valid 2017 medical exemption was revoked because AT's doctor was disciplined after 2019.
22. This placed P.H. and A.T. in the position of having to locate another California-licensed doctor to provide an exemption, which they have been unable to do.
23. When she could not find an in-state California physician to evaluate A.T. or provide a medical exemption, P.H. sought medical evaluation of A.T. from an out of state physician who was familiar with conditions similar to that suffered by A.T.
24. She submitted the out of state ADA request for accommodation of medical exemption from mandatory immunizations to PUSD and her request was denied because it was not submitted through the CAIR-ME portal.
25. PUSD has asserted both verbally and in writing that the state law regarding mandatory childhood vaccines takes precedent over the federal ADA law, thus refusing to even evaluate A.T.'s request for accommodation made pursuant to the ADA.
26. Despite this medical exemption being revoked, A.T is still able to attend school only because he has an Individualized Education Program ("IEP") that is based on a disability not related to his disabling medical condition that requires him to avoid vaccines.

27. A.T. is currently still in school only because he has an (IEP) for a speech impairment which will expire in November 2026.
28. PUSD has informed this family that without a valid medical exemption, A.T. will be denied access to school when his IEP ends in 2026 despite his documented medical disability preventing him from receiving vaccines.
29. P.H. is a member of Free Now Foundation and gets its regular newsletters.

The Defendants

30. Defendant PUSD is a public school district organized under the laws of San Diego County and the State of California. PUSD was organized and operates in this District.
31. It is PUSD personnel who have denied A.T.'s current request for accommodation and have told his mother, P.H. that state law takes precedence over the ADA.

STATEMENT OF FACTS

a. Medical Conditions and Documentation

33. A.T. has documented medical conditions which have been confirmed through medical evaluations conducted by multiple healthcare providers.
34. A.T. has been diagnosed with severe left kidney condition which has resulted in the loss of kidney function in his left kidney. By the time the condition was diagnosed, the condition had reached stage 4, which means that the function of his left kidney will never be restored. As a result, A.T. only has one functioning kidney.
35. This condition has been confirmed through blood work and medical evaluations conducted by multiple healthcare providers and is regularly and closely monitored through semi-annual kidney and bladder ultrasounds, as well as comprehensive annual blood tests to assess kidney function.

36. A.T. received a medical exemption based on the potential risks with vaccinations associated with his own medical history, as well as family history, which also creates a predisposition to adverse reactions.
37. A.T.'s family has a documented history significant for severe allergies, seizures, and adverse reactions to vaccines in first-degree relatives.
38. A.T.'s medical condition substantially limits one or more major life activity, qualifying him as an individual with disabilities under the ADA. *See* 42 U.S.C. 12101, et. seq.

b. History of Medical Exemptions

39. . A.T., based upon his long-standing medical history, initially received a medical exemption from all vaccinations from his California licensed pediatrician. See Exhibit A attached hereto and incorporated herein by reference for all purposes.
40. In October 2024, a PUSD employee or agent-the school nurse at the school where A.T. was enrolled as a student, called Willow Grove Elementary School, informed P.H. that A.T.'s 2017 medical exemption from his pediatrician was no longer valid because the doctor had been placed on a list of disciplined physicians which automatically invalidated the medical exemption, regardless of the basis for the discipline.
41. This placed P.H. in the position of looking for another California-licensed physician or surgeon who would be willing to see her son and complete the medical exemption documentation in the California state system.
42. Despite numerous attempts, P.H. has not been able to locate a California licensed doctor who was willing to even see A.T. for the purpose of completing the school medical exemption documentation through the state system.

43. For this reason, P.H. sought medical advice from an out of state physician willing to evaluate A.T. and issue another medical exemption.

c. Current Medical Exemption Requests

44. P.H. submitted the unredacted ADA accommodation request documentation from this out of state doctor to A.T.'s school Willow Grove Elementary School, a school within the PUSD a true and correct copy of which is attached hereto as Exhibit B and incorporated herein by reference.

45. Such documentation has been provided for A.T. by an appropriately qualified medical provider, who qualifies as such under ADA guidelines. Only because the accommodation request is not provided by a California-licensed physician, the ADA Accommodation request documentation was rejected by PUSD.

46. On or about March 21, 2025, P.H. was informed by the PUSD Director of Attendance, an employee or agent of PUSD, that the ADA accommodation request as submitted did not meet the procedural state guidelines and therefore was rejected. See Correspondence attached hereto as Exhibit C and incorporated herein by reference for all purposes.

47. The school gave P.H. one week to locate a California licensed doctor to provide a "compliant" medical exemption and if not, A.T. would not be allowed to attend school in person.¹ Despite numerous attempts, P.H. has not been able to locate a California licensed doctor who is willing to complete the CAIR-ME medical exemption documentation for A.T.

48. Notably, PUSD is accommodating A.T.'s kidney dysfunction daily by allowing him more frequent restroom breaks and the ability to drink the increased amounts of water that his condition requires.

¹ As stated previously, A.T. is currently still in school in person because he has an Individualized Education Program (IEP) for a speech impairment under which he is receiving services from his school. This IEP will be re-evaluated in November 2026 and there are indications that A.T. may no longer need the services for his speech impairment, and once the IEP is no longer in effect, he will be banned from attending in-person due to his other medical conditions.

This demonstrates that the school is willing to accommodate his disability if it does not include an exemption from immunizations but is unwilling to if the requested accommodation involves having to refrain from vaccinations. ~~unless the debilitating restrictions are followed.~~

d. Discriminatory Treatment

49. None of the communication from PUSD ~~did not~~ included any explanation that accepting the ADA reasonable accommodation request documentation for A.T. would cause or be an undue burden. Nor was there any attempt to engage in their ADA obligation of an interactive process to discuss any possible alternative accommodations. As mentioned above, the school district is providing physical accommodations to A.T., and that has not posed any undue burden on them. Exempting him from mandatory vaccinations requires no further action from the school, nor does it cost them anything.

50. Additionally, PUSD, has not provided the statutorily required analysis under the ADA to P.H. as to if, or how A.T. is a direct threat to himself or others by attending school in person while receiving a medical exemption with the submitted documentation. Under the ADA, such “direct threat” analysis must include at a minimum a substantive analysis of the alleged threat, the mitigation available to lessen such threat, and a detailed explanation of why such mitigation would not work in the instance of A.T. Since he has been and is currently in school unvaccinated with no seeming threat to anyone, it is irrational to think that PUSD could credibly make a direct threat claim. Nonetheless, no such claim has ever been made by PUSD with regards to A.T.’s in person attendance at school.

51. As a result of PUSD’s actions, A.T. is facing the unsupported threat of being banned from attending school in person and receiving the full benefit and access to the education services and programs available to other non-disabled students.

52. In addition to the above discriminatory actions, PUSD's claimed enforcement of the state law is unlawfully interfering with A.T.'s established relationship with his long term, in-state medical provider, which is violative of his rights under the ADA. The PUSD is forcing P.H. to seek out another doctor who is willing to take A.T. in as a patient, one that is able to provide advocacy and one willing to re-write him a medical exemption. The ADA puts no restrictions on the location of where a disabled person can seek their medical care or treatments and expressly prohibits interference with advocacy for the disabled.

53. Finally, , no one from PUSD was ever identified for P.H. as a person within the school or district, designated by PUSD, to receive a complaint regarding such ADA violations. Further, P.H. never received anything in writing which explained any type of process or procedure for P.H. to use in order to make an ADA violation complaint nor was there any procedures in place to allow for such review as require by the ADA.

e. Americans with Disabilities Act, as amended 42 U.S.C. § 12101 et. seq.

54. Title II of the ADA prohibits public entities such as cities, local districts and states from excluding a qualified individual with a disability from participating in services, programs or activities provided by the entity. 42 U.S.C. § 12131, codified at Title 28 CFR Part 35.

55. Under Title II of the ADA, disability with respect to an individual means a physical or mental impairment that substantially limits one or more of the major life activities of such individual; someone who has a record of such impairment; or someone who is regarded as having such an impairment. 28 C.F.R. §35.108(a). Title II goes on to state that the definition of disability shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. 28 CFR §35.108(2)(i). 28 C.F.R. §35.130(7)(i) states that "a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary

to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” 28 CFR §35.130(8) goes on to require that “a public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.”

56. When someone makes a request for accommodation under the ADA, the ADA provides affirmative obligations regarding how a covered public entity must respond. The public entity can simply grant the requested accommodation, or it can deny it. If the requested accommodation is denied, the ADA outlines that the public entity must first explore with the requestor if alternative accommodations are acceptable or plausible.
57. A denial of a requested accommodation is legally sufficient under Title II for only two broad reasons. The first is if there is no alternative accommodation that can be found, the public entity must show a demonstrated burden that the modification /accommodation would fundamentally alter the nature of the service, program or activity. 28 CFR §35.130(7)(i).
58. The second legally sufficient reason for denial of a valid request for accommodation under Title II is if the covered public entity determines that granting the requested accommodation results in the requestor posing a direct threat to themselves or others. 28 CFR §35.104 defines “Direct Threat” as a “significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided in § 35.139.” §35.139 outlines that if a covered public entity is going to deem that an individual poses a “direct threat” to the health and safety of others, then they must go through an

individualized assessment that analyzes and identifies the nature, duration, and severity of the alleged risk, the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk. 28 CFR §35.130(h) allows public entities to impose legitimate safety requirements necessary for the safe operation of their services, programs, or activities, but those safety requirements cannot be based on mere speculation, stereotypes, or generalizations about individuals with disabilities.

59. Public entities are required to make such modifications to their rules, policies and practices to allow equal access to persons with disabilities to allow participation in and receive the benefits of the services, programs or activities of the public entity unless such modification would create an undue financial or administrative burden or fundamentally alter the nature of the program. See 28 C.F.R. § 35.164.

60. In 2008, the United States Congress enacted sweeping amendments to the ADA which very clearly broadened the definition of who is considered a disabled individual under the law. At that time, Congress very deliberately afforded all the protections under the ADA to many more people with a vast array of different disabilities.

61. These ADA amendments sought to include individuals with invisible disabilities, which are those disabilities that are not obvious upon interaction with a disabled person, and such amendments expressly stated that whether an individual meets the definition of disability does not (and should not) include extensive analysis, which logically includes any public entity's attempt to undermine a medical professional's expert opinion regarding the diagnosis of a disability or necessary reasonable accommodations. See 28 C.F.R. §35.101(b).

62. The ADA puts no restrictions on where a disabled individual can receive their medical diagnosis or treatment in providing appropriate medical documentation to establish an individual as a

qualified individual under the ADA. See 42 U.S.C. § 12101 *et. Seq.* It does not even mandate that the individual providing treatment be a physician with a doctorate of medicine or osteopathy. The law provides that a treating individual needs to be a competent medical professional with sufficient knowledge of the patient’s medical conditions to be able to render a competent medical decision.

63. Title II of the ADA prohibits public entities, including public schools and school districts such as PUSD from discriminating against any class of disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered. 28 C.F.R. §35.130(b)(1)(iv).
64. The ADA not only prohibits discrimination, but it also makes it unlawful to retaliate against an individual who is seeking to enforce his or her rights under the ADA, or against any person who has a relationship with a person with disabilities or is seeking to aid or encourage an “individual in the exercise or enjoyment of, any right granted or protected” under the ADA. 42 U.S.C. 12203(b), 28 C.F.R. 345.130(g) and 28 C.F.R. 35.134.

FIRST CAUSE OF ACTION
Violation of 42 U.S.C. § 12101, et. seq.
Failing to Accommodate under Federal ADA
(Against All Defendants)

65. Plaintiffs reallege and incorporate by reference the allegations in paragraphs 1-64.
66. Title II of the ADA prohibits public entitles, including public schools, from discriminating against individuals with disabilities in the provision of services, programs or activities.
67. A.T. is a qualified individual with disabilities under the ADA due to his documented medical conditions, which substantially limits one or more of the major life activities.

68. PUSD is responsible for the discrimination against A.T. by denying Plaintiffs' ADA-compliant reasonable accommodation request for medical exemptions based solely upon assertions that the State law supersedes the federal ADA.
69. Plaintiffs allege that PUSD has discriminated against A.T. by failing to allow the required reasonable modifications to policies, practices and procedures as required by the ADA.
70. PUSD failed to engage in the required analysis for denial of the requested accommodation required by the ADA because the federal ADA law was subservient to the State law.
71. Plaintiffs allege that PUSD violated the requirements of the ADA when they failed to discuss reasonable alternative accommodations or determine that none existed.
72. . Plaintiffs allege that PUSD violated the requirements of the ADA when they failed to provide detailed analysis of any undue burden as the basis to reject the Plaintiffs' reasonable accommodation requests as required by the ADA.
73. Plaintiffs allege that PUSD violated the requirements of the ADA when they failed to provide a valid and detailed direct-threat analysis as the basis for rejecting Plaintiffs' reasonable accommodation requests as required by the ADA.
74. Defendants claim that they are not subject to the confines of the ADA due to state law.
75. An actual and present controversy has arisen between Plaintiffs and Defendant in that Plaintiffs claims that A.T. is legally afforded protections under the ADA and Defendants claim he is not due to state law.
76. As such, Plaintiffs request this court issue declaratory relief to clarify the parties rights and responsibilities under the ADA.

WHEREFORE Plaintiff asks for the relief prayed for below.

//

SECOND CAUSE OF ACTION
Violation of 42 U.S.C. § 12101, et. seq.
Violation of the Americans With Disabilities Act
(Against All Defendants)

77. Plaintiffs reallege and incorporate by reference the allegations in paragraphs 1-76.
78. PUSD has discriminated against A.T. by allowing automatic medical exemptions for disabled children with certain disabilities who have received an IEP. Such practice is a violation of 28 C.F.R. §35.130(b)(1)(iv) because it discriminates among different disabilities to the benefit of some and the detriment of others. This practice allows for the immediate and unquestioned acceptance of a request for a medical exemption for children that have obvious more easily discernible disabilities that require an IEP, but for those children who have less obvious disabilities that do not warrant an IEP, they are forced to go through an onerous, and what has proved to be an impossible state ordained, process that illegally scrutinizes and rejects not only their request for accommodation, but the fact that their disabilities are afforded protection by the ADA at all.
79. More specifically, PUSD has created a clear case of discrimination on this basis against A.T. because the PUSD recognizes A.T.'s need for accommodation (exemption from vaccines) based on his speech impairment because it requires an IEP, but does not recognize his more serious renal dysfunction as warranting an accommodation of exemption. A.T. has been informed that he will be removed from school once the IEP expires, barring this Court's intervention.
80. Title II of the ADA prohibits public entities, including public schools and school districts such as PUSD from discriminating against any class of disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.
81. A.T. has a disability that falls into a class that requires he refrain from and avoid the immune and neurologic response/disruption that vaccines create in the human body. A competent medical

provider has made the determination for A.T. that the risk vaccines create for his disability is higher than any benefit he would receive.

82. A.T. has a disability that falls into a class that does not require an IEP.

83. PUSD has created a clear case of discrimination on this basis against A.T., and against all children who have a disability that does not require an IEP, but who are medically advised not to receive vaccines. PUSD is granting an accommodation in the form of a medical exemption from the vaccine mandates with no further inquiry or physician input where the child's disability requires an IEP. But those children with disabilities that do not require an IEP are being forbidden to attend school, if their disability prevents the use of vaccines. As a direct result of Defendants' actions, A.T., and his parents have suffered and continue to suffer damages including emotional distress, threats of loss of educational opportunities, and denial of their civil rights.

WHEREFORE, Plaintiffs request the relief prayed for below.

THIRD CAUSE OF ACTION
Failure to Provide Due Process under ADA Regulation 28 CFR§35.107
(Against All Defendants)

85. Plaintiffs reallege and incorporate by reference the allegations in paragraphs 1-84

86. PUSD is responsible for discrimination under the ADA because it has failed to provide an ADA complaint procedure as required under 28 CFR§35.107(b). This therefore does not afford Plaintiffs the due process rights granted them for redress under the ADA.

87. 28 C.F.R. § 35.107(a) requires that any public entity with fifty or more employees must designate at least one employee to coordinate the entity's efforts for compliance with its responsibilities under the ADA and its regulations. This includes any investigation into a complaint communicated to it alleging noncompliance with the ADA or any actions that would be prohibited by the ADA. Additionally, 28 C.F.R. § 35.107 (b) requires that the entity to "adopt and publish [ADA] grievance

procedures providing for prompt and equitable resolution of complaints alleging action that would be prohibited by this part.”

88. The guidance published by the California Office of the Attorney General (AG), Public Rights Division, Civil Rights Enforcement Section, Disability Rights Bureau, asserts that it is the school district, in this case PUSD, who is responsible for providing an appropriate education to students with disabilities. <https://oag.ca.gov/system/files/media/dr-b-disability-rights-k-12-education.pdf>

“The responsibility of providing an appropriate education to students with disabilities is a public responsibility. The immediate responsibility rests with the school district. (*B.H. v. Manhattan Beach Unified School Dist.* (2019) 35 Cal.App.5th 563, 584, 587 (*B.H.*) [“School districts must educate students if the student’s parent resides within the district”].)”

89. If Defendants actions are allowed to continue Plaintiffs, and members will suffer irreparable injury by being forced out of public education and stripped of medical advocates for their disabling condition.

90. Defendants claim that they are not subject to the confines of the ADA due process requirements. This stance does not allow P.H. to appeal in a manner that addresses her son’s rights under the ADA.

91. An actual and present controversy has arisen between Plaintiffs and Defendant in that Plaintiffs claims that A.T. is legally afforded protections under the ADA and Defendants claim he is not due to state law.

92. As such, Plaintiffs request this court issue declaratory relief to clarify the parties rights and responsibilities under the ADA.

WHEREFORE Plaintiffs request the relief prayed for below.

//

//

FOURTH CAUSE OF ACTION
Violation of Section 504 of the Rehabilitation Act Under 29 U.S.C. § 794
(Against All Defendants)

93. Plaintiffs reallege and incorporate by reference the allegations in paragraphs 1 through 92..
94. Section 504 of the Rehabilitation Act prohibits discrimination against individuals with disabilities by programs receiving federal financial assistance.
95. PUSD receives federal assistance and is subject to Section 504's requirements.
96. Defendants, through the actions described herein, have denied, and are further threatening to deny A.T. the benefit of schools' educational programs, and interfering with his rights as a person with a disability protected by the ADA.
97. Defendants have failed to make reasonable accommodations for A.T.'s renal and immune disabilities.
98. Defendants have discriminated against A.T. solely because of his disabilities by maintaining a policy of rejecting valid requests for accommodation made under the federal ADA, as amended, and interfering with the doctor-patient relationship.
99. As a direct result of Defendants' actions, A.T. and his parents have suffered and continue to suffer damages including emotional distress, threats of loss of educational opportunities, monetary damage, and denial of their civil rights.

WHEREFORE Plaintiff asks for the relief prayed for below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Free Now Foundation, A.T., by and through his parent P.H. and P. H respectfully request and pray for judgment as follows:

1. A Declaration that Defendants have discriminated against A.T. on the basis of disability by claiming state law does not allow A.T. to avail himself of all of their rights under the ADA;

2. Preliminary enjoin PUSD, from failing and refusing to accept ADA-compliant medical documentation which supports requests for accommodation for a disabled student;
3. Preliminarily enjoin PUSD from requiring that a medical exemption accommodation request for a disabled child is only valid if issued by a licensed California physician;
4. Award A.T. and/or P.H. compensatory damages in an amount to be proven at trial, but that exceeds the jurisdictional minimum for this court for violations of 504 of the Rehabilitation Act Under 29 U.S.C. § 794a(a)(2).
5. Award Plaintiffs reasonable attorneys' fees and costs pursuant to law or statute; and
6. Grant such other relief as the Court deems just and appropriate.

JURY TRIAL DEMANDED

Dated: December 5, 2025

LAW OFFICE OF JESSICA R. BARSOTTI



Jessica R. Barsotti
Counsel for Plaintiffs