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20  
 21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA**  
 23 **WESTERN DIVISION**

24 NIKKO BRITERAMOS,

25 Plaintiff,

26 vs.

27 KING'S OF CUTS (D/B/A "KINGS OF  
 28 KUTS") and  
 RAMSY MILTON,

Defendants

Case No.: 2:18-CV-06400

FIRST AMENDED COMPLAINT

JURY TRIAL DEMANDED



1 Briteramos's hair or to allow any of the barbers in his shop to cut Mr. Briteramos's  
2 hair.

3  
4 4. This was not the first time Mr. Briteramos experienced discrimination  
5 at the hands of the woefully uninformed. But because it was especially painful to  
6 face this kind of discrimination in this particular setting at this point in time from  
7 another member of a marginalized community to which he also belongs, Mr.  
8 Briteramos has reached a breaking point and is bringing this action to secure relief  
9 for violations of rights guaranteed by the Americans with Disabilities Act  
10 ("ADA"), 42 U.S.C. § 12182, and California's Unruh Civil Rights Act (the "Unruh  
11 Act"), California Civil Code § 51 et seq.  
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14

15 **JURISDICTION AND VENUE**

16  
17 5. This Court has original jurisdiction over Plaintiff's claim arising  
18 under the ADA, 42 U.S.C. § 12182, pursuant to 28 U.S.C. § 1331.

19  
20 6. Plaintiff's state law claim under the Unruh Act, California Civil Code  
21 § 51 et seq., is so related to his claim arising under the ADA as to form part of the  
22 same case or controversy. This Court therefore can exercise supplemental  
23 jurisdiction over Plaintiff's state law claim pursuant to 28 U.S.C. § 1367.  
24

25 7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1)-(2).  
26 Defendant King's of Cuts (d/b/a "Kings of Kuts") resides in this judicial district  
27  
28

1 and division, and a substantial part of the events giving rise to Plaintiff's claims  
2 occurred in this judicial district and division.  
3

4 **THE PARTIES**

5 8. Plaintiff Nikko Briteramos is a Black and Latino man living with  
6 HIV. He is now, and was at the time of the events giving rise to this action, a  
7 resident of the County of Los Angeles, California.  
8

9 9. Defendant King's of Cuts (d/b/a "Kings of Kuts") is now, and was at  
10 all times mentioned herein, a private business establishment operating in the  
11 County of Los Angeles, California. Defendant's principal place of business is in  
12 the historically Black, Los Angeles neighborhood of Leimert Park at 4283  
13 Crenshaw Boulevard, Los Angeles, CA 90008, and it caters to that community.  
14 Kings of Kuts is a business establishment that offers accommodations, advantages,  
15 facilities, privileges, and services to the public.  
16  
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18

19 10. Defendant Ramsy Milton is the sole owner of Kings of Kuts.  
20

21 **STATEMENT OF FACTS**

22 11. Prior to October 13, 2017, Nikko Briteramos had patronized the Kings  
23 of Kuts barbershop, in the Leimert Park neighborhood of Los Angeles, several  
24 times without incident.  
25

26 12. Kings of Kuts specializes in cutting the hair of Black men, and  
27 primarily serves members of this community. In Black communities, barbershops  
28

1 are a social hub for men from childhood into adulthood. As well as providing a  
2 necessary service, barbershops serve as the central space for connection, discussion  
3 and community building. The ability to patronize a local barbershop is of great  
4 significance in the everyday lives of many Black men. For Mr. Briteramos, that  
5 local barbershop was Kings of Kuts.  
6  
7

8 13. Upon entering Kings of Kuts on October 13, 2017, Mr. Briteramos  
9 discovered that Kings of Kuts had hired a new barber, referred to by the nickname  
10 “Twin.” Coincidentally, Twin had been one of Mr. Briteramos’s barbers when he  
11 lived in Chicago before moving to Los Angeles in 2007.  
12

13 14. Upon entering the barber shop, Mr. Briteramos and Twin recognized  
14 each other and did a quick bit of catching up before Mr. Briteramos stepped  
15 outside of the shop to await his turn, because there was a short wait for a haircut at  
16 that time.  
17  
18

19 15. From outside the barbershop, Mr. Briteramos could see that head  
20 barber Ramsy Milton, referred to by the nickname “Rambo,” and Twin were  
21 conversing while cutting the hair of their respective clients, but he could not hear  
22 what they were saying. Upon information and belief, Twin explained to Rambo  
23 how he knew Nikko and revealed Nikko’s HIV status to Rambo.  
24  
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1           16. Twin knew about Nikko’s HIV status only because Nikko’s diagnosis  
2 had been splashed across the headlines of newspapers in South Dakota and across  
3 the Midwest when he was a 19-year-old freshman at Huron University.

4  
5           17. Days after learning that an HIV antibody test had come back reactive  
6 after he donated as part of a campus blood drive shortly after September 11, 2001  
7 (*i.e.*, 9/11), Mr. Briteramos was in his dorm room with a female student who  
8 attended the same school. Having not yet received the results of a confirmatory  
9 test and in some level of denial—a not uncommon experience for those newly-  
10 diagnosed with HIV—Nikko was engaged in sexual activity with this other  
11 student.  
12  
13  
14

15           18. Public health officials, who presumably had come to visit Mr.  
16 Briteramos to provide the results of a confirmatory test and to engage in what are  
17 referred to as “partner services” (*i.e.*, the offer to notify recent sexual partners of  
18 the HIV diagnosis), apparently saw or otherwise came to believe that Mr.  
19 Briteramos and this young woman were engaged in sexual activity.  
20  
21

22           19. Upon entering the dorm room and confirming there had been sexual  
23 activity taking place without disclosure of Nikko’s likely HIV-positive status, the  
24 public health officials contacted the police to file a complaint that Nikko had  
25 violated a South Dakota statute making it a felony to engage in such conduct.  
26  
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28

1           20. Mr. Briteramos subsequently was arrested and charged with violating  
2 the statute. Public health officials conducted a campus-wide HIV testing drive  
3 using Mr. Briteramos’s photo, HIV diagnosis, and prior sexual activity as the  
4 motivator to bring in hundreds for testing. He was vilified in the local press as an  
5 outsider from Chicago who had brought HIV to this small college town and was  
6 preying on young women—even though he was the same age as his sexual partners  
7 and the alleged “victim,” who was never diagnosed with HIV, did not want Nikko  
8 prosecuted. Seeing the deck stacked against him, Nikko pled guilty to the charges  
9 and served 18 months in prison.  
10

11           21. The conviction and the publicity surrounding his case completely  
12 upended Mr. Briteramos’s life. Along with the felony conviction and prison time,  
13 Nikko lost his basketball scholarship, was forced to drop out of school and  
14 returned to Chicago upon his release, a still very young—but now disillusioned—  
15 man.  
16

17           22. Nikko attempted to rebuild his life. He enrolled in a local college and  
18 started playing basketball there, but the press coverage surrounding the events  
19 from South Dakota meant that everyone in the community knew of his HIV status  
20 and he was questioned, stigmatized and ostracized at every turn. As best he could,  
21 Nikko dealt with the alienation and social isolation that often comes with an HIV  
22 diagnosis, but it was heightened for him by the unfortunate experiences in South  
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1 Dakota, and he ultimately decided to again drop out of college. He remained in  
2 Chicago for only two years before moving to Los Angeles in another bid for a  
3 fresh start.  
4

5 23. A decade later, on October 13, 2017, Nikko found himself waiting for  
6 a haircut outside of Kings of Kuts. When it should have been Nikko's turn,  
7 Rambo, the owner of Kings of Kuts, came outside to speak with him. He told  
8 Nikko that he would not cut his hair and the shop could not serve him because of  
9 his HIV status. Rambo further explained that the shop had a celebrity clientele and  
10 he could not afford to serve HIV-positive people for fear word would get out to  
11 others that the shop serves such people.  
12  
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15 24. Defendant's conduct in refusing to serve Mr. Briteramos based solely  
16 on his status as a person living with HIV is a violation of his rights under both the  
17 ADA and California's Unruh Act.  
18

19 25. Mr. Briteramos's HIV is a physical impairment that substantially  
20 limits one or more of his major life activities, such that he is a person with a  
21 disability as defined under the ADA. Specifically, his HIV limits the major life  
22 activity of immune function, as delineated in the ADA.  
23  
24

25 26. Casual contact with a person living with HIV, such as cutting the  
26 person's hair, presents no measurable risk of HIV transmission.  
27  
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1 27. As a result of Defendant's denial of services, Mr. Briteramos has  
2 suffered inconvenience, embarrassment, emotional distress, humiliation, and other  
3 dignitary harms.  
4

5 **FIRST CAUSE OF ACTION**  
6 **VIOLATION OF AMERICANS WITH DISABILITIES ACT, 42 U.S.C. §**  
7 **12182**  
8 **(Discrimination in a Place of Public Accommodation)**

9 28. Plaintiff incorporates by reference each of the preceding paragraphs as  
10 though fully set forth herein.

11 29. Pursuant to 42 U.S.C. § 12182(a), "[n]o individual shall be  
12 discriminated against on the basis of disability in the full and equal enjoyment of  
13 the goods, services, facilities, privileges, advantages, or accommodations of any  
14 place of public accommodation."  
15  
16

17 30. Barbershops are explicitly defined as "place[s] of public  
18 accommodation" according to 42 U.S.C. § 12181(7)(F).  
19

20 31. Nikko, as a person living with HIV, is an individual with a disability  
21 as defined in 42 U.S.C. § 12012(2)(B).  
22

23 32. When Defendant learned that Nikko was living with HIV,  
24 Defendant's services, previously provided to Nikko without incident, were  
25 foreclosed to him. The decision to deny services to Nikko based solely on his HIV  
26 status constitutes unlawful discrimination under 42 U.S.C. § 12182(b)(1)(A)(i).  
27  
28

1 33. As a result of this discriminatory treatment, Nikko suffered  
2 inconvenience, embarrassment, emotional distress, humiliation, and other dignitary  
3 harms.  
4

5 34. Plaintiff requests relief as set forth below.  
6

7 **SECOND CAUSE OF ACTION**  
8 **VIOLATION OF CALIFORNIA’S UNRUH CIVIL RIGHTS ACT,**  
9 **CIVIL CODE § 51 *et seq.***  
10 **(Discrimination Based on Disability)**

11 35. Plaintiff incorporates by reference each of the preceding paragraphs as  
12 though fully set forth herein.

13 36. Pursuant to California Civil Code § 51(b), “[a]ll persons within the  
14 jurisdiction of this state are free and equal, and no matter what their . . .  
15 disability . . . are entitled to the full and equal accommodations, advantages,  
16 facilities, privileges, or services in all business establishments of any kind  
17 whatsoever.”  
18

19  
20 37. California Government Code § 12926.1 includes within its definition  
21 of physical disabilities “chronic or episodic conditions such as HIV/AIDS.” The  
22 Unruh Act, § 51(e)(1), incorporates the entire scope of Government Code §  
23 12926.1 within its definition of what constitutes a “disability.”  
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1 Date: July 26, 2018  
2

3 Respectfully submitted,

4 

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