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13  
14 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
15 **WESTERN DIVISION**

16 NIKKO BRITERAMOS,

17 Plaintiff,

18 vs.

19 KING’S OF CUTS (D/B/A “KINGS OF KUTS”)  
20 and  
21 RAMSY MILTON,

22 Defendants

Case No.: 2:18-CV-06400

COMPLAINT

JURY TRIAL DEMANDED

23 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

24 Plaintiff NIKKO BRITERAMOS (“Plaintiff” or “Mr. Briteramos”), by and through his attorneys,  
25 files this complaint against KING’S OF CUTS (d/b/a “Kings of Kuts”) and RAMSY MILTON (a/k/a/  
26 “Rambo”) (collectively, “Defendants”), and alleges as follows:  
27

**INTRODUCTION**

1  
2 1. Nikko Briteramos brings this lawsuit to remedy unlawful discrimination he experienced  
3 at the hands of the owner of the Kings of Kuts barbershop, a place of public accommodation.

4 2. On October 13, 2017, Mr. Briteramos walked in to the “Kings of Kuts” barbershop, in the  
5 Leimart Park neighborhood in Los Angeles, with the intention of getting his haircut, as he had multiple  
6 times before. As it is for many men in the Black community, for Mr. Briteramos the barbershop is a place  
7 of particular import for social gathering, group discussion and comradery. It was the last place from  
8 which he expected to be cast out and ostracized as “the Other.”  
9

10 3. Unfortunately, Mr. Briteramos’s expectations were upended by the reality that many  
11 people do not understand how HIV is *and is not* transmitted—and the stigma and discrimination those  
12 misconceptions engender. After the owner of Kings of Kuts learned from another barber whom Mr.  
13 Briteramos knew from his time in Chicago that Mr. Briteramos is living with HIV, he refused to cut Mr.  
14 Briteramos’s hair or to allow any of the barbers in his shop to cut Mr. Briteramos’s hair.

15 4. This was not the first time Mr. Briteramos experienced discrimination at the hands of the  
16 woefully uninformed. But because it was especially painful to face this kind of discrimination in this  
17 particular setting at this point in time from another member of a marginalized community to which he  
18 also belongs, Mr. Briteramos has reached a breaking point and is bringing this action to secure relief for  
19 violations of rights guaranteed by the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12182, and  
20 California’s Unruh Civil Rights Act (the “Unruh Act”), California Civil Code § 51 et seq.  
21

22 **JURISDICTION AND VENUE**

23 5. This Court has original jurisdiction over Plaintiff’s claim arising under the ADA, 42  
24 U.S.C. § 12182, pursuant to 28 U.S.C. § 1331.

25 6. Plaintiff’s state law claim under the Unruh Act, California Civil Code § 51 et seq., is so  
26 related to his claim arising under the ADA as to form part of the same case or controversy. This Court  
27

1 therefore can exercise supplemental jurisdiction over Plaintiff's state law claim pursuant to 28 U.S.C. §  
2 1367.

3 7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1)-(2). Defendant King's  
4 of Cuts (d/b/a "Kings of Kuts") resides in this judicial district and division, and a substantial part of the  
5 events giving rise to Plaintiff's claims occurred in this judicial district and division.

6 **THE PARTIES**

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

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

17  
18 10. Defendant Ramsy Milton is the sole owner of Kings of Kuts.

19 **STATEMENT OF FACTS**

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

22 12. Kings of Kuts specializes in cutting the hair of Black men, and primarily serves members  
23 of this community. In Black communities, barbershops are a social hub for men from childhood into  
24 adulthood. As well as providing a necessary service, barbershops serve as the central space for  
25 connection, discussion and community building. The ability to patronize a local barbershop is of great  
26 significance in the everyday lives of many Black men. For Mr. Briteramos, that local barbershop was  
27 Kings of Kuts.

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

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

7 15. From outside the barbershop, Mr. Briteramos could see that head barber Ramsy Milton,  
8 referred to by the nickname “Rambo,” and Twin were conversing while cutting the hair of their respective  
9 clients, but he could not hear what they were saying. Upon information and belief, Twin explained to  
10 Rambo how he knew Nikko and revealed Nikko’s HIV status to Rambo.  
11

12 16. Twin knew about Nikko’s HIV status only because Nikko’s diagnosis had been splashed  
13 across the headlines of newspapers in South Dakota and across the Midwest when he was a 19-year-old  
14 freshman at Huron University.

15 17. Days after learning that an HIV antibody test had come back reactive after he donated as  
16 part of a campus blood drive shortly after September 11, 2001 (*i.e.*, 9/11), Mr. Briteramos was in his  
17 dorm room with a female student who attended the same school. Having not yet received the results of a  
18 confirmatory test and in some level of denial—a not uncommon experience for those newly-diagnosed  
19 with HIV—Nikko was engaged in sexual activity with this other student.  
20

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

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

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

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

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

23 23. A decade later, on October 13, 2017, Nikko found himself waiting for a haircut outside of  
24 Kings of Kuts. When it should have been Nikko's turn, Rambo, the owner of Kings of Kuts, came  
25 outside to speak with him. He told Nikko that he would not cut his hair and the shop could not serve him  
26 because of his HIV status. Rambo further explained that the shop had a celebrity clientele and he could  
27  
28

1 not afford to serve HIV-positive people for fear word would get out to others that the shop serves such  
2 people.

3 24. Defendant's conduct in refusing to serve Mr. Briteramos based solely on his status as a  
4 person living with HIV is a violation of his rights under both the ADA and California's Unruh Act.

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

8 26. Casual contact with a person living with HIV, such as cutting the person's hair, presents  
9 no measurable risk of HIV transmission.  
10

11 27. As a result of Defendant's denial of services, Mr. Briteramos has suffered inconvenience,  
12 embarrassment, emotional distress, humiliation, and other dignitary harms.

13 **FIRST CAUSE OF ACTION**  
14 **VIOLATION OF AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12182**  
15 **(Discrimination in a Place of Public Accommodation)**

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

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

21 30. Barbershops are explicitly defined as "place[s] of public accommodation" according to  
22 42 U.S.C. § 12181(7)(F).

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

25 32. When Defendant learned that Nikko was living with HIV, Defendant's services,  
26 previously provided to Nikko without incident, were foreclosed to him. The decision to deny services to  
27

1 Nikko based solely on his HIV status constitutes unlawful discrimination under 42 U.S.C. §  
2 12182(b)(1)(A)(i).

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

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 though fully set  
12 forth herein.

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

17 37. California Government Code § 12926.1 includes within its definition of physical  
18 disabilities “chronic or episodic conditions such as HIV/AIDS.” The Unruh Act, § 51(e)(1), incorporates  
19 the entire scope of Government Code § 12926.1 within its definition of what constitutes a “disability.”

20 38. The Unruh Act separately states that, “[a] violation of the right of any individual under  
21 the federal Americans with Disabilities Act of 1990 . . . shall also constitute a violation of this section.”  
22 California Civil Code § 51(f).

23 39. Nikko sought to have his hair cut, a service Defendant provides to the public as a  
24 business operating in the state of California.

25 40. By denying service to Nikko solely on the basis of his HIV status, Defendant has violated  
26 Nikko’s rights to full and equal use of the accommodations, advantages, facilities, privileges, or services  
27 Defendant offers to its customers. In doing so, Defendant has violated California’s Unruh Civil Rights  
28 Act.

1 41. Plaintiff requests relief as set forth below.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff respectfully requests that this Court:

- 4 1. Enjoin and permanently restrain Defendant from categorically denying service to individuals  
5 based solely on their HIV-positive status;  
6  
7 2. Award Plaintiff damages in an amount to be determined at trial;  
8  
9 3. Award Plaintiff costs and attorneys' fees;  
10  
11 4. Provide other such relief as this Court deems just and proper.

12 **JURY DEMAND**

13 Plaintiff hereby demands a trial by jury.

14 Date: July 25, 2018

15 Respectfully submitted,

16 

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