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4 UNITED STATE DISTRICT COURT

5 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

6
7 MARK BAKER,

8 Plaintiff,

9 vs.

10 REGENCY CENTERS CORPORATION AND

11 LIVEVIEW TECHNOLOGIES, INC.,

12 Defendants.

Case No.: 2:26-cv-00017-TLN-JDP

FIRST AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF
PURSUANT TO:

1. THE AMERICANS WITH DISABILITIES ACT 42 U.S.C. §§ 12101 ET SEQ.;
2. THE UNRUH CIVIL RIGHTS ACT, CALIFORNIA CIVIL CODE §§ 51-52
3. THE DISABLED PERSONS ACT, CALIFORNIA CIVIL CODE § 54
4. PUBLIC NUISANCE (CAL. CIV. CODE §§ 3479, 3480)
5. PRIVATE ATTORNEY GENERAL DOCTRINE, CODE OF CIVIL PROCEDURE § 1021.5

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17 DEMAND FOR JURY TRIAL.

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1 **I. NATURE OF THE ACTION**

2 Plaintiff, Mark Baker, brings this action to redress a systemic discriminatory barrier and
3 a public nuisance created by Regency Centers Corporation (Regency) and LiveView
4 Technologies, Inc. (LVT). Defendants have failed to eliminate hazardous, high-intensity static
5 and strobing blue Light Emitting Diode (LED) lights on the LVT mobile surveillance units.
6 These units are deployed across numerous places of public accommodation and adjacent to
7 public roadways throughout California, including but not limited to locations in Davis,
8 Sacramento, Woodland, and Vacaville.

9 The LVT system is a standardized, mobile technological platform. Plaintiff has
10 encountered this specific discriminatory barrier at over 20 distinct geographical locations
11 managed or utilized by Defendants and their agents. Many of LVT’s clients, but not LVT or
12 Regency, have agreed to provide the Plaintiff’s requested Americans with Disabilities Act
13 (ADA) accommodation by turning off the blue LED lights, proving that the accommodation is
14 readily achievable and that the blue lights are not a necessary component of security. At the
15 Oakshade Town Center in Davis, Defendants Regency and LVT briefly granted the
16 accommodation by disabling the lights, but then willfully withdrew the accommodation after
17 three weeks.

18 This pattern of deployment and refusal to accommodate constitutes a widespread
19 violation of the Americans with Disabilities Act (ADA), the California Unruh Civil Rights Act,
20 and the California Disabled Persons Act.

21 The high-intensity blue LED light acts as a discriminatory barrier that physically and
22 neurologically bars Plaintiff from the premises. Because this specific wavelength of light triggers
23 a physiological exclusion zone for the Plaintiff — a reality Defendants were made aware of and
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1 successfully mitigated during a three-week pilot program — the continued deployment of these
2 lights constitutes an intentional act of discrimination. This is not a mere technical preference but
3 a physical denial of the right to full and equal enjoyment of public accommodations as
4 guaranteed by 42 U.S.C. § 12182(a).

5 6 **II. PARTIES**

7 Plaintiff, MARK BAKER, is an individual residing in Yolo County, California.
8 Plaintiff is a "person with a disability" as defined by 42 U.S.C. § 12102 and California
9 Government Code § 12926. Plaintiff's disabilities include autism spectrum disorder and
10 photophobia, which result in extreme physiological and neurological sensitivity to high-intensity
11 blue light and digital strobing.

12 Defendant, REGENCY CENTERS CORPORATION ("Regency"), is a Delaware
13 corporation with its principal place of business in Jacksonville, Florida. Regency owns, operates,
14 and/or leases the Oakshade Town Center in Davis, California. Regency is a "public
15 accommodation" as defined by 42 U.S.C. § 12181(7)(E).

16 Defendant, LIVEVIEW TECHNOLOGIES, INC. ("LVT"), is a Delaware corporation
17 with its principal place of business in Orem, Utah. LVT manufactures, leases, and/or operates the
18 mobile surveillance units that utilize the discriminatory blue LED lights. Plaintiff is informed
19 and believes, and thereon alleges, that LVT maintains direct digital control over the activation,
20 intensity, and strobing patterns of the LED lights.

21 **III. JURISDICTION AND VENUE**

22
23

1 This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331
2 (Federal Question) because the claims arise under the Americans with Disabilities Act, 42 U.S.C.
3 § 12101 et seq.

4 This Court has supplemental jurisdiction over the state law claims (Unruh Civil Rights
5 Act, Disabled Persons Act, and Public Nuisance) under 28 U.S.C. § 1367 because these claims
6 are so related to the federal claims that they form part of the same case or controversy under
7 Article III of the United States Constitution.

8 Venue is proper in the Eastern District of California under 28 U.S.C. § 1391(b)(2)
9 because the events and omissions giving rise to these claims occurred in this District, and the
10 property that is the subject of the action is situated in this District.

11 **IV. STANDING**

12 **Injury-in-Fact:** Plaintiff has suffered repeated physical and neurological injuries at
13 over 20 separate locations where the LVT system is deployed. Each encounter with the blue LED
14 lights causes Plaintiff acute eye pain and psychological trauma. Because these units are mobile
15 and frequently moved between commercial centers, the barrier is transitory, creating an
16 unpredictable and constant threat to Plaintiff's safety and mobility.

17 **Deterrence:** Under the ADA, a plaintiff has standing if they are "deterred" from
18 visiting a location due to a known barrier. *Pickern v. Holiday Quality Foods Inc.*, 293 F.3d 1133,
19 1136-1137 (9th Cir. 2002). Plaintiff has been and is currently deterred from accessing dozens of
20 essential businesses and public thoroughfares—including The Shops at Golden Hills and
21 Oakshade Town Center—because he has actual knowledge that LVT units are currently, or were
22 previously, stationed there with active blue LED lights.
23

1 Some businesses did not willingly provide Plaintiff's requested ADA accommodation,
2 and thus Plaintiff filed suit.

3 In Baker v. Petrovich Development Company (Case No. CV-2024-1150), the court
4 overruled nearly identical arguments to this instant case, finding that Plaintiff's allegations
5 regarding the LVT blue LED lights were sufficient to state a claim for relief under the ADA and
6 the Unruh Civil Rights Act. (Request for Judicial Notice (RJN) EXHIBIT 1). The cases were
7 then settled for statutory-based damages out of court prior to trial and the blue LED lights were
8 disabled. Thus, Defendants' arguments that the LVT system does not constitute a discriminatory
9 barrier has already been tested and rejected by the California Superior Court.

10 In Baker v. Gogris Corporation, et. al, Jack in the Box, Gogris Corporation, and RT
11 Golden Hills all settled for statutory-based damages prior to trial and the blue LED lights were
12 disabled; however, LVT, as a defendant in that case, chose not to settle. That case has now been
13 merged into this federal complaint.

14 In the Yolo County Small Claims Court case Baker v. Regency Centers involving The
15 Marketplace shopping center, the Court ruled against Baker and the case was dismissed;
16 however, as a result of the case, Regency disabled the blue LED lights and removed the LVT
17 system entirely from the shopping center parking lot, demonstrating that disabling the blue LED
18 lights does not fundamentally alter Regency's operations. Plaintiff can now fully and freely
19 access The Marketplace shopping center because Regency provided Plaintiff's requested
20 accommodation. Defendants have not explained why they are not able to provide the same at
21 Oakshade.

22 In the Yolo County Superior Court case Baker vs. Regency Centers involving the
23 Oakshade Town Center, Regency moved the case to federal court, which is now this instant case.
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1 In this instant case, Plaintiff submitted yet another request for accommodation to Regency and
2 LVT on December 3, 2025. (EXHIBIT C). Regency and LVT then provided Plaintiff's requested
3 accommodation by turning off the blue LED lights at Oakshade Town Center. This should have
4 been the end of the story. However, at the end of December, Regency and LVT inexplicably re-
5 enabled the blue LED lights without any notification or explanation to Plaintiff and the blue LED
6 lights continue to operate and create a discriminatory barrier.

7 Regency claims that they can use the blue LED lights because there are no Americans
8 with Disability Act Guidelines (ADAG) that restrict the use of LED lights. However, ADAG
9 provides for recommendations related to only a handful of all possible discriminatory barriers
10 and the lack of recommendations related to LED lights merely means that the US Access Board
11 has failed to keep up with technology. The lack of ADAG guidelines for LED lights is not
12 permission to create discriminatory barriers using LED lights.

13 Regency has previously alleged that Plaintiff did not attempt to enter the Oakshade
14 Town Center and thus no discrimination occurred. However, this is no longer the case. On
15 January 10, 2026, Plaintiff sent a notice to Regency's Counsel, Heidi Inman, that Plaintiff
16 intended to visit Oakshade on January 16, 2026 and that Plaintiff requested that the blue LED
17 lights be turned off for that day as accommodation. (EXHIBIT D.) Regency did not respond.
18 When Plaintiff attempted to enter Oakshade on January 16, 2026, the blue LED lights stabbed
19 Plaintiff in the eyes and Plaintiff was repelled from entering the shopping center, which is
20 exactly what the deterrence that the LVT system is designed to do. Thus, Plaintiff was deterred
21 from shopping at Oakshade as a would-be shopper, in violation of the ADA and Unruh. (See *In*
22 *re Cox*, 3 Cal.3d 205 (1970)).
23

1 As per *Pickern v. Holiday Quality Foods Inc.*, supra, at 1135, Plaintiff needed not
2 engage in such a “futile gesture” of attempting to enter the property because it had already been
3 established that the blue LED lights cause injury to Plaintiff in The Marketplace shopping center
4 situation. However, Plaintiff’s attempt to enter Oakshade, only to be turned away by the blue
5 LED lights, confirms that discrimination is occurring.

6 Plaintiff has been notifying LVT of the impacts of the blue LED lights on Plaintiff for
7 several years. At least 37 instances of injury and discrimination related to the blue LED lights
8 have been documented. (EXHIBIT E). At all times, LVT has maintained that LVT has no
9 responsibility in the matter and is not required to take any action to protect Plaintiff from
10 discrimination.

11 VI. GENERAL ALLEGATIONS

12 **Discrimination and Litigation:** Plaintiff is the President of the Soft Lights
13 Foundation, a non-profit organization dedicated to advocating for the civil rights of individuals
14 with light-sensitive disabilities. While Defendants may characterize this litigation as an attempt
15 at financial gain, the reality is that Plaintiff seeks only "full and equal access" as guaranteed by
16 the ADA and the Unruh Civil Rights Act.

17 Plaintiff has filed multiple Pro Se lawsuits related to LED light discrimination. The
18 volume of Plaintiff’s litigation is not a reflection of a desire for profit, but rather a reflection of
19 the pervasive nature of the discriminatory barriers—specifically high-intensity blue LED
20 strobes—currently deployed in the public square.

21 Plaintiff’s claims are not meritless as Defendants might suggest. In *Baker v. Petrovich*
22 Development Company (Yolo Superior Court Case No. CV2024-1150), a court recently
23

1 overruled demurrers on these exact legal issues, finding that Plaintiff's allegations regarding
2 LVT blue LED lights stated valid claims under the ADA and the Unruh Act. Plaintiff's objective
3 is not the elimination of LEDs in their entirety, but the removal of specific, high-intensity lights
4 that act as a physical and neurological barrier to access.

5 **Plaintiff's Disability and Sensitivity to High-Intensity Light:** Plaintiff is a person
6 with disabilities, including autism spectrum disorder and associated photophobia. These
7 conditions result in extreme physiological and neurological sensitivity to high-intensity, short-
8 wavelength (blue) light and digital strobing. Exposure to such light triggers acute physical eye
9 pain, and severe neurological distress, often leading to sensory overload that interferes with
10 Plaintiff's ability to navigate public spaces safely.

11 **The LVT Mobile Surveillance System:** Defendant LVT manufactures and deploys
12 mobile surveillance units equipped with high-intensity blue LED lights. These units utilize
13 standardized hardware and software configurations that produce both static and strobing light
14 patterns. These lights are positioned at eye-level for many drivers and pedestrians and are of such
15 extreme intensity that they create a photobiological hazard and a discriminatory barrier for
16 individuals with light-sensitive disabilities.

17 **State Recognition of Blue Light Hazard:** The State of California has formally
18 recognized the physiological hazards of high-intensity blue light. Through the California
19 Legislature's unanimous proclamation of "Blue Light Awareness Day," the State establishes
20 public health policy acknowledging that exposure to short-wavelength blue light can cause
21 retinal damage, disrupt sleep cycles, and create significant neurological distress. (RJN EXHIBIT
22 3.) Defendants' deployment of high-intensity blue LED lights directly contradicts this
23 established public health policy and knowingly exposes the Plaintiff to a state-recognized hazard.

1 **The Marketplace Accommodation:** Beginning on or about March 10, 2024, Plaintiff
2 encountered the LVT system multiple times at The Marketplace shopping center in Davis,
3 managed by Defendant Regency, and was repeatedly denied full and equal access to the tenant
4 businesses at the shopping center. Plaintiff made repeated requests to Regency and LVT for
5 accommodation, all of which were denied. Plaintiff filed suit in Small Claims court against
6 Regency, with the Court ruling in favor of Regency. However, immediately thereafter, Regency
7 removed the entire LVT surveillance system from the property, thus providing the
8 accommodation that Plaintiff sought.

9 These events demonstrate that A) Defendants had been previously provided notice that
10 the blue LED lights create a discriminatory barrier for Plaintiff; B) Defendants have previously
11 provided Plaintiff's requested accommodation; C) Providing Plaintiff's requested
12 accommodation is not an undue burden; D) The LVT system is not fundamental to Regency's
13 business operations; E) Disabling the lights is a "readily achievable" modification that does not
14 fundamentally alter the nature of the shopping center service; and F) The absence of the lights
15 allowed Plaintiff full and equal access to the public streets and to the facility.

16 **The Oakshade Accommodation and Subsequent Withdrawal:** On November 22,
17 2025, Plaintiff encountered the LVT system at the Oakshade Town Center in Davis, managed by
18 Defendant Regency. Following Plaintiff's request for accommodation, Defendants disabled the
19 blue LED lights for a period of approximately three weeks on or before December 9, 2025. This
20 period demonstrated that: A) disabling the lights is a "readily achievable" modification that does
21 not fundamentally alter the nature of the surveillance service; and B) the absence of the lights
22 allowed Plaintiff full and equal access to the public streets and to the Oakshade facility.
23

1 **Willful Re-activation of the Barrier:** Despite the success of the initial
2 accommodation, Defendants subsequently willfully re-activated the blue LED strobes at
3 Oakshade on or before December 29, 2025. This re-activation was done with actual knowledge
4 of the specific harm and pain these lights cause the Plaintiff, thereby transforming a technical
5 barrier into a deliberate act of exclusion.

6 **Systemic Pattern of Discrimination:** Plaintiff's experience at Oakshade is not an
7 isolated event but part of a systemic deployment of discriminatory barriers. Since March 2023,
8 Plaintiff has documented at least 34 distinct incidents of injury and/or deterrence caused by LVT
9 units at various places of public accommodation and along public thoroughfares. These locations
10 include:

11 Sacramento: Multiple sites including Watt Ave, Town and Country Village, Crestview
12 Village, and Walmart.

13 Woodland: Woodland Crossing, Woodland Gateway, and JC Penny.

14 Vacaville: Nut Tree Plaza, Jack in the Box, Vaca Village, and Klassen Smith.

15 Other Regions: Madonna Plaza in San Luis Obispo and Heritage Park in Suisun City.

16 **Public Nuisance and Safety Hazards:** Because these units are frequently placed at the
17 edge of parking lots immediately adjacent to public roadways — such as Pole Line Road in
18 Davis — the intense blue static and strobing lights interfere with the safe use of public rights-of-
19 way. The lights create a "danger to life or is injurious to health" under California Civil Code §
20 3479, specifically for disabled residents who rely on these thoroughfares for daily travel.

21 **FDA Petition:** On December 15, 2025, the Soft Lights Foundation, which Plaintiff is
22 the President of, submitted a regulatory petition to the US Food and Drug Administration
23 requesting that the FDA comply with 21 U.S.C. 360jj and submit reports to Congress on the

1 adverse impacts of LED lights. This petition is currently receiving public comments. The
2 comments that have been submitted demonstrate that LED lights can create a public nuisance,
3 cause severe adverse reactions, and are a threat to public health, safety, and civil rights, which is
4 contrary to Regency Centers and LVT's position that the blue LED lights are benign. The
5 comments submitted so far are provided as RJN EXHIBIT 2.

6 **Pleading Standards and Triable Issues of Fact:** The physiological harm and
7 discriminatory deterrence caused by high-intensity blue LED lights are documented factual
8 allegations that the Court must accept as true at this stage. (*Starr v. Baca*, 652 F.3d 1202, 1216
9 (2011)). Regency may attempt to ask the Court to make a premature factual finding that blue
10 LED lights cannot constitute a barrier. However, the purpose of the blue LED lights is for
11 communication, not illumination. Whether the blue LED lights are an effective means of
12 communication is a fact-based inquiry within a court's competency. (*Robles v. Domino's Pizza,*
13 *LLC*, 913 F.3d 898, 911 (9th Cir. 2019))

14 Because there are currently no published federal technical standards (such as ADAAG)
15 specifically governing LED strobe intensity or spectral distribution, the determination of whether
16 these lights violate the ADA's "general prohibition" against discrimination in the absence of
17 specific technical standards is a triable issue of fact. This determination requires discovery and
18 expert testimony regarding the light's impact on Plaintiff's neurological disability. (*Crowder v.*
19 *Kitagawa*, 81 F.3d 1480, 1486 (1996)). At the pleading stage, Plaintiff is not required to provide
20 expert reports or scientific certainty; the Complaint need only allege a "plausible" claim. (*Bell*
21 *Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). By alleging a qualified disability,
22 identifying a specific physical barrier that triggers Plaintiff's neurological disability, and
23

1 documenting the withdrawal of a previously successful accommodation, Plaintiff has met and
2 exceeded the "plausibility" threshold required to proceed to discovery.

3 **VII. FIRST CAUSE OF ACTION**

4 **Violation of the Americans with Disabilities Act of 1990**

5 **(Against Defendant Regency Centers Corporation)**

6
7 Plaintiff incorporates by reference each and every allegation contained in the foregoing
8 paragraphs as though set forth fully herein.

9
10 **Three Prongs:** To prevail on a discrimination claim under Title III, a plaintiff must
11 show that: 1) That Plaintiff has a qualified disability; 2) That Defendant is an entity that is a
12 public accommodation; and 3) That Plaintiff was denied full and equal access to the services or
13 facilities of the public accommodation because of their disability. (*Goddard v. Harkins*
14 *Amusement Enterprises, Inc.*, 603 F.3d 666, 670 (9th Cir. 2010); see also *Molski v. M.J. Cable,*
15 *Inc.*, 481 F.3d 724, 730 (9th Cir. 2007).)

16 **Prong 1 - Disability:** Plaintiff is a "qualified individual with a disability" under 42
17 U.S.C. § 12102. Plaintiff's autism spectrum disorder and photophobia substantially limit major
18 life activities, including seeing and navigating public spaces, particularly when exposed to high-
19 intensity blue light and digital strobing.

20 **Prong 2 - Public Accommodation:** At all times relevant to this action, Oakshade
21 Town Center is a "public accommodation" within the meaning of 42 U.S.C. § 12181(7).
22 Defendant Regency owns, leases, or operates this facility and is therefore subject to the
23 requirements of Title III of the ADA.

1 **Prong 3 - Denial of Full and Equal Access:** The ADA provides that "[n]o individual
2 shall be discriminated against on the basis of disability in the full and equal enjoyment of...
3 accommodations of any place of public accommodation." 42 U.S.C. § 12182(a). By permitting
4 the use of medically-triggering blue LED lights on its property, Regency has created a barrier
5 that denies Plaintiff full and equal access to the facility. The blue lights are intense, and they
6 strobe, because the LVT system is designed to deter certain individuals from accessing the
7 property. The denial of Plaintiff's full and equal access to the Oakshade shopping center is a
8 direct result of Regency using a system designed to deter individuals from the property.

9 **28 C.F.R. § 36.303(c)(1) – Effective Communication:** A public accommodation shall
10 ensure effective communication with individuals with disabilities. The purpose of the blue LED
11 lights is to communicate with the public, including individuals with disabilities. Since the light
12 is too intense and the strobing causes adverse neurological reactions for Plaintiff, then
13 communication is not effective.

14 **42 U.S.C. § 12182(b)(2)(A)(ii) - Failure to Make Reasonable Modifications:** The
15 ADA defines discrimination to include a failure to make "reasonable modifications in policies,
16 practices, or procedures" when such modifications are necessary to afford access. Regency made
17 reasonable modifications to its policies, practices, or procedures when Regency removed the
18 LVT system from The Marketplace shopping center, and Regency made reasonable
19 modifications to its policies, practices, or procedures when Regency turned off the blue LED
20 lights on the LVT system for three weeks at the Oakshade shopping center. However, Regency's
21 decision to withdraw those modifications at Oakshade is the definition of discrimination, as per
22 42 U.S.C. § 12182(b)(2)(A)(ii).
23

1 **42 U.S.C. § 12182(b)(2)(A)(v) - Evidence of Readily Achievable Modification:**

2 Regency's prior accommodation at The Marketplace shopping center and three-week
3 accommodation at Oakshade Town Center proves that disabling the blue LED lights is a "readily
4 achievable" modification that does not fundamentally alter the nature of the surveillance system.
5 The subsequent withdrawal of this accommodation constitutes a willful violation of the ADA.

6 **Ongoing Deterrence:** Plaintiff lives in Yolo County, California, and regularly travels
7 on Pole Line Road and other public thoroughfares adjacent to Oakshade Town Center. Plaintiff
8 desires to continue using these roads and intends to shop at Oakshade Town Center in the future;
9 however, the presence of the blue LED lights creates a discriminatory barrier that causes Plaintiff
10 sensory overload and physical pain. As a result, Plaintiff is currently deterred from full and equal
11 enjoyment of the facility and the safe use of the adjacent public rights-of-way.

12 **Injunctive Relief:** Pursuant to 42 U.S.C. § 12188, Plaintiff is entitled to an injunction
13 requiring Defendant Regency to ensure the blue LED lights on the LVT system are disabled at
14 Oakshade Town Center to ensure equal access for individuals with light-sensitive disabilities.

15
16 **VIII. SECOND CAUSE OF ACTION**

17 **Violation of the Unruh Civil Rights Act (California Civil Code § 51 et seq.)**
18 **(Against ALL Defendants)**

19 Plaintiff incorporates by reference each and every allegation contained in the foregoing
20 paragraphs.

21 **Business Establishments:** Defendants Regency and LVT are "business
22 establishments" of every kind whatsoever within the meaning of California Civil Code § 51.
23

1 **Protection of "Would-Be" Shoppers:** Under the Unruh Act, businesses are prohibited
2 from arbitrary discrimination against any member of the public. The California Supreme Court
3 has affirmed that this protection extends to "would-be" patrons who are deterred from
4 patronizing a business due to its discriminatory practices or barriers. *In re Cox*, 3 Cal.3d 205, 216
5 (1970).

6 **Incorporating ADA Violation:** A violation of the federal Americans with Disabilities
7 Act also constitutes a violation of the Unruh Civil Rights Act pursuant to Civil Code § 51(f).
8 Because the LVT system constitutes an ADA barrier, Defendants are liable under Unruh
9 regardless of intent.

10 **Aiding in Discrimination:** Whoever denies, aids or incites a denial, or makes any
11 discrimination is liable for each and every offense for the actual damages. Plaintiff does not
12 allege that Defendant LVT is a public accommodation, but rather that LVT aids in Plaintiff's
13 discrimination by failing to modify its policies, practices, or procedures and is thus aiding in
14 Plaintiff's discrimination.

15 **Direct and Concerted Action:** Defendant LVT provides the hardware and maintains
16 digital control over the discriminatory blue LED lights, while Defendant Regency authorizes
17 their use on its property. Both Defendants have refused to provide a permanent accommodation
18 despite having actual knowledge of the harm.

19 **Statutory Damages for Each Offense:** Pursuant to Civil Code § 52, Defendants are
20 liable for the statutory minimum of \$4,000 (up to three times the amount of actual damages) for
21 each and every offense. Plaintiff has documented at least 37 distinct incidents, in various
22 geographical locations, of being denied full and equal access or being deterred from such access
23

1 between March 2023 and present by Defendant LVT, and at least 7 distinct incidents by
2 Defendant Regency.

3 **Reasonableness and Mitigation:** Plaintiff's encounters with the barriers were not for
4 the purpose of stacking damages but were the result of necessary travel on public roadways and
5 visits to essential commercial centers. Because Defendant LVT previously provided
6 accommodation at locations such as the Woodland Gateway and RT Golden Hills shopping
7 centers, and because Regency had previously provided accommodation at The Marketplace and
8 temporary accommodation at Oakshade, Defendants have demonstrated that Plaintiff's requested
9 accommodation is reasonable and readily achievable. Defendant's decision to willfully
10 withdraw a previously functioning accommodation at Oakshade demonstrates that the
11 discrimination is intentional, in violation of Unruh.

12 13 **IX. THIRD CAUSE OF ACTION**

14 **Violation of the Disabled Persons Act (California Civil Code § 54 et seq.)**

15 **(Against ALL Defendants)**

16 Plaintiff incorporates by reference each and every allegation contained in the foregoing
17 paragraphs.

18 **Right to Full and Equal Access:** Under California Cal. Civ. Code § 54(a),
19 "Individuals with disabilities have the same right as the general public to the full and free use of
20 the streets, highways, sidewalks, walkways, public buildings, medical facilities, public facilities,
21 and other public places."
22

1 Plaintiff incorporates by reference each and every allegation contained in the foregoing
2 paragraphs.

3 **Definition of Nuisance:** Under California Civil Code § 3479, a nuisance is anything
4 which is "injurious to health... or is indecent or offensive to the senses, or an obstruction to the
5 free use of property, so as to interfere with the comfortable enjoyment of life or property, or
6 unlawfully obstructs the free passage or use, in the customary manner, of any... highway."

7 **Interference with Public Rights-of-Way:** The high-intensity blue LED lights on the
8 LVT units are positioned such that they shine directly into the eyes of drivers and pedestrians on
9 public thoroughfares, including Pole Line Road. These lights are offensive to the senses and
10 injurious to the health of the Plaintiff, interfering with Plaintiff's ability to safely navigate public
11 highways.

12 **Special Injury to Plaintiff:** While the blue LED lights may be a general annoyance or
13 distraction to the public, they cause a special injury to the Plaintiff that is different in kind and
14 degree from the general public due to Plaintiff's autism spectrum disorder and photophobia.
15 Exposure to these intense blue LED lights trigger acute neurological distress and physical pain,
16 denying full and equal use of public roads.

17 **Extraterritorial Impact and Light Trespass as Nuisance:** Although the LVT units
18 are physically situated on Regency's private property, the high-intensity blue LED light emitted
19 from these units is not contained within property boundaries. The intrusion of the light into the
20 public roadways constitutes a public nuisance because the light rays physically project into the
21 public right-of-way on Pole Line Road, creating a photobiological hazard that obstructs the safe
22 and free passage of the public. Under California Civil Code § 3479, a nuisance is established
23 when an emission is "injurious to health" or "offensive to the senses" so as to interfere with the
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- 1 • **Defendant Regency** to disable or remove all static and strobing blue LED lights
- 2 from any LVT units located at Oakshade Town Center;
- 3 • **Defendant LVT** to modify its standardized operating policies to ensure that its
- 4 mobile surveillance units do not utilize strobing or high-intensity blue LED
- 5 lights at any location within the United States of America where they interfere
- 6 with public rights-of-way or access to public accommodations.

7 3. **Statutory Damages:** For statutory damages according to proof, pursuant to
8 California Civil Code § 52 (Unruh Act) or alternatively § 54.3 (Disabled Persons
9 Act), as follows:

- 10 • **Against Defendant Regency Centers Corporation:** For the seven (7)
- 11 documented incidents occurring at Regency-owned or operated properties
- 12 (including Oakshade Town Center), totaling \$32,000 (8 incidents x \$4,000).
- 13 • **Against Defendant LiveView Technologies, Inc.:** For all thirty-six (36)
- 14 documented incidents involving the LVT mobile surveillance system, as LVT
- 15 manufactures, leases, and maintains direct digital control over the discriminatory
- 16 barriers at all locations, totaling \$148,000 (37 incidents x \$4,000).

17
18 4. **Compensatory Damages:** For compensatory damages according to proof for
19 physical pain, neurological distress, and emotional trauma.

20 5. **Costs of Suit:** For recovery of all out-of-pocket costs and filing fees associated with
21 this action.

22 6. **Expenses:** For recovery of reasonable litigation expenses, including expert witness
23 fees, pursuant to 42 U.S.C. § 12205.

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7. **Other Relief:** For such other and further relief as the Court may deem just and proper.

Dated: January 22, 2026

Respectfully Submitted,

By: /s/ Mark Baker
Pro Se

EXHIBIT A

Soft Lights
Foundation

9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

March 18, 2023

BY EMAIL

Ryan Porter, CEO
LiveView Technologies
support@lvt.com

Re: LED Strobe Light – Americans with Disabilities Act Accommodation Request

Dear Ryan Porter,

On March 17, 2023, I encountered a LiveView Technologies mobile security system in a parking lot in Sacramento, California similar to the one shown in the figure below.



I have been diagnosed with Autism Spectrum Disorder, a qualified disability under the Americans with Disabilities Act. The LiveView mobile system uses blue LED strobe lights that violate my

civil rights and prevent me from safely accessing the parking lot. Your business, which includes the sales, rental, manufacture, and operation of a device that uses LED strobe lights, is discriminating against me and others who cannot neurologically process LED strobe lights and because these LED strobe lights interfere with our ability to see, think, and concentrate.

The US Food and Drug Administration is the federal agency that regulates electromagnetic radiation from electronic products, and LED products specifically. Jeffrey Shuren (jeff.shuren@fda.hhs.gov) has been the Director of the Center for Devices and Radiological Health at the FDA since 2010 and he has not directed the FDA to publish any comfort, health, or safety regulations for LED products. The Administrative Procedure Act of 1946 requires that companies submit a petition to the FDA for approval to use LEDs in their products. The Soft Lights Foundation submitted a petition to the FDA on June 12, 2022, docket number FDA-2022-P-1151, to regulate LED products. The FDA has not acted on this petition. Therefore, LiveView Technologies has no legal basis for using LED strobe lights in their products.

LED strobe lights cause seizures, migraines, panic attacks, decreased vision, impaired cognitive functioning, nausea, and vomiting. LED strobe lights violate the basic human and civil right to visual freedom by pulsing high intensity visible radiation into the eyes and nerves of individuals without their permission. For information on the impacts of LED strobe lights on individuals with photosensitive epilepsy, refer to the February 7, 2022, article in *Epilepsia* titled [Visually sensitive seizures: An updated review by the Epilepsy Foundation](#)¹

The Americans with Disabilities Act prohibits discrimination and requires that businesses provide equal access. Title III of the ADA is codified as Title 28 Part 36 in the Code of Federal Regulations. A parking lot is a place of public accommodation, serving the needs of the public as part of their use of public accommodations such as restaurants and gyms. The installation and operation of LED strobe lights creates a discriminatory barrier for those who cannot neurologically tolerate LED strobe lights, such as individuals with PTSD, autism, photosensitive epilepsy, migraineurs, and traumatic brain injury. LiveView Technologies does not directly provide the public accommodation, but since LiveView's system is mobile and creates the transient discriminatory barrier in the place of public accommodation, LiveView is the responsible party.

The case *Christianburg Garment Company vs. the EEOC* established that the defendant in an ADA discrimination lawsuit cannot recover attorney fees, even if successfully defending an ADA lawsuit. The California Unruh Civil Rights Act provides additional protection from discrimination and damage awards for cases of discrimination.

Therefore, given that LiveView has no authorization from the FDA and no legal justification to use LED strobe lights, and given that LED strobe lights cause serious adverse neurological impacts, and since LED strobe lights create discriminatory barriers that prevent equal access, then on behalf of myself and all others similarly situated, I request that LiveView disable the LED strobe lights on their products. This is not an undue burden and is a reasonable accommodation because the strobe lights are controlled via remote software and can easily be switched off.

¹ <https://onlinelibrary.wiley.com/doi/10.1111/epi.17175>

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org



EXHIBIT B

1226 S 1480 W
OREM, UT 84057

801-221-9408

LVT.COM

Mark Baker
9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008
Via email: mbaker@softlights.org

Mr. Baker,

I received your letter dated January 19, 2024.

We have reviewed regulations under the Americans with Disabilities Act and case law. The ADA does not apply to LiveView Technologies, Inc. ("LVT") in this context because it is not the property owner or your employer. Accordingly, the ADA does not impose accommodation duties on LVT in this situation.

Further, even if LVT were the owner of the properties at which you request accommodations, there appear to be no regulations or cases imposing a duty on property owners to accommodate your request regarding external lighting. The ADA regulations are designed to ensure that individuals with disabilities are aware of warning lights. They do not address your specific request.

I am sympathetic to your condition. But it is not LVT's decision whether to alter the products and services it sells to its customers. If those customers wish to provide certain accommodations it is up to them, as property owners, to make that decision. LVT cannot make that decision for them.

Let me know if you would like to discuss these issues further.

Regards,

A handwritten signature in black ink that reads "Bryce Higbee". The signature is written in a cursive, flowing style.

Bryce Higbee
General Counsel
legal@lvt.com



EXHIBIT C

Mark Baker <mbaker@softlights.org>

Oakshade Town Center - FORMAL NOTICE AND DEMAND FOR REASONABLE ACCOMMODATION

Mark Baker <mbaker@softlights.org>

Wed, Dec 3, 2025 at 4:22 PM

To: Bryan Benard <bbenard@hollandhart.com>, "Morris, Greta" <gretamorris@regencycenters.com></gretamorris@regencycenters.com>
Cc: "Sarah A. Hafen" <SAHafen@hollandhart.com>, Courtney Thompson <CThompson@hollandhart.com>**Ms. Greta Morris**, Litigation Counsel, Regency Centers Corporation**Mr. Bryan Benard**, Counsel for Liveview Technologies, Inc.,**SUBJECT: FORMAL NOTICE AND DEMAND FOR REASONABLE ACCOMMODATION: Cessation of Discriminatory and Dangerous Strobing LED Lights (LVT Mobile System) at Oakshade Town Center, Davis, CA.**

Ms. Morris and Mr. Benard,

This letter serves as a formal demand for **reasonable accommodation** under state and federal civil rights laws, and a notice regarding the presence of a **dangerous, discriminatory, and public nuisance condition** caused by the continued use of Liveview Technologies, Inc. (LVT) mobile surveillance systems at the Oakshade Town Center in Davis, California.

I. The Dangerous and Discriminatory Condition

The LVT mobile surveillance system currently utilizes high-luminance, **blue strobing and static LED lights**. This technology constitutes a known physical hazard and an access barrier for individuals with photosensitive and neurological disabilities.

The established medical science connecting LED light characteristics to neurological harm is undeniable:

- **Epilepsy Hazard:** A 2022 review published in *Epilepsia* confirms that light **flashes, color changes, and flicker properties** are key factors that can increase the risk of seizures and other neurological harm in photosensitive individuals (DOI: 10.1111/epi.17175). The use of flashing lights, particularly those with high luminance and color contrast like the blue LVT strobes, is a well-established and life-threatening medical trigger.
- **Autism & Migraine Hazard:** Separately, a 2024 systematic review published in *Autism Research* confirmed that LEDs are associated with symptoms of **anxiety, sensory processing issues, migraines, and severe discomfort** in individuals with Autism Spectrum Disorder (ASD), arguing these light characteristics constitute a barrier to equal access (DOI: 10.1002/aur.3174).

The use of this known medical trigger in a public space subjects individuals with photosensitive disabilities—including those with epilepsy, autism spectrum disorder, and migraine disorder—to a high risk of suffering a life-threatening seizure, panic attack, or other debilitating injury, thus constituting a violation of their rights to public access.

II. Violations of Civil Rights and Public Nuisance Law

The installation and operation of these seizure-inducing lights violate multiple legal standards:

- **Americans with Disabilities Act (ADA):** The practice constitutes a discriminatory barrier that denies individuals with disabilities **full and equal access** to the goods, services, and public accommodations offered at the Oakshade Town Center, in direct violation of the ADA.
- **California Civil Code § 54 (Disabled Persons Act):** This statute guarantees all persons with disabilities the **full and equal access** to all public facilities, streets, and ways. By placing a device that actively causes physical harm and limits movement on adjacent public thoroughfares (Pole Line Road) and within the facility, Regency Centers and LVT are in violation of this fundamental right of access.
- **California Civil Code §§ 51–52 (Unruh Civil Rights Act):** Section 51 prohibits discrimination by any business establishment. Section 52 establishes civil liability for discrimination or the aiding of discrimination. LVT, as the

vendor, and Regency Centers, as the client and property owner, are equally liable for the discriminatory impact of this system.

- **Public Nuisance:** The intense strobing lights and glare that project from the mobile system into the public right-of-way and adjacent streets also violate common law and statutory public nuisance standards.

III. Documented Harm and Demand

On **December 3, 2025**, I encountered the LVT system at the Oakshade Town Center. While driving south on Pole Line Road, I was severely impacted and caused harm by the strobing blue LED lights. This incident has been documented and submitted to the U.S. Food and Drug Administration via a Soft Lights Foundation LED Incident Report. This is the second report of injury and discrimination that I am reporting to LVT and Regency Centers at this location.

DEMAND FOR REASONABLE ACCOMMODATION:

I repeat my request for a **reasonable accommodation** under the ADA and California civil rights laws, on behalf of myself and all others similarly situated. **The requested reasonable accommodation is that the blue LED lights on the LVT mobile surveillance system at the Oakshade Town Center (and all other Regency Centers properties) be permanently turned off.**

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org
X: [@softlights_org](https://www.x.com/softlights_org)
Bluesky: [@softlights-org.bsky.social](https://bsky.app/profile/softlights-org.bsky.social)

EXHIBIT D



1520 E. Covell Blvd. Suite 5-467
Davis, CA 95616

January 10, 2026

BY EMAIL

Heidi Inman, Outside Counsel
Regency Centers Corporation
heidi.inman@lewisbrisbois.com

Re: Intent to Visit Oakshade Town Center

Ms. Inman,

As you know, I have notified Regency Centers six separate times that the blue LED lights on the LVT system have injured me and that the intense blue LED lights create a discriminatory barrier for me, denying me full and equal access to city streets and to Oakshade Town Center. I have also submitted multiple requests for accommodation. However, in the Motion to Dismiss in case 2:26-CV-00017-TLN-JDP, Regency claims that I never made an intent to visit Oakshade, and therefore I do not have standing to sue.

Pickern v. Holiday Quality Foods (2002) 293 F.3d 1133, 1135 establishes that I need not engage in a "futile gesture" of attempting to gain access. However, because Regency claims that I do not have standing to sue, I am notifying Regency that despite the law not requiring me to subject myself to injury, I intend to attempt to gain access to the Safeway store in the Oakshade shopping center to purchase groceries on January 16, 2026 to demonstrate that the blue LED lights barrier remains a physical and legal obstacle to my entry.

As you know, Regency Centers previously provided my requested accommodation of turning off the blue LED lights on the LVT system for three weeks in December, 2025, with no adverse impacts on the safety or security at Oakshade. However, now Regency has eliminated my accommodation and the blue LED lights are on again. Therefore, I request the accommodation of having the blue LED lights on the LVT system turned off so that I can have full and equal access to Safeway and the Oakshade Town Center parking area.

As a reminder, many other shopping centers and business, including Jack in the Box, Best Buy, and Engstrom Properties, have permanently disabled the blue LED lights on the LVT system at my request for accommodation, with no adverse impacts on safety or security at those properties. Therefore, my request is reasonable.

I request a response no later than January 15, 2026 as to whether Regency agrees to provide my requested accommodation for one day, for all occasions, or never.

Sincerely,

/s/ Mark Baker
Individual

/s/ Mark Baker
President

Soft Lights Foundation
mbaker@softlights.org
www.softlights.org

PROOF OF SERVICE

Mark Baker v. Regency Centers Corporation
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
Case Number: 2:26-CV-00017-TLN-JDP

Electronic Service in accordance with California Code of Civil Procedure Section § 1010.6.

At the time of service, I was over 18 years of age. My residence or business address is 1520 E. Covell Blvd. Suite 5 - 467, Davis, CA 95616.

On January 10, 2026, I electronically served a true copy of the following documents described as:

1. Intent to Visit Oakshade Town Center

on the parties in this action as follows:

Heidi Inman, Partner
Lewis Brisbois
Heidi.Inman@lewisbrisbois.com
550 West C Street, Suite 1700
San Diego, CA 92101

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document to be sent from the e-mail address mbaker@softlights.org to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 10, 2026.

Mark Baker

EXHIBIT E

LVT INCIDENTS

The following are the documented incidents of deterrence from the LVT surveillance system that I, Mark Baker, have encountered. I have provided notice to LVT of each of these incidents.

Incident 1: March 18, 2023, Sacramento, CA

Incident 2: May 19, 2023, JC Penny, Woodland, CA

Incident 3: December 31, 2023, Woodland Crossing, Woodland, CA

Incident 4: January 13, 2024, Woodland Crossing, Woodland, CA

Incident 5: January 15, 2024, Woodland Crossing, Woodland, CA

Incident 6: January 16, 2024, Woodland Crossing, Woodland, CA

Incident 7: February 1, 2024, Klassen Smith, Vacaville, CA

Incident 8: February 4, 2024, Klassen Smith, Vacaville, CA

Incident 9: February 29, 2024, Heritage Park Shopping Center, Suisun City, CA.

Incident 10: March 10, 2024, Regency Centers, Davis, CA.

Incident 11: March 26, 2024, Woodland Gateway, Woodland, CA.

Incident 12: April 18, 2024, Woodland Gateway, Woodland, CA.

Incident 13: June 10, 2024, Woodland Gateway, Woodland, CA.

Incident 14: June 27, 2024, Woodland Gateway, Woodland, CA.

Incident 15: July 9, 2024, Woodland Gateway, Woodland, CA.

Incident 16: July 24, 2024, Watt Ave. at Myrtle, Sacramento, CA.

Incident 17: July 24, 2024, Watt Ave. 2nd Location, Sacramento, CA.

Incident 18: July 24, 2024, Watt Ave. 3rd Location, Sacramento, CA.

- 1 Incident 19: July 28, 2024, Woodland Gateway, Woodland, CA.
- 2 Incident 20: October 29, 2024, Madonna Plaza, San Luis Obispo, CA.
- 3 Incident 21: February 16, 2025, Vaca Village, Vacaville, CA.
- 4 Incident 22: May 8, 2025, Jack in the Box, Vacaville, CA.
- 5 Incident 23: May 14, 2025, Home Depot, West Sacramento, CA.
- 6 Incident 24: September 19, 2025: Town and Country Village, Sacramento, CA.
- 7 Incident 25: September 19, 2025: Crestview Village, Sacramento, CA.
- 8 Incident 26: October 1, 2025, Walmart, Sacramento, CA.
- 9 Incident 27: October 1, 2025, Home Depot, Sacramento, CA.
- 10 Incident 28: October 31, 2025, CVS Pharmacy, Sacramento, CA.
- 11 Incident 29: November 6, 2025, Nut Tree Plaza, Vacaville, CA.
- 12 Incident 30: November 22, 2025, Oakshade Town Center, Davis, CA
- 13 Incident 31: December 3, 2025, Oakshade Town Center, Davis, CA
- 14 Incident 32: December 5, 2025, Oakshade Town Center, Davis, CA
- 15 Incident 33: December 29, 2025, Oakshade Town Center, Davis, CA
- 16 Incident 34: January 3, 2026, Oakshade Town Center, Davis, CA
- 17 Incident 35: January 8, 2026, Oakshade Town Center, Davis, CA
- 18 Incident 36: January 13, 2026, Oakshade Town Center, Davis, CA
- 19 Incident 37: January 16, 2026, Oakshade Town Center, Davis, CA

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