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3 **BEFORE THE**  
4 **POSTAL REGULATORY COMMISSION**  
5 **WASHINGTON, DC 20268-0001**

6 JAMES D. GOODMAN and ) Docket No.:  
7 ROSALYN GOODMAN )  
8 Complainants, )

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9 **FIRST AMENDED COMPLAINT OF JAMES D. GOODMAN AND ROSALYN**  
10 **GOODMAN REGARDING FAILURE AND REFUSAL TO DELIVER MAIL BY THE**  
11 **US POSTAL SERVICE TO 1600 ENTRE COLINAS PLACE, POMONA CALIFORNIA**

12 **First Filed –**

13 **January 9, 2015**

14 James D. Goodman  
15 800 E. Colorado Blvd.  
16 Suite 500  
17 (909) 629-1964  
18 EMail: Noro19@aol.com

19 NOW COMES the Complainants, JAMES D. GOODMAN and ROSALYN GOODMAN, *pro se*,  
20 and complaining against the U.S. Postal Service, Patrick A. Donahoe, as Postmaster General,  
21 U.S. Postmaster, Pomona, California and Alejandro L. Peralta, individually and as Supervisor,  
22 Pomona Post Office, states as follows:

23 **I. JURISDICTION**

24 Pursuant to Title 39, Part IV, Ch. 36 (39 USCS 3662) the Complainant hereby invokes  
25 the jurisdiction of the Postal Regulatory Commission in conformance with the requirements of  
provisions of section 101(d), 401(2), 403 (c), 404a or 601 and regulation promulgated under any  
of those provisions.<sup>1</sup>

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<sup>1</sup> Modern Service Standards for Market-Dominant Products

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Part II  
72 FR 58946

SUMMARY: The Postal Service proposes modern service standards for its market-dominant products. Section 301 of the Postal Accountability and Enhancement Act (PAEA) (codified at 39 U.S.C. 3691) requires the Postal Service, in consultation with the Postal Regulatory Commission (PRC), to establish by regulation a set of modern service standards for market-dominant products, no later than December 20, 2007.

Requirements of the Postal Accountability and Enhancement Act

Section 301 of the Postal Accountability and Enhancement Act (codified at 39 U.S.C. 3691) requires the Postal Service, in consultation with the Postal Regulatory Commission, to establish a set of modern service standards for market-dominant products no later than December 20, 2007. Ordinarily, the Postal Service is required to request an advisory opinion from the Commission regarding proposed changes in service standards of at least a substantially nationwide nature under the terms of 39 U.S.C. 3661. However, section 3691(a) sets forth an alternative process for the required establishment of baseline modern service standards by December 20, 2007, stating that the Postal Service is to consult with the Commission. Section 3691(a) explicitly acknowledges that the Postal Service may, from time to time, by regulation revise the modern service standards for market-dominant products established through this consultative process. Therefore, the service standards that ultimately emerge at the conclusion of this notice-and-comment rulemaking should be regarded as establishing a baseline for any subsequent service changes. The Postal Service recognizes that any such subsequent proposals for service changes that are substantially nationwide in scope could be subject to the requirement that they be submitted to the Postal Regulatory Commission for review in the form of a request for an advisory opinion under the terms of 39 U.S.C. 3661.

Section 3691(b)(1) directs the Postal Service to design modern service standards to achieve the following objectives:

- (A) To enhance the value of postal services to both senders and recipients.
- (B) To preserve regular and effective access to postal services in all communities, including those in rural areas or where Post Offices are not self-sustaining.
- (C) To reasonably assure Postal Service customers delivery reliability, speed, and frequency consistent with reasonable rates and best business practices.
- (D) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance. However, with the approval of the Commission, an internal measurement system may be implemented instead of an external measurement system.

See 120 Stat. 3218. Subsection 3691(c) directs the Postal Service to take the following factors into account in establishing these standards:

- (1) The actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service.
- (2) The degree of customer satisfaction with Postal Service performance in the acceptance, processing, and delivery of mail.
- (3) The needs of Postal Service customers, including those with physical impairments.
- (4) Mail volume and revenues projected for future years.
- (5) The projected growth in the number of addresses the Postal Service will be required to serve in future years.

1 **II. POSTAL SERVICE ACTION OR INACTION WHICH VIOLATES STATUTES OR**  
2 **OTHER REGULATORY REQUIREMENTS**

3  
4 A. U.S. Code (18 USCS §1701 which provides:

5 § 1701. Obstruction of mails generally

6 ***"Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier***  
7 ***or conveyance carrying the mail, shall be fined under this title or imprisoned not more than***  
8 ***six months, or both."***

9 (June 25, 1948, ch 645, § 1, 62 Stat. 778; Sept. 13, 1994, P.L. 103-322, Title XXXIII, §  
10 330016(1)(B), 108 Stat. 2146.)

11 Administrative actions by Postal Service had collateral estoppel effect on federal prosecution of  
12 mail carrier, since enforcement of Postal Service regulations should not constrain enforcement of  
13 federal criminal law. *United States v Payne (1993, CA6 Mich) 2 F3d 706* (criticized in *United*  
14 *States v Reyes (1996, CA5 Tex) 87 F3d 676*).

15 B. TITLE 42 - THE PUBLIC HEALTH AND WELFARE

16 CHAPTER 126 - EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

17 Sec. 12101. Findings and purpose

18 (a) Findings

19 The Congress finds that

20 (1) physical or mental disabilities in no way diminish a person's right to fully participate in all  
21 aspects of society, yet many people with physical or mental disabilities have been precluded  
22 from doing so because of discrimination; others who have a record of a disability or are regarded  
23 as having a disability also have been subjected to discrimination;

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24 (6) The current and projected cost of serving Postal Service customers.

25 (7) The effect of changes in technology, demographics, and population distribution on the efficient and reliable  
operation of the postal delivery system.

(8) The policies of [Title 39, United States Code, as amended by the PAEA] and such other factors as the Postal  
Service determines appropriate.

120 Stat. 3218-19.

1 (2) historically, society has tended to isolate and segregate individuals with disabilities, and,  
2 despite some improvements, such forms of discrimination against individuals with disabilities  
continue to be a serious and pervasive social problem;

3 (3) discrimination against individuals with disabilities persists in such critical areas as  
4 employment, housing, public accommodations, education, transportation, communication,  
recreation, institutionalization, health services, voting, and access to public services;

5 (4) unlike individuals who have experienced discrimination on the basis of race, color, sex,  
6 national origin, religion, or age, individuals who have experienced discrimination on the basis of  
disability have often had no legal recourse to redress such discrimination;

7 (5) individuals with disabilities continually encounter various forms of discrimination, including  
8 outright intentional exclusion, the discriminatory effects of architectural, transportation, and  
9 communication barriers, overprotective rules and policies, failure to make modifications to  
10 existing facilities and practices, exclusionary qualification standards and criteria, segregation,  
and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

11 (6) census data, national polls, and other studies have documented that people with disabilities,  
12 as a group, occupy an inferior status in our society, and are severely disadvantaged socially,  
vocationally, economically, and educationally;

13 (7) the Nation's proper goals regarding individuals with disabilities are to assure equality of  
14 opportunity, full participation, independent living, and economic self-sufficiency for such  
individuals; and

15 (8) the continuing existence of unfair and unnecessary discrimination and prejudice denies  
16 people with disabilities the opportunity to compete on an equal basis and to pursue those  
17 opportunities for which our free society is justifiably famous, and costs the United States billions  
of dollars in unnecessary expenses resulting from dependency and non-productivity.

18 (b) Purpose

19 It is the purpose of this chapter

20 (1) to provide a clear and comprehensive national mandate for the elimination of discrimination  
21 against individuals with disabilities;

22 (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against  
23 individuals with disabilities;

24 (3) to ensure that the Federal Government plays a central role in enforcing the standards  
25 established in this chapter on behalf of individuals with disabilities; and

1 (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth  
2 amendment and to regulate commerce, in order to address the major areas of discrimination  
faced day-to-day by people with disabilities.

3 Sec. 12101 note: Findings and Purposes of ADA Amendments Act of 2008, Pub. L. 110-325,  
4 § 2, Sept. 25, 2008, 122 Stat. 3553.....

5 Under the Americans With Disabilities Act, a remedy is provided:

6 Sec. 12132. Discrimination

7 Subject to the provisions of this subchapter, no qualified individual with a disability shall, by  
8 reason of such disability, be excluded from participation in or be denied the benefits of services,  
programs, or activities of a public entity, or be subjected to discrimination by any such entity.

9 Sec. 12133. Enforcement

10 The remedies, procedures, and rights set forth in section 794a of title 29 shall be the remedies,  
11 procedures, and rights this subchapter provides to any person alleging discrimination on the basis  
of disability in violation of section 12132 of this title.

12 C. Modern Service Standards for Market-Dominant Products

13 72 FR 58946

14 Section 2: Customer Outreach and Consultations With the Postal Regulatory Commission

15 The law requires that the Postal Service take customer satisfaction, the needs of customers, and  
16 the actual level of service that customers receive into account in the establishment of modern  
17 service standards. The law also requires the Postal Service to develop service standards in  
consultation with the PRC.....

18 --Service standards for deferrable Standard Mail should reflect "in-home" delivery day ranges in  
19 lieu of specific delivery day targets, and performance should be measured on the basis of  
20 compliance with requested "in-home" delivery day ranges.

21 --Service improvements and costs should be balanced.

22 The proposed service standards take into account technology deployments and destination entry  
23 mailing practices that have emerged in the past few decades, as well as standardized mail  
24 processing flows that have been developed for each market-dominant mail product. As a result,  
the proposed standards are based upon current network capabilities. This should ensure better  
25 consistency and reliability in the delivery of mail, and give customers a more realistic picture of  
Postal Service delivery capabilities. By adopting standards based on actual network capabilities

1 and what is realistically attainable, the Postal Service expects to provide more consistent and  
2 reliable service, and to reduce the "tail" of the mail. For Standard Mail, the Postal Service prefers  
3 the establishment of service standards that reflect specific day targets, as opposed to a range of  
4 "in-home" delivery days for each origin-destination 3-digit ZIP Code pair. The Postal Service  
5 will collaborate with a mailing industry workgroup to further explore the needs of mailers who  
6 request "in-home" delivery dates. And, rather than adopt service standard day ranges or business  
7 rules that vary during the year, the Postal Service considers that the concerns underlying such  
8 proposals are more appropriate for consideration in the determination of performance goals, one  
9 of the subjects of the upcoming network plan consultations under PAEA section 302(b)(1). In the  
10 development of those performance goals, the Postal Service will work with mailers to determine  
11 what types of goals would best address the issue of seasonality.

12 The proposed modern standards preserve the differences in service levels among the different  
13 market-dominant mail products. In addition, the standards reflect consideration of customer  
14 preference for minimizing changes in service levels that could have an adverse impact on Postal  
15 Service costs for these mail products.

16 (3)--*The needs of Postal Service customers, including those with physical impairments.*

17 The Postal Service serves different types of customers, with varying needs. To ensure that its  
18 diverse stakeholders were heard, as explained above in Section 2, the Postal Service used a  
19 combination of long-established customer outreach methods, as well as efforts resulting  
20 specifically from the enactment of the PAEA. The Postal Service consulted with the Mailers'  
21 Technical Advisory Committee (MTAC) and reviewed the Postal Service's Customer  
22 Satisfaction Measurement--Residential/Business surveys (CSM). The Postal Service also met  
23 with and solicited comments from mailers at the Postal Service/Postal Regulatory Commission  
24 Summit on Meeting Customer Needs in a Changing Regulatory Environment, and at the semi-  
25 annual National Postal Forum. Additionally, the Postal Service reviewed the comments solicited  
by the Commission at its three public hearings, held in Kansas City, Missouri; Los Angeles,  
California; and Wilmington, Delaware. Comments received in PRC Docket PI2007-1, *Service  
Standards and Performance Measurement For Market-Dominant Products*, also were reviewed.  
The Postal Service also solicited input from postal unions, management associations, as well as  
through a consumer and small business survey.

Examples of customers' concerns and how they were addressed are detailed in reference to  
subsection 3691(c)(2) above. Of course, not every customer proposal could be accepted.  
Recommendations that ran contrary to the policies of Title 39, or that did not appear to reflect a  
balanced consideration of all of the factors discussed here, were set aside.

The PAEA also requires that the Postal Service take into account the needs of customers with

1 physical impairments. 39 CFR 255.1 implements section 504 of the Rehabilitation Act of 1973,  
2 as amended. Section 504 prohibits discrimination on the basis of disability in programs or  
3 activities conducted by the Postal Service. The Postal Service is not proposing to adopt any  
4 service standards or service standard changes that work to the disadvantage of customers with a  
5 disability.

### 6 **III. ISSUES PRESENTED RELATED TO COMPLAINT**

7 Incorporated herein and attached hereto is Exhibit A containing correspondence and  
8 demands of the US Postal Service through its agents. In a letter delivered to our address on  
9 January 8, 2015 contains false and malicious allegations calculated to unlawfully terminate the  
10 delivery of mail to each of us residing at our home in Pomona, California. We deny each of  
11 assertions of fact contained in this document, and, furthermore, we reject the authority of the US  
12 Postal Service, or any of its employees, to condition mail service on presentation  
13 "documentation" recited in the letter of January 8, 2015. The contention that there is a "vicious  
14 dog" on the premises is a pure canard calculated to avoid the requirement that mails be delivered  
15 to the standard mail box located on the curb, adjacent to the street, or to the front door of the  
16 house, where the mails exceed the capacity of the standard mail box. As a matter of fact, over  
17 the past four years, mail carriers assigned to deliver mail to 1600 Entre Colinas Place, Pomona,  
18 California have consistently failed or refused to deliver packages to the front door of the house.  
19 As a result, complaints have been made to the US Postal Service which has refused to  
20 accommodate delivery as required by postal policy and regulations. (See: Exhibit C) Instead, as  
21 of January 8, 2015, a false assertion of facts, as shown in the letter authored by Alejandro L.  
22 Peralta, was used to bar delivery of our mail. The act of terminating delivery of mail is in  
23 violation of the above and forgoing statutes, laws, regulations and policy.

24 In the second instance, Rosalyn Goodman is age 91 and is unable to ambulate effectively,  
25 who seldom leaves her home, and is entirely dependent upon the delivery of mail and other  
packages of food and medicine to the door of the premises. She cannot drive an automobile and  
she without means to transport herself to a post office or stores obtain food and other necessities  
on the days demanded in the notices provided The delivery of packages from food stores and  
pharmacies has been a part of the deliveries which the Postal Service has refused delivery. As a  
U.S. government official, and required to perform my duties five days a week in Pasadena,  
California, during normal working hours, I am unable to accommodate the needs of Rosalyn  
Goodman as she may provide for herself through the U.S. Mails. The dog, on the premises, is a  
good natured animal used for comfort and companionship, and is never outside the interior of the  
premises, except in a gated backyard, while Rosalyn Goodman is at home alone. All of these  
facts were made known to Alejandro L. Peralta and other employees and other agents of the U.S.  
Postal Service. Despite knowledge of these circumstances, Rosalyn Goodman has been

1 deprived of reasonable accommodation as required under Title 26, Chapter 126 (Americans With  
2 Disabilities Act)

3 **IV. PERSONS KNOWN OR BELIEVED TO BE SIMILARLY SITUATED BY THE**  
4 **ISSUES INVOLVED IN THE COMPLAINT.**

5 Persons similarly situated include members of a class of dog owners who have special  
6 accommodation because of age and/or infirmity and who are dependent upon mail service to the  
7 home residence. Such animals include guide dogs provided for blind and comfort dogs for the  
8 disabled. Demands made by the Postal Service which interfere with the use and possession of  
9 these animals, especially when the animal is in the proximity of the individual affected and  
within the living area occupied by this protected class. Contrary to this reasonable  
accommodation, it is unlawful and not consistent with the regulations and policies to be enforced  
by the Postal Regulatory Commission.

10 In the second instance, there is no authority of the postal service to impose documentary  
11 indemnification, bonding or other assurances from home owners as a condition of mail delivery.  
12 Absent reasonable cause, carriers are required to make home delivery to the mail recipient at the  
addresses designated for delivery.

13 **V. NATURE OF THE EVIDENTIARY SUPPORT COMPLAINANT HAS OR**  
14 **EXPECTS TO OBTAIN DURING DISCOVERY THE SUPPORT THE FACTS ALLEGED**

15 Attached hereto and made a part hereof is the demand made pursuant to FOIA upon the  
16 Postmaster General for all supporting documents used to bar or prohibit mail delivery to 1600  
Entre Colinas Place. (See: Exhibit B)<sup>2</sup>

17 In addition, attached hereto and made a part hereof are documents originated by the  
18 Postmasters of Loveland and Montgomery Ohio seeking to accommodate delivery of mail from  
19 Ohio to 1600 Entre Colinas Place, Pomona, California. Each of these Postmaster are prepared to  
offer affidavits or other statements regarding the refusal of the Postmaster and other postal  
officials in Pomona California to make deliveries to the subject address. (See: Exhibit C)

20 The testimony of the Complainants, neighbors and others familiar with the dog, the  
21 premises, and the circumstances alleged herein with photographs will be provided when the  
22 merits are presented for adjudication.

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23 <sup>2</sup> TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES  
24 PART I. THE AGENCIES GENERALLY  
CHAPTER 5. ADMINISTRATIVE PROCEDURE  
25 SUBCHAPTER II. ADMINISTRATIVE PROCEDURE  
(5 USCS § 552)<sup>2</sup>

1                   **VI. WHY SUCH FACTS COULD NOT BE REASONABLY OBTAINED**

2                   The Postmaster General, the Postmaster of Pomona California and their employees have  
3 failed or refused to complaint with FOIA as demanded in Exhibit B.

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6                   **VII. THE ISSUES PRESENTED ARE NOT PENDING OR HAVE NOT BEEN**  
7 **RESOLVED IN ANY OTHER FORUM OR BY AN EXISTING COMMISSION**  
8 **PROCEEDING.**

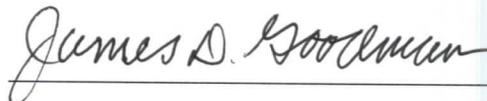
9                   Reasonable efforts have been made to resolve the issues in question by direct  
10 communication with the parties, including intervention with the Postmasters or Loveland, Ohio  
11 and Montgomery Ohio.

12                   **VIII. RELIEF REQUESED.**

13                   It is respectfully requested that this honorable Commission order and direct that that mail  
14 service be re-instituted to the premises of 1600 Entre Colinas Place, Pomona, California 91768,  
15 without condition or limitation, impose sanctions upon each of the respondents including  
16 removal, award damages, costs and fees as allowed under the circumstances and provide such  
17 other additional relief may be appropriate.

18                   **CERTIFICATION.**

19                   The undersigned hereby certifies that reasonable attempts have been made to the  
20 Postal Service's General Counsel by letter or demand as shown in Exhibit B. and Exhibit C for  
21 which such complaints or demands have been ignored or for which no response has been  
22 forthcoming. Only upon the requirement of the filing of an answer would an adequate  
23 opportunity to resolve the differences between the parties and bring the matter to issue before the  
24 Postal Regulatory Commission.

25                   

JAMES D. GOODMAN

1 **PROOF OF SERVICE**

2

3 James D. Goodman, having been first sworn on oath, hereby deposes  
4 and states that he served a true copy of the above and foregoing Complaint upon  
5 the following:

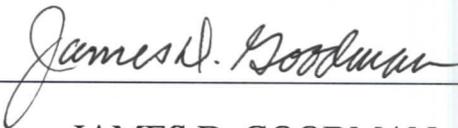
6 United States Postal Service

7

8 by emailing it to PRCCOMPLAINTS@USPS.GOV. on the 21<sup>ST</sup> day of  
9 April, 2015.

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13 \_\_\_\_\_  
14 JAMES D. GOODMAN

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Postmaster  
Pomona Post Office



January 8, 2015

Postal Customer at:  
1600 Entrecolinas  
Pomona CA 91768

Dear Postal Customer:

On Wednesday December 31, 2015 we were unable to deliver your mail because your dog was out and interfered with the letter carrier. For the safety of our employees, we have curtailed delivery to your address. You have been contacted and made aware of our policy and the State of California code regarding dog bites.

We will continue to hold your mail for 10 days. You may come into the office and pick up your curtailed mail any time during office hours, Monday through Friday. If you have not contacted this office within that time, your mail will be returned to sender. To restore mail service, you will be required to meet with a delivery supervisor at this office. You will also need to bring a copy of the current Dog License and Rabies Vaccination Certificate for your dog and you will be asked to *sign a commitment to restrain the animal*. A copy of "State of California Civil Code on Dog Bites" has been attached for your information

We regret that this action is necessary. If you wish to contact our office by phone, our number is 909-865-1267.

Sincerely,

A handwritten signature in black ink, appearing to read "Alejandro L. Peralta".

Alejandro L. Peralta  
Supervisor, Customer Services

Cc: Office file  
Carrier route file

Pomona Post Office  
530 W. Mopnterey Ave  
Pomona CA 91769-9998  
TEL: 909-865-1267  
FAX: 909-623-1952





Pomona CA 91769-9998

\*\*\*\*\*

CUSTOMER'S COMMITMENT TO RESTRAIN ANIMAL

Postmaster
Pomona CA 91769-9998

I have received the California Civil Code #S3342 and #S3342.5 pertaining to dog bites and interference. I understand that my mail delivery has been suspended because of dog attack at my address. The action I have taken to prevent any further dog attacks is:

- A) Obtain a P.O. Box
B) Removed the dog from the premises
C) Provide the Post Office with a New address
D) Restrain dog during delivery hours

Should there be further interference, I understand that my only option will be to obtain a Post Office Box.

Customer's Signature

Address

Date

Telephone Number

\*\*\*\*\*

SUPERVISOR REPORT

Dog License - Date

Rabies Vaccination - Date

Supervisor's Signature Date

## Civil liability under the California Dog Bite Statute

of the owner of the dog, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness. A person is lawfully upon the private property of 3342. (a) The owner of any dog is liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, including the property such owner within the meaning of this section when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States, or when he is on such property upon the invitation, express or implied, of the owner.

3342.5. (a) The owner of any dog that has bitten a human being shall have the duty to take such reasonable steps as are necessary to remove any danger presented to other persons from bites by the animal.

(b) Whenever a dog has bitten a human being on at least two separate occasions, any person, the district attorney, or city attorney may bring an action against the owner of the animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by the animal. This action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(c) Whenever a dog trained to fight, attack, or kill has bitten a human being, causing substantial physical injury, any person, including the district attorney, or city attorney may bring an action against the owner of the animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by the animal. This action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(d) Nothing in this section shall authorize the bringing of an action pursuant to subdivision (b) based on a bite or bites inflicted upon a trespasser, or by a dog used in military or police work if the bite or bites occurred while the dog was actually performing in that capacity. (e) Nothing in this section shall be construed to prevent legislation in the field of dog control by any city, county, or city and county. (f) Nothing in this section shall be construed to affect the liability of the owner of a dog under Section 3342 or any other provision of the law.

The above is for your information. Your letter carrier makes every effort to deliver your mail. However, he/she is not required to cope with dogs that are loose.

ST. LOUIS REQUESTER SERVICE CENTER



January 23, 2015

James D. Goodman  
1600 Entre Colinas Place  
Pomona, CA 91768

RE: FOIA Case No. 2015-FPFD-00257

Dear Mr. Goodman:

This is an acknowledgement to your Freedom of Information Act (FOIA) request of January 10, 2015, in which you seek access to Postal Service records. Your request was received by this office on January 22, 2015, and assigned FOIA Tracking Number 2015-FPFD-00257.

If you have any questions regarding your request, please contact the Postal Service St. Louis Requester Service Center at (314) 345-5894 between the hours of 7:00 a.m. – 4:00 p.m., Central Standard Time.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Rahe".

Brenda Rahe  
Records Request Specialist

1720 MARKET STREET, ROOM 2400  
ST. LOUIS, MISSOURI 63155-9948  
(314) 345-5894  
FAX: (650) 578-4956



January 10, 2015

To: Patrick A. Donahoe  
Postmaster General  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington DC 20260-0010

Postmaster  
Pomona Post Office  
580 W. Monterey Avenue  
Pomona, CA 91769-9998

Alejandro L. Peralta  
Supervisor Customer Services  
Pomona Post Office  
580 W. Monterey Avenue  
Pomona, CA 91769-9998

From: James D. Goodman  
1600 Entre Colinas Place  
Pomona, CA 91768

Subj: Freedom of Information Request re: 1600 Entre Colinas Place

- Office Files
- Carrier Route Files
- Investigations
- Name(s) Addresses of Carriers, Supervisors or other authorized personnel in charge of delivery of mail to addressees at 1600 Entre Colinas Place, Pomona, CA

Ref: TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES  
PART I. THE AGENCIES GENERALLY  
CHAPTER 5. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER II. ADMINISTRATIVE PROCEDURE  
(5 USCS § 552)

Pursuant to the Freedom of Information Act (5 USCS § 552) we hereby request that you produce, within fifteen (15) days the following:

I. Definitions.

As used herein, "document" shall mean any written, graphic, recorded, or

discarded or destroyed, the documents so lost, discarded or destroyed shall be identified as completely as possible, including all information listed above with respect to privileged documents and all the following information:

- (a) date of disposal or loss;
- (b) manner of disposal;
- (c) reason for disposal or explanation of loss;
- (d) persons authorizing the disposal;
- (e) persons having knowledge of the disposal or loss; and
- (f) persons disposing of the document.

4. If any information is withheld because such information is stored electronically, please identify the subject matter of the information and the place or places where the information is maintained, and provide a suitable program or method of retrieving the information.

## II. DOCUMENTS.

1. Documents describing the name(s), address(s) and telephone numbers and duties of any and all persons assigned, authorized or entitled by the U.S. Postal Service to deliver mail to person(s) residing at 1600 Entre Colinas Place, Pomona, California from January 1, 2008 to the present.

2. Documents from any and all witnesses or interrogators, whether signed or unsigned, in word or word fashion, or in summarized fashion, relating to the delivery or non-delivery of mail to 1600 Entre Colinas Place, Pomona, California from January 1, 2008 to the present.

3. Documents from any sender of mail designed for delivery to any person residing at 1600 Entre Colinas Place, Pomona, California from January 1, 2008 to the present.

4. Documents describing the delivery schedule, including the date, time and type of delivery of mail by the U.S. Postal Service to 1600 Entre Colinas Place, Pomona, California from January 1, 2008 to the present.

5. Documents describing any injury suffered by employees, agents or assigns of the US Postal Service on or near the premises of 1600 Entre Colinas Place, Pomona, California from January 1, 2008 to the present.

6. Documents describing medical treatment received by any employee, agent or assigns arising from injuries suffered on or near the premises of 1600 Entre Colinas Place, Pomona, California.

7. Any and all documents authorizing the cessation, termination or interruption of mail delivery to persons residing at 1600 Entre Colinas Place, Pomona, California.

CHAPTER 5. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER II. ADMINISTRATIVE PROCEDURE

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;

(C) administrative staff manuals and instructions to staff that affect a member of the public;

(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

(E) a general index of the records referred to under subparagraph (D);

unless the materials are promptly published and copies offered for sale. For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, staff manual, instruction, or copies of records referred to in subparagraph (D). However, in each case the justification for the deletion shall be explained fully in writing, and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made. If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent

Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section--

(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(II) for any request described in clause (ii)(II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$ 250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: *Provided*, That the court's review of the matter shall be limited to the record before the agency.

(viii) An agency shall not assess search fees (or in the case of a requester described under clause (ii)(II), duplication fees) under this subparagraph if the agency fails to comply with any time limit under paragraph (6), if no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6) (B) and (C), respectively) apply to the processing of the request.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action. In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) [Repealed]

(E) (i) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(ii) For purposes of this subparagraph, a complainant has substantially prevailed if the complainant has obtained relief through either--

(I) a judicial order, or an enforceable written agreement or consent decree; or

(II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.

(F) (i) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(ii) The Attorney General shall--

(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).

request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(ii) For purposes of this subparagraph, the term "exceptional circumstances" does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.

(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.

(D) (i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.

(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.

(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.

(E) (i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records--

(I) in cases in which the person requesting the records demonstrates a compelling need; and

(II) in other cases determined by the agency.

(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure--

(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and

(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.

(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.

(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

(v) For purposes of this subparagraph, the term "compelling need" means--

(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.

(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.

(7) Each agency shall--

(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including--

informant's status as an informant has been officially confirmed.

(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(d) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(e) (1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include--

(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(B)

(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and

(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), the number of occasions on which each statute was relied upon, a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;

(C) the number of requests for records pending before the agency as of September 30 of the preceding year, and the median and average number of days that such requests had been pending before the agency as of that date;

(D) the number of requests for records received by the agency and the number of requests which the agency processed;

(E) the median number of days taken by the agency to process different types of requests, based on the date on which the requests were received by the agency;

(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

(G) based on the number of business days that have elapsed since each request was originally received by the agency--

(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

(L) the number of expedited review requests that are granted and denied, the average and median number of

1 James D. Goodman, Pro Se  
2 1600 Entre Colinas Place  
3 Pomona, California 91768  
4 (909) 629-1964  
5  
6 (626) 793-1121  
7

8 **BEFORE THE POSTAL REGULATORY COMMISSION**  
9

10  
11 JAMES D. GOODMAN and ) Case No.: No.  
12 ROSALYN GOODMAN )  
13 Complainants, ) COMPLAINT  
14 vs. )  
15 U.S. POSTAL SERVICE, Patrick A. Donahoe,) )  
16 Postmaster General, ALEJANDRO L. )  
17 PERALTA, individually, and acting as )  
Supervisor. )  
18 Respondents. )  
19 )  
20 )  
21 )  
22 )  
23 )

24 TO: Office of Secretary and Administration, Postal Regulatory Commission, 901 New York  
25 Avenue NW., Suite 200, Washington, DC 20268-0001



1  
2  
3 NOW COMES the Complainant, JAMES D. GOODMAN, *pro se*, and complaining against the  
4 U.S. Postal Service, Patrick A. Donahoe, as Postmaster General, and Alejandro L. Peralta,  
5 individually and as Supervisor, Pomona Post Office, states as follows:

6  
7  
8  
9  
10 I. JURISDICTION

11 Pursuant to Title 39, Part IV, Ch. 36 (39 USCS 3662) the Complainant hereby invokes  
12 the jurisdiction of the Postal Regulatory Commission inconformacne with the requirements of  
13 provisions of section 101(d), 401(2), 403 (c), 404a or 601 and regulation promulgated under any  
14 of those provisions.

15  
16  
17  
18  
19 II. POINTS AND AUTHORIES

20 U.S. Code (18 USCS §1701 which provides:

21 § 1701. Obstruction of mails generally

22 ***"Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier***  
23 ***or conveyance carrying the mail, shall be fined under this title or imprisoned not more than***  
24 ***six months, or both."***

25 (June 25, 1948, ch 645, § 1, 62 Stat. 778; Sept. 13, 1994, P.L. 103-322, Title XXXIII, §  
330016(1)(B), 108 Stat. 2146.)

Administrative actions by Postal Service had collateral estoppel effect on federal prosecution of  
mail carrier, since enforcement of Postal Service regulations should not constrain enforcement of  
federal criminal law. *United States v Payne* (1993, CA6 Mich) 2 F3d 706 (criticized in *United*  
*States v Reyes* (1996, CA5 Tex) 87 F3d 676).

We attach a letter delivered to our address on January 8, 2015 which contains false and malicious  
allegations calculated to unlawfully terminate the delivery of mail to each of us residing at our  
home in Pomona, California. We deny each of assertions of fact contained in this document,  
and, furthermore, we reject the authority of the US Postal Service, or any of its employees, to  
condition mail service on presentation "documentation" recited in the letter of January 8, 2015.  
The contention that there is a "vicious dog" on the premises is a pure canard calculated to avoid  
the requirement that mails be delivered to the standard mail box located on the curb, adjacent to

1 the street, or to the front door of the house, where the mails exceed the capacity of the standard  
2 mail box. As a matter of fact, over the past four years, mail carriers assigned to deliver mail to  
3 1600 Entre Colinas Place, Pomona, California have consistently failed or refused to deliver  
4 packages to the front door of the house. As a result, complaints have been made to the US Postal  
5 Service which has refused to accommodate delivery as required by postal policy and regulations.  
6 Instead, as of January 8, 2015, a false assertion of facts, as shown in the letter authored by  
7 Alejandro L. Peralta, was used to bar delivery of our mail. The act of terminating delivery of  
8 mail is in violation of 18 USCS §1701, et seq.

9 In the second instance, we wish to bring to your attention to the following facts. Rosalyn  
10 Goodman is age 91 and is unable to ambulate effectively, who seldom leaves her home, and is  
11 entirely dependent upon the delivery of mail to the door of the premises. She cannot drive an  
12 automobile and without means to transport herself to a post office or stores obtain food and  
13 other necessities. The delivery of packages from food stores and pharmacies has been a part of  
14 the deliveries which the Postal Service has refused delivery. As a U.S. Administrative Law  
15 Judge, and required to perform my duties five days a week in Pasadena, California, during  
16 normal working hours, I am unable to accommodate the needs of Rosalyn Goodman as she may  
17 provide for herself through the U.S. Mails. The dog, on the premises, is a good natured animal  
18 used for comfort and companionship, and is never outside the interior of the premises, except in  
19 a gated backyard, while Rosalyn Goodman is at home alone. All of these facts were made  
20 known to Alejandro L. Peralta and other employees and other agents of the U.S. Postal Service.  
21 Despite knowledge of these circumstances, Rosalyn Goodman has been deprived of reasonable  
22 accommodation as required under Title 26, Chapter 126 (Americans With Disabilities Act) <sup>1</sup>

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23 <sup>1</sup> TITLE 42 - THE PUBLIC HEALTH AND WELFARE

24 CHAPTER 126 - EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

25 Sec. 12101. Findings and purpose

(a) Findings

The Congress finds that

(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

1 Under the Americans With Disabilities Act, a remedy is provided:

2 *Sec. 12132. Discrimination*

3 *Subject to the provisions of this subchapter, no qualified individual with a disability shall, by*  
4 *reason of such disability, be excluded from participation in or be denied the benefits of services,*  
5 *programs, or activities of a public entity, or be subjected to discrimination by any such entity.*

6 *Sec. 12133. Enforcement*

7 *The remedies, procedures, and rights set forth in section 794a of title 29 shall be the remedies,*  
8 *procedures, and rights this subchapter provides to any person alleging discrimination on the*  
9 *basis of disability in violation of section 12132 of this title.*

10 (4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age,  
11 individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such  
12 discrimination;

13 (5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion,  
14 the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to  
15 make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and  
16 relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

17 (6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior  
18 status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

19 (7) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation,  
20 independent living, and economic self-sufficiency for such individuals; and

21 (8) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the  
22 opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and  
23 costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

24 (b) Purpose

25 It is the purpose of this chapter

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with  
disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

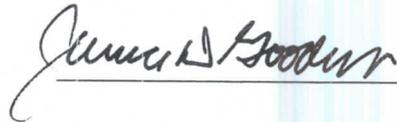
(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of  
individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate  
commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

Sec. 12101 note: Findings and Purposes of ADA Amendments Act of 2008, Pub. L. 110-325, § 2, Sept. 25, 2008, 122 Stat. 3553,  
provided that:

1 III. RELIEF REQUESED.

2 It is respectfully requested that this honorable Commission order and direct that that mail service  
3 be re-instituted to the premises of 1600 Entre Colinas Place, Pomona, California 91768, without  
4 condition or limitation, impose sanctions upon each of the respondents, award damages, costs  
5 and fees as allowed under the circumstances and provide such other additional relief may be  
6 appropriate.  
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James D. Goodman,  
1600 Entre Colinas Place  
Pomona, California  
91768  
(909) 629-1964

## PROOF OF SERVICE

James D. Goodman, having been first duly sworn on oath, deposes and states that he caused to be served upon each of the following persons, at the addresses appearing below

Patrick A. Donahoe  
Postmaster General  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington DC 20260-0010

Postmaster  
Pomona Post Office  
580 W. Monterey Avenue  
Pomona, CA 91769-9998

Alejandro L. Peralta  
Supervisor Customer Services  
Pomona Post Office  
580 W. Monterey Avenue  
Pomona, CA 91769-9998

By depositing the same in the U.S. Mail, postage prepaid, on the \_\_\_\_\_ day of January, 2015.

---

Postmaster  
Pomona Post Office



January 8, 2015

Postal Customer at:  
1600 Entrecolinas  
Pomona CA 91768

Dear Postal Customer:

On Wednesday December 31, 2015 we were unable to deliver your mail because your dog was out and interfered with the letter carrier. For the safety of our employees, we have curtailed delivery to your address. You have been contacted and made aware of our policy and the State of California code regarding dog bites.

We will continue to hold your mail for 10 days. You may come into the office and pick up your curtailed mail any time during office hours, Monday through Friday. If you have not contacted this office within that time, your mail will be returned to sender. To restore mail service, you will be required to meet with a delivery supervisor at this office. You will also need to bring a copy of the current Dog License and Rabies Vaccination Certificate for your dog and you will be asked to *sign a commitment to restrain the animal*. A copy of "State of California Civil Code on Dog Bites" has been attached for your information

We regret that this action is necessary. If you wish to contact our office by phone, our number is 909-865-1267.

Sincerely,

A handwritten signature in black ink, appearing to read "Alejandro L. Peralta".

Alejandro L. Peralta  
Supervisor, Customer Services

Cc: Office file  
Carrier route file



Pomona CA 91769-9998

\*\*\*\*\*

CUSTOMER'S COMMITMENT TO RESTRAIN ANIMAL

Postmaster
Pomona CA 91769-9998

I have received the California Civil Code #S3342 and #S3342.5 pertaining to dog bites and interference. I understand that my mail delivery has been suspended because of dog attack at my address. The action I have taken to prevent any further dog attacks is:

- A) Obtain a P.O. Box
B) Removed the dog from the premises
C) Provide the Post Office with a New address
D) Restrain dog during delivery hours

Should there be further interference, I understand that my only option will be to obtain a Post Office Box.

Customer's Signature

Address

Date

Telephone Number

\*\*\*\*\*

SUPERVISOR REPORT

Dog License - Date

Rabies Vaccination - Date

Supervisor's Signature Date

## Civil liability under the California Dog Bite Statute

of the owner of the dog, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness. A person is lawfully upon the private property of 3342. (a) The owner of any dog is liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, including the property such owner within the meaning of this section when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States, or when he is on such property upon the invitation, express or implied, of the owner.

3342.5. (a) The owner of any dog that has bitten a human being shall have the duty to take such reasonable steps as are necessary to remove any danger presented to other persons from bites by the animal.

(b) Whenever a dog has bitten a human being on at least two separate occasions, any person, the district attorney, or city attorney may bring an action against the owner of the animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by the animal. This action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(c) Whenever a dog trained to fight, attack, or kill has bitten a human being, causing substantial physical injury, any person, including the district attorney, or city attorney may bring an action against the owner of the animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by the animal. This action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(d) Nothing in this section shall authorize the bringing of an action pursuant to subdivision (b) based on a bite or bites inflicted upon a trespasser, or by a dog used in military or police work if the bite or bites occurred while the dog was actually performing in that capacity. (e) Nothing in this section shall be construed to prevent legislation in the field of dog control by any city, county, or city and county. (f) Nothing in this section shall be construed to affect the liability of the owner of a dog under Section 3342 or any other provision of the law.

The above is for your information. Your letter carrier makes every effort to deliver your mail. However, he/she is not required to cope with dogs that are loose.

Help



# Product Tracking & Reporting

Home

Search

Reports

Manual Entry

Rates/  
Commitments

PTR / EDW

USPS Corporate  
Accounts

April 03, 2015

## USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7014 2120 0000 2923 6731

Destination and Origin		
<b>Destination</b>		
ZIP Code	City	State
917681608	POMONA	CA
<b>Origin</b>		
ZIP Code	City	State
451509998	MILFORD	OH

Tracking Number Classification	
<b>Class/Service</b>	
Class/Service:	First-Class Certified Mail
Class of Mail Code/Description:	FC / First Class
<b>Destination Address Information</b>	
Address:	1600 ENTRECOLINAS PL
City:	POMONA
State:	CA
5-Digit ZIP Code:	91768
4-Digit ZIP Code add on:	1608
Delivery Point Code:	00
Record Type Code:	Street Record
<b>Service Delivery Information</b>	
Service Performance Data:	Scheduled Delivery Date: Tuesday, 03/31/2015
Predicted Delivery Date:	Wednesday, 04/01/2015
Delivery Option Indicator:	1 - Normal Delivery
Zone:	08
PO Box:	N
Other Information	Service Calculation Information
<b>Payment</b>	
Payment Type:	Other Postage
Payment Account Number:	000000000000
Postage:	\$0.49
Weight:	0 lb(s) 1 oz(s)
Rate Indicator:	Single Piece - Letters

CORNIS REGRAM  
513-831-1437

Extra Services	
Extra Services Details	
Description	Amount
Certified Mail	\$3.30

Events									
Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
NO AUTHORIZED RECIPIENT AVAILABLE	56	04/01/2015	09:53	POMONA, CA 91768	Scanned	IMD 030SHNA448 (Interface type - wireless)	Scanned by route 1768C016	04/01/2015 12:12:41	3849 ID: 5253048881061387 <a href="#">Request Delivery Record</a>
DISPATCHED FROM SORT FACILITY	BF	03/31/2015	09:14	SANTA ANA, CA 92709	System Generated			03/31/2015 09:05:42	Dispatch Label ID: DS14 4148 8444 1803 1118 4235
ENROUTE/PROCESSED	10	03/30/2015	12:13		Scanned	D8CS-013-			

Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
				SANTA ANA, CA 92799			Destined to route 91768160900	03/30/2015 14:18:41	
ENROUTE/PROCESSED	10	03/30/2015	08:05	SANTA ANA, CA 92799	Scanned	DBCS-085-	Destined to route 91768160900	03/30/2015 07:10:38	
DISPATCHED FROM SORT FACILITY	EF	03/29/2015	03:02	CINCINNATI, OH 45234	System Generated			03/29/2015 03:01:34	Dispatch Label ID: D613 6806 3223 1603 2902 1120
ENROUTE/PROCESSED	10	03/28/2015	19:28	CINCINNATI, OH 45234	Scanned	DBCS-039-	Destined to route 91768160900	03/28/2015 18:34:39	
ENROUTE/PROCESSED	10	03/28/2015	18:15	CINCINNATI, OH 45234	Scanned	AFCB206-004-	Destined to route 91768160900	03/28/2015 17:17:58	
ENROUTE/PROCESSED	10	03/28/2015	18:06	CINCINNATI, OH 45234	Scanned	AFCB200-004-	Destined to route 91768160900	03/28/2015 17:08:42	
DEPART POST OFFICE	SF	03/28/2015	18:57	MILFORD, OH 451509998	System Generated			03/28/2015 18:11:37	Closeout Label ID: CT18 7309 6000 1503 2816 0331
ACCEPT OR PICKUP	03	03/28/2015	12:30	MILFORD, OH 451508888	Scanned	POB	Destined to route C015	03/28/2015 12:17:45	Facility Finance Number: 365229

Enter up to (0) items separated by commas.

Select Search Type:

Product Tracking & Reporting, All Rights Reserved  
Version: 3.2.1.0

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

7014 2120 0000 2923 6731

Postage	\$	
POMONA CA 91768 Certified Fee		
Return Receipt Fee (Endorsement Required)	\$0.49	
Restricted Delivery Fee (Endorsement Required)	\$3.30	
	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$0.00</b>



Sent To: \_\_\_\_\_  
 Street & Apt. No., or PO Box No. \_\_\_\_\_  
 City, State, ZIP+4 \_\_\_\_\_  
 PS Form 3800, July 2014 See Reverse for Instructions

Milford Post Office  
 Milford, Ohio  
 451509998  
 3816070950-0097  
 03/28/2015 (800)275-8777 12:32:56 PM

Product Description	Sales Receipt Sale Unit Qty Price	Final Price
POMONA CA 91768-1609 Zone-8 First-Class Mail Letter 0.80 oz.		\$0.49
Expected Delivery: Tue 03/31/15		
® Certified		\$3.30
USPS Certified Mail #: 70142120000029236731		
Issue Postage:		===== \$3.79
<b>Total:</b>		<b>===== \$3.79</b>
Paid by: Cash		\$4.00
Change Due:		-\$0.21

® For tracking or inquiries go to [USPS.com](http://USPS.com) or call 1-800-222-1811.  
 \*\*\*\*\*  
 BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.  
 \*\*\*\*\*

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Order stamps at [usps.com/shop](http://usps.com/shop) or call 1-800-Stamp24. Go to [usps.com/ClicknShip](http://usps.com/ClicknShip) to print shipping labels with postage. For other information call 1-800-ASK-USPS.

\*\*\*\*\*  
 Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at [usps.com/poboxes](http://usps.com/poboxes).  
 \*\*\*\*\*

Bill#: 1000306090621  
 Clerk: 14

All sales final on stamps and postage  
 Refunds for guaranteed services only  
 Thank you for your business

HELP US SERVE YOU BETTER  
 TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

Go to:  
<https://postalexperience.com/Pgs>

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Item is at: Post Office (See back)

Available for Pick-up After: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

Sender's Name: TARGET  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse

If checked, you or your agent must be present at time of delivery to sign for item.  
 USPS Tracking # or Article Number(s): \_\_\_\_\_

For Delivery: (Enter total number of items delivered by service type.)  
 For Notice Left: (Check applicable item)  
 Priority Mail  Insured Mail  
 Express™  Return Receipt for Merchandise  
 Certified Mail™ (Must claim within 15 days or article will be returned)  
 Restricted Delivery  Adult Signature  
 Registered Mail™  Signature Confirmation™

Amount Due: \_\_\_\_\_

Article Requiring Payment:  Postage Due  COD  Customs \$ \_\_\_\_\_

Final Notice: Article will be returned to sender on 1-22

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Item is at: Post Office (See back)

Available for Pick-up After: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

Sender's Name: TARGET  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse

If checked, you or your agent must be present at time of delivery to sign for item.  
 USPS Tracking # or Article Number(s): \_\_\_\_\_

For Delivery: (Enter total number of items delivered by service type.)  
 For Notice Left: (Check applicable item)  
 Priority Mail  Insured Mail  
 Express™  Return Receipt for Merchandise  
 Certified Mail™ (Must claim within 15 days or article will be returned)  
 Restricted Delivery  Adult Signature  
 Registered Mail™  Signature Confirmation™

Amount Due: \_\_\_\_\_

Article Requiring Payment:  Postage Due  COD  Customs \$ \_\_\_\_\_

Final Notice: Article will be returned to sender on 1-3

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Item is at: Post Office (See back)

Available for Pick-up After: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

Sender's Name: \_\_\_\_\_

If checked, you or your agent must be present at time of delivery to sign for item.  
 USPS Tracking # or Article Number(s): \_\_\_\_\_

For Delivery: (Enter total number of items delivered by service type.)  
 For Notice Left: (Check applicable item)  
 Priority Mail  Insured Mail  
 Express™  Return Receipt for Merchandise  
 Certified Mail™ (Must claim within 15 days or article will be returned)  
 Restricted Delivery  Adult Signature  
 Registered Mail™  Signature Confirmation™

Amount Due: \_\_\_\_\_

Article Requiring Payment:  Postage Due  COD  Customs \$ \_\_\_\_\_

Final Notice: Article will be returned to sender on 2-2

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

Notice Left Section  
 Customer Name and Address: Joselyn Goodman  
1600 Entrecolins  
 Delivered By and Date: \_\_\_\_\_

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Sender's Name: 147 Thrasyl Today's Date: 1/4  
 Available for Pick-up After: \_\_\_\_\_ Post Office\* (See back) \_\_\_\_\_  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse.

If checked, you or your agent must be present at time of delivery to sign for item.

USPS Tracking # or Article Number(s): \_\_\_\_\_

Notice Left Section  
 Customer Name and Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Adult: \_\_\_\_\_  
 Signature: \_\_\_\_\_

Return Receipt for Merchandise: \_\_\_\_\_  
 Certified Mail\* (Must claim within 15 days or article will be returned): \_\_\_\_\_  
 Parcel: \_\_\_\_\_  
 Priority Mail: \_\_\_\_\_  
 Express: \_\_\_\_\_  
 Insured Mail: \_\_\_\_\_

Article Requiring Payment  
 Amount Due: \$ \_\_\_\_\_  
 Postage  COD  Customs

Final Notice: Article will be returned to sender on 1-21

Delivered By and Date: 1600 Estrecolins Rosa

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Sender's Name: 147 Thrasyl Today's Date: 1/4  
 Available for Pick-up After: \_\_\_\_\_ Post Office\* (See back) \_\_\_\_\_  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse.

If checked, you or your agent must be present at time of delivery to sign for item.

USPS Tracking # or Article Number(s): \_\_\_\_\_

Notice Left Section  
 Customer Name and Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Adult: \_\_\_\_\_  
 Signature: \_\_\_\_\_

Return Receipt for Merchandise: \_\_\_\_\_  
 Certified Mail\* (Must claim within 15 days or article will be returned): \_\_\_\_\_  
 Parcel: \_\_\_\_\_  
 Priority Mail: \_\_\_\_\_  
 Express: \_\_\_\_\_  
 Insured Mail: \_\_\_\_\_

Article Requiring Payment  
 Amount Due: \$ \_\_\_\_\_  
 Postage  COD  Customs

Final Notice: Article will be returned to sender on 1-3

Delivered By and Date: 1600 Estrecolins Rosa

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Sender's Name: \_\_\_\_\_ Today's Date: 1-22  
 Available for Pick-up After: \_\_\_\_\_ Post Office\* (See back) \_\_\_\_\_  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse.

If checked, you or your agent must be present at time of delivery to sign for item.

USPS Tracking # or Article Number(s): \_\_\_\_\_

Notice Left Section  
 Customer Name and Address: 40549th Poodman  
 Delivered By and Date: 1600 Estrecolins

Article Requiring Payment  
 Amount Due: \$ \_\_\_\_\_  
 Postage  COD  Customs

Final Notice: Article will be returned to sender on 2-7

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Sender's Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_  
 Available for Pick-up After: \_\_\_\_\_ Post Office\* (See back) \_\_\_\_\_  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse.

If checked, you or your agent must be present at time of delivery to sign for item.

USPS Tracking # or Article Number(s): \_\_\_\_\_

Notice Left Section  
 Customer Name and Address: \_\_\_\_\_  
 Delivered By and Date: \_\_\_\_\_

Article Requiring Payment  
 Amount Due: \$ \_\_\_\_\_  
 Postage  COD  Customs

Final Notice: Article will be returned to sender on \_\_\_\_\_

PS Form 3849, July 2013 [usps.com](http://usps.com) Delivery Notice/Reminder/Receipt

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**  
 Item is at: Post Office (See back)  
 Available for Pick-up After: 1/8/15  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse

For Delivery: (Enter total number of items delivered by service type.)  
 For Notice Left: (Check applicable item)  
 Letter  
 Large envelope, magazine, catalog, etc.  
 Parcel  
 Perishable item  
 Other:  
 Certified Mail\*  
 Registered Mail\*  
 Restricted Delivery  
 Insured Mail  
 Return Receipt for Merchandise  
 Adult Signature  
 Signature Confirmation\*  
 Article Requiring Payment Amount Due \$  
 Postage Due  COD  Customs  
 Final Notice: Article will be returned to sender on

PS Form 3849, July 2013 **usps.com** Delivery Notice/Reminder/Receipt  
 Notice Left Section  
 Customer Name and Address  
Rosalya Goodman  
1600 Entrecolinas  
 Delivered By and Date

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**  
 Item is at: Post Office (See back)  
 Available for Pick-up After: 1-14  
 Date: 1-15  
 Time: 9:00AM  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse

For Delivery: (Enter total number of items delivered by service type.)  
 For Notice Left: (Check applicable item)  
 Letter  
 Large envelope, magazine, catalog, etc.  
 Parcel  
 Perishable item  
 Other:  
 Certified Mail\*  
 Registered Mail\*  
 Restricted Delivery  
 Insured Mail  
 Return Receipt for Merchandise  
 Adult Signature  
 Signature Confirmation\*  
 Article Requiring Payment Amount Due \$  
 Postage Due  COD  Customs  
 Final Notice: Article will be returned to sender on

PS Form 3849, July 2013 **usps.com** Delivery Notice/Reminder/Receipt  
 Notice Left Section  
 Customer Name and Address  
Rosalya Goodman  
1600 Entrecolinas  
 Delivered By and Date

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**  
 Item is at:  Post Office\* (See back)  
 Available for Pick-up After: 1-7  
 Date: 1-7  
 Time: 9:00  
 For Redelivery: Go to [usps.com/redelivery](http://usps.com/redelivery) or see reverse

For Delivery: (Enter total number of items delivered by service type.)  
 For Notice Left: (Check applicable item)  
 Letter  
 Large envelope, magazine, catalog, etc.  
 Parcel  
 Perishable item  
 Other:  
 Certified Mail\*  
 Registered Mail\*  
 Restricted Delivery  
 Insured Mail  
 Return Receipt for Merchandise  
 Adult Signature  
 Signature Confirmation\*  
 Article Requiring Payment Amount Due \$  
 Postage Due  COD  Customs  
 Final Notice: Article will be returned to sender on

PS Form 3849, July 2013 **usps.com** Delivery Notice/Reminder/Receipt  
 Notice Left Section  
 Customer Name and Address  
Goodman  
1600 Entrecolinas  
 Delivered By and Date

United States Postal Service®  
**Sorry We Missed You! We Re Deliver for You**

Today's Date: 7/11/13

Sender's Name: Ohio

Item is at:  
 \_\_\_ Post Office\* (See back)

Available for Pick-up After: \_\_\_\_\_

For Redelivery  
 Go to [usps.com/redelivery](http://usps.com/redelivery)  
 or 800 878 7838

Date:

Time: \_\_\_\_\_

- Letter
- Large envelope, magazines, catalogs, etc.
- Parcel
- Perishable item
- Other: \_\_\_\_\_

For Delivery: (Enter total number of items delivered by service type.)

For Notice Left: (Check applicable item)

- Priority Mail
- Insured Mail
- Express
- Certified Mail™  
 (Must show within 15 days or article will be returned)
- Restricted Delivery
- Registered Mail™
- Return Receipt for Merchandise
- Adult Signature
- Signature Confirmation

Article Requiring Payment

Postage  COD  Customs

Final Notice: Article will be returned to sender on \_\_\_\_\_

Amount Due \$ \_\_\_\_\_

If checked, you or your agent must be present at time of delivery to sign for item.

USPS Tracking # or Article Number(s)  
701422000292367A1

Notice Left Station

Customer Name and Address

ROSALYN GOODMAN  
1600 ESTRELLA WAYS

Delivered By and Date

PS Form 3849, July 2013

[usps.com](http://usps.com)

Delivery Notice/Reminder/Receipt