



Santa Monica Daily Press

REMEMBER TO FALL BACK SUNDAY *Since 2001: A news odyssey*

THE HOPE YOU HAD A HAPPY HALLOWEEN ISSUE

HIV-positive men claim discrimination

BY MELODY HANATANI
Daily Press Staff Writer

DOWNTOWN An HIV positive Santa Monica man is suing a local dental office whom he claims refused to perform an emergency tooth extraction operation last year because of his medical condition.

Jeffrey Goodman is one of two plaintiffs taking on Western Dental Services Inc., accusing the company of violating state disability discrimination laws when its Santa Monica office turned him away on Sept. 15 after learning that the patient was HIV positive.

A dog groomer by trade, co-owning the Santa Monica Pet Project, Goodman was diagnosed with HIV in 1986. Once a client at Common Ground, which provides services for people living with HIV and AIDS, Goodman now serves on the nonprofit organization's Board of Directors.

The incident in question took place after Goodman began experiencing severe tooth pain and decided to visit the Western Dental office in the 1600 block of Lincoln Boulevard after previously being advised by other health care providers that the tooth needed to be removed. The dental company was identified as a preferred provider under Goodman's Aetna policy.

After disclosing his HIV positive status on a

SEE LAWSUIT PAGE 13

SMC forced to replace injured quarterback

BY DANIEL ARCHULETA
Managing Editor

EAST LOS ANGELES Another week, another quarterback.

A struggling Santa Monica College team will again look to Ryan Burns to lead the offense as Brady McManus, who had missed two games earlier this season because of injury, rests a bum shoulder this Saturday against East Los Angeles College.

McManus, who replaced an ineffective Luqman Nasouf, hurt his shoulder at some point during last week's 34-45 loss to West

SEE SMC PAGE 14



REAL DEAL

Brandon Wise brandonw@smdp.com

Clinical officer Waruiru Peninah (right) shows a group of students from King/Drew Magnet High School of Medicine methods of water distribution at "A Refugee Camp In The Heart Of The City" at the 1550 parking lot north of the Santa Monica Pier on Friday. The 8,000-square-foot interactive outdoor refugee camp was set up by the Medecins Sans Frontieres/Doctors Without Borders organization to explain the difficulties thousands of people face throughout the world due to famine and natural disasters.

Charges filed in Lopez murder

BY KEVIN HERRERA
Editor in Chief

DOWNTOWN Murder charges have been filed against a Santa Monica resident and admitted gang member who is believed responsible for the death of Byron Lopez, a 28-year-old resident of Gardena who was visiting family in the Pico Neighborhood earlier this year when he was fatally shot.

The Los Angeles County District Attorney's office filed murder charges against Jason Anthony Hurtado on Thursday. He also faces charges of firing at an occupied vehicle and for being a felon in possession of a firearm. Prosecutors said Hurtado committed these crimes to assist a criminal street gang.



HURTADO

If convicted on all counts, Hurtado, 26, could face life in prison without the possibility of parole, said Sandi Gibbons, a spokesperson for the District Attorney's Office.

Hurtado plead not guilty and is being held on \$3.57 million bail. A preliminary hearing is scheduled for Nov. 17.

Hurtado was arrested on July 2, 2008 when he allegedly pulled a gun on a Santa Monica police officer working undercover in the Pico Neighborhood. Police said Hurtado pointed the gun at the officer, who had just identified himself, before dropping the weapon and fleeing on foot. Officers quickly arrested Hurtado and recovered the firearm. Detectives then worked with the commu-

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THE SCENE: A man on a bike rides past the the Western Dental office at the corner of Lincoln and Olympic boulevards on Friday afternoon. A Santa Monica man with HIV is suing Western Dental along with a Los Angeles man with HIV because dentists allegedly refused to fix their teeth because of their diagnoses.

Local dental office subject of discrimination lawsuit

FROM LAWSUIT PAGE 1

health history questionnaire, Goodman was approached by a hygienist who said that due to his medical condition, the dentist could not perform the operation, but could rather only take X-rays. The hygienist was wearing a face mask and gloves even though Goodman was not in a dental chair, according to the lawsuit.

"Although the hygienist refused to specify what she meant by 'medical condition,' Mr. Goodman has only one medical condition, HIV infection," the lawsuit states.

Goodman requested to speak to someone of authority and was greeted with a person stated to be in charge, confirming the hygienist's explanation.

"I have been living with HIV since 1986," Goodman said in a statement. "Since that time, I have never experienced this kind of treatment."

The second plaintiff, Donald Ford, visited the same Western Dental office on May 15 of this year after experiencing pain from a tooth that also required extraction. After completing X-rays, Ford was directed to an examination room where he sat for an hour unattended, according to the lawsuit.

A dentist and assistant, both clad in full face shields, visually examined the

teeth and notified Ford that they could not perform the extraction without proof of the HIV diagnosis that had previously been disclosed in the questionnaire.

Ford contacted his doctor who immediately faxed the proof of HIV diagnosis and approval for tooth extraction, to which the dentist reportedly refused on the grounds that the patient's CD4 — T-cell — count was too low and viral load was too high, according to the lawsuit.

The Los Angeles resident was diagnosed with HIV in 2004.

The plaintiffs claim that they suffered physical and mental pain as well as humiliation.

Sandra Lau, legal counsel for Western Dental Service, Inc., declined to comment because the matter is currently in litigation.

The suit, which was filed in Central District Court on Sept. 11, contends that in denying services to the two men, the defendant violated the state's Unruh Civil Rights Act, which prohibits discrimination by all business establishments based on a variety of factors including disability.

"There is no medical or scientific basis for Western Dental's refusal to extract teeth from patients with HIV," said Peggy Roman-Jacobson, the legal director for

the HIV & AIDS Legal Services Alliance (HALSA), which is representing the plaintiffs.

Western Dental is considered one of the oldest dental and oral health maintenance organizations in the state. The company has more than 4,000 doctors and other employees and more than 200 offices in California, Arizona and Nevada.

A court hearing has not been scheduled.

In addition to compensatory damages for emotional distress and coverage for legal fees, the plaintiffs are also demanding that Western Dental train every employee about the risks and precautionary measures that should be taken when treating patients who are afflicted with HIV and AIDS and include a public statement in all future advertisements that the company does not discriminate based on the medical condition.

"Persons who have been denied medical or dental treatment because of their HIV status are made to feel like pariahs, which is exactly what federal and state laws are designed to prevent," Trip Oldfield, the HALSA executive director, said.

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Santa Monica Police Officers and Firefighters care about our community. We entrust our elected officials to make important decisions that protect us. That is why we participate in the political process. We ask you to carefully consider your choices. We have reviewed the records of these candidates running for City Council and recommend them for their dedication and support of public safety.



Richard Bloom

As current Mayor Pro-Tem, Richard Bloom has proven leadership skills and has worked hard to preserve and protect Santa Monica neighborhoods. He maintains responsible fiscal policies, all while bringing new community programs such as music, art, parks and schools. Richard Bloom responds to the community.



Herb Katz

Mayor Herb Katz has strongly supported the Santa Monica Police and Fire Departments to enhance public safety. He is dedicated to reduce urban blight and has expanded the city's park system. Clearly, Herb Katz is devoted to our city and has spent many years protecting the quality of life here. He is the right choice for City Council.

THE BEST CHOICES FOR PUBLIC SAFETY



Ken Genser

As an incumbent Council Member, Ken Genser has served the citizens of Santa Monica well. He has demonstrated time and time again his dedication to protecting our community. He has expanded services for seniors, our youth and the park system. Ken Genser listens to his constituents and pays close attention to the details.



Bobby Shriver

Council Member Shriver has worked hard to provide city services and programs to house the homeless population. He works tirelessly to support police and fire to ensure public safety, giving the departments the tools needed to deal with gang violence, emergency operations and disaster preparedness. Bobby Shriver has been instrumental in efforts to clean Santa Monica Bay.

YES on measure SM

Preserve funding for Public Safety

NO on measure T

There are other alternatives that will assist public safety with traffic issues today and tomorrow..

CAST YOUR VOTE. The most precious right we have as citizens is to participate.

Paid for by Santa Monica Firefighters PAC, Paul Radomski, Treasurer, PAC ID 903126

VOTE YES
For Public Safety

CITY COUNCIL

Mayor Pro-Tem **Richard Bloom**
Council Member **Ken Genser**
Mayor **Herb Katz**
Council Member **Bobby Shriver**

FOR 23RD STATE SENATE
Fran Pavley

YES on SM

NO on T



VOTE ON NOVEMBER 4

Not authorized by a candidate or a committee controlled by a candidate