

CCDC WAGES WAR AGAINST BLITZKRIEG OF ADA VIOLATORS

An onslaught of ADA violations have been occurring all over the metropolitan area. Colorado Cross-Disability Coalition ("CCDC") is filing lawsuits to enforce the ADA. Julie Reiskin, Executive Director of CCDC, said "I don't understand what's happening. It's 2011 and everybody is building things that are not accessible to people using wheelchairs." In a recent CCDC board meeting, directors and Ms. Reiskin discussed how they believed the ADA had made access for people using wheelchairs much better than it used to be, and we were seeing much fewer ADA cases about physical access.

And then the blitzkrieg came upon us.

Right now, CCDC is in litigation against Hollister Co. Stores (operated by Abercrombie & Fitch), El Diablo Restaurant (owned and operated by Jesse Morreale of M Inc.), the Yard House Restaurant (operated by a series of entities owned by Steele Platt), and Tilted Kilt restaurant.

El Diablo

Yesterday, CCDC and two individuals who use wheelchairs joined a Denver lawyer who uses a wheelchair in saying "Enough is enough!" to El Diablo's inaccessibility. This restaurant was completely renovated last year and opened in August of 2010. Its owner designed and had built raised seating platforms that did not exist before. These raised seating platforms are not accessible to individuals who use wheelchairs. The principal for the entity that owns El Diablo, Jesse Morreale, in documents and a sworn statement made to the Court, seemed to be complaining about having to spend money on a patio gate so the patio could be accessible to people who use wheelchairs. Furthermore, El Diablo seems more interested in paying expensive downtown Denver lawyers to fight this case rather than simply providing wheelchair access to CCDC members even though our office is five blocks from El Diablo.

Hollister Co. Stores

All Hollister stores were designed and constructed after the passage of the ADA. Abercrombie & Fitch owns and operates Hollister Co. stores. We believe there are about 560 stores in the U.S. and about half of these stores have steps at their front entrances making them inaccessible to people who use wheelchairs. These stores do have separate segregated side entrances for people using wheelchairs. But it's not the same entrance used by the general public. These "entrances" don't even look like doors. They look like window shutters. Hollister Co. tries to justify this by saying these "handicap" doors are nearby the main entrance. The experience of entering a Hollister store through its stepped door entrance is completely different from trying to find the nearly invisible buttons and shutter-like doors that are supposed to provide access. Before the lawsuit was filed, CCDC had members who tried to enter through these "handicap" doors only to find them locked or blocked by merchandise on the other side. At least the lawsuit seems to have made them stop doing that. In Colorado stores, at least.

CCDC and co-counsel (Fox & Robertson, P.C. and Lewis Feinberg Lee Renaker & Jackson, P.C.) have filed what we hope will become a nationwide class-action to make Hollister Co. provide **equal** access to all of its stores. In the meantime, Hollister Co. refuses. Seems image is more important than access. This case has actually been going on for awhile.



Yard House

Longtime CCDC member Jaime Lewis, who lives downtown and works in our Denver offices, discovered a new restaurant called the Yard House located at 16th Street & Tremont. At the entrance, which appears to be the only entrance, there is a step. It is completely inaccessible to persons using wheelchairs. Jaime went looking for another entrance. No signs of any kind tell a person where to go. Ultimately, he found a way in after traveling half a city block, past a coffee shop, and into a hotel lobby. Nothing on the hotel said “Yard House.” Lucky for Jaime, he is smart and energetic. It takes a good investigator to track this down. After working his way through the hotel’s very heavy double doors, and wandering through the hotel lobby, Jaime found a back door to the restaurant. When Jaime entered that back hallway, there was not host or greeter, he rolled into the restaurant. Nobody spoke to him or approached him. Finally he gave up and left.



CCDC Executive Director Julie Reiskin, also tried to go to the Yard House, but she saw the giant step at the main public entrance. She saw an inaccessible patio area, but she never found the entrance to the Yard House. There is even a sign on the patio pointing you back to the inaccessible entrance. CCDC filed that lawsuit on June 20, 2011.



Tilted Kilt

This Pub & Eatery opened in 2010. It was a complete renovation of the former space occupied by ESPN Zone, located in the Tabor Center at 1201 16th street. Tilted Kilt owners completely renovated the restaurant. The whole restaurant is new inside. There is a main public entrance on one side of the Tilted Kilt. There are steps at the main front entrance

making it completely inaccessible to people using wheelchairs. There is a separate, segregated entrance for people who use wheelchairs at the other side of the restaurant. To get to this entrance a person using a wheelchair must go all the way from the main public entrance all the way around the outdoor seating area to the other side of the restaurant to get in. Once that person gets into the restaurant they have to go all the way to the other side of the restaurant inside to get to the host station. And then all the way back to the other side of the restaurant again to get to the ONE accessible table on the street-level side of the restaurant. Only a small portion of the restaurant is accessible from the street-level accessible entrance; most of the restaurant is up four steps from the street-level.

The Tilted Kilt installed a wheelchair lift. To date, every CCDC member who uses a wheelchair who has tried to use that lift has encountered nothing but problems. The lift gets stuck, the lift buttons work intermittently, the lift has required several employees to try to make it operate all at the same time.



As for the four steps, we don't know why they're there.



... or there:

