



**COLORADO
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Federal Judge and Jury Find Pueblo Medical Office Violated the ADA by Denying Service Animal Access

(Denver – April 8, 2022) It took Pueblo-area resident, Wendy Kolbe, six years to get her day in court, but on March 16th, a federal jury returned a \$20,000.00 verdict in her favor, finding that a Pueblo area endocrinology clinic, Endocrine Services P.C., discriminated against her on the basis of her disability. On March 31st, U.S. District Court Judge Raymond P. Moore agreed, finding that the clinic violated the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the Colorado Anti-Discrimination Act, and entered a permanent injunction requiring the clinic to comply with those laws, and requiring the clinic to pay Ms. Kolbe’s court fees and costs.

According to the lawsuit, after moving to Pueblo, Ms. Kolbe went to Endocrine Services P.C. for help in managing her diabetes, but the clinic’s owner and sole physician, Dr. Agha Khan, required her to take her service dog, Bandit, to her vehicle before he would see her. Bandit is trained to assist Ms. Kolbe manage her blood sugar levels by detecting and alerting Ms. Kolbe when the levels suddenly rise or fall. “The fact that Ms. Kolbe was refused service when accompanied by her diabetes alert dog while seeking services from a diabetes clinic is just astonishing,” said Ms. Kolbe’s attorney, Andrew C. Montoya, of the Colorado Cross-Disability Coalition Civil Rights Legal Program and lead counsel for the plaintiffs. Mr. Montoya has represented several clients who have been denied services or discriminated against in other ways simply because they use service animals. “The now 31-year-old ADA and all of its readily available rules and guidance on what is required by places of public accommodation, including the professional offices of the medical services provider, should no longer be in question,” Mr. Montoya added.

After nearly two years of being repeatedly postponed due to COVID-19’s shutdown of jury trials, the trial was finally held the week of March 14, 2022. At trial, the jury found that Endocrine Services unlawfully discriminated against Ms. Kolbe by refusing to allow her to have her service dog in its medical practice for a consultation related to her diabetes. Ms. Kolbe was joined in the lawsuit by the Colorado Cross-Disability Coalition (“CCDC”), the state’s largest non-profit disability rights organization. The court entered its final judgment in favor of both Ms. Kolbe and CCDC on March 31, 2022. The Court concluded that the medical office violated the ADA and other laws referenced above, including Colorado’s state law prohibiting discrimination against people with disabilities who have service animals. The court ordered Endocrine Services to bring its policies, practices and procedures regarding service animals into compliance with the ADA.

The saga began on June 8, 2016, when Ms. Kolbe went to the Endocrine Services office after being referred by her primary care provider for help managing her diabetes. She entered the office with her service dog, Bandit, and was given paperwork to fill out prior to meeting with the doctor. Bandit was sitting quietly next to her as she filled out the paperwork when Dr. Khan suddenly approached her and demanded that she remove Bandit from his office. Ms. Kolbe explained to Dr. Khan that Bandit was her service dog to assist her with her diabetes. "I need Bandit to notify me when my blood sugar is high or low, and he is well-trained and very well behaved," said Ms. Kolbe. The referral itself spelled out the reasons why Ms. Kolbe needed to be seen by an endocrinologist. Despite Ms. Kolbe's explanation, Dr. Khan refused to listen, telling Ms. Kolbe that she would not be seen with Bandit in the office. She then left the clinic without being seen by the doctor. "I was very shaken up after being kicked out of the clinic where I was trying to go to get help for my diabetes, and I am so happy the jury and the Court understood that what the doctor did was wrong; I hope this message will be received by other medical offices that they simply can't just deny someone the right to have their service animal with them at all times," Ms. Kolbe continued.

The United States Department of Justice makes it very simple for all businesses to understand the rules and regulations applicable to service animals and provides informal guidance titled "[U.S. Department of Justice Civil Rights Division Disability Rights Section ADA Requirements: Service Animals \(opens in new tab\)](#)." That guidance specifically says:

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms.

"CCDC is committed to ensuring that all individuals with disabilities in Colorado can go anywhere any other member of the public can go, just with their service animal," said Julie Reiskin, Executive Director of CCDC. "We have members throughout Colorado who use their service animals for a variety of disabilities, and not allowing someone into a medical clinic because of their service animal is discriminatory and dangerous," she continued.

About the Colorado Cross-Disability Coalition:

CCDC advocates for social justice for people with all types of disabilities. CCDC envisions that Colorado will be the most accessible state in the nation in terms of all forms of discrimination against people with disabilities. CCDC is Colorado's largest disability rights advocacy organization run by and for people with disabilities.

More information about the case itself can be found on [CCDC's website \(opens in new tab\)](#); the case is captioned [Kolbe v. Endocrine Services, 17-cv-1871-RM-SKC \(opens in new tab\)](#). The website will be updated as events unfold.

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