

ADA plaintiff adds multiple locations to latest lawsuits

KELLY JOHNSON / STAFF WRITER

George Louie, a West Sacramentan who has filed at least 1,034 disabled-access lawsuits in California, is using a new approach in his suits against local businesses.

In individual lawsuits alleging access violations, Louie has begun naming multiple locations of a single chain of stores, which increases the impact of his litigation without a commensurate increase in court filing fees.

Louie did not return phone calls from the Business Journal by mid-week.

The latest category of businesses he's been suing in Sacramento County Superior Court since April is automotive-related — chains that sell auto parts and provide services such as smog checks, oil changes and tuneups.

Since April, Louie has sued six automotive chains, each with multiple locations. In a May 5 case against Arizona-based Brake Masters Systems Inc., for example, he alleged access violations at four Sacramento locations plus one each in Orangevale and Roseville.

In that case he's seeking \$128,000 in general and special damages, plus punitive damages and statutory damages, expenses, interest and removal of access barriers.

Problems included a lack of van parking and counters that weren't the appropriate height and length, he alleged.

Another frequent ADA litigant may face legal challenge:

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Stores were making changes: Aware of other access lawsuits, local Brake Masters stores had written a plan for compliance and were making changes when Louie sued, said attorney Catherine Corfee of Corfee Stone & Associates in Carmichael, who is representing Brake Masters.

"They've been working on it in really good faith," she said.

Louie had not been a Brake Masters customer before he sued, Corfee said. Someone who matched Louie's description but gave a different name flashed a badge to a store manager, and said he had never lost a lawsuit in the hundreds he had filed, Corfee said.

"The intent was to sue not to enforce (access law)," she said. "It's a suit for money."

Louie filed two more lawsuits against car repair and services companies on May 13. These suits follow six others he filed against two auto parts chains in December.

More than 50 lawsuits last year: This year Louie has also filed three suits against Payless ShoeSource Inc. (NYSE: PSS) of Topeka, Kan., each against an individual store in Sacramento. Those suits each seek \$28,000 in general and special damages, plus other damages and expenses.

Shane Singh, an attorney with Kring & Chung in Sacramento who is representing Payless, said he could not comment on these ongoing cases. In a response filed with the Sacramento court, Singh denied the allegations, complained that Louie hadn't told the stores about any problems — access law does not require prior notification — and said that at least some of the access changes can't be readily done.

In the last three years, Singh has handled about 15 cases representing businesses Louie has sued.

Most businesses in Sacramento substantially comply with federal and state access laws, Singh said. He believes plaintiffs like Louie sue for trivial technicalities, such as mirror height in a bathroom, that rarely prevent access.

"These lawsuits aren't achieving the access that they should," he said.

Louie does insist on corrections to access problems, Singh said.

If a plaintiff files three or four similar lawsuits in a month, it's a shakedown, Singh contends, rather than an effort focused on improving access.

Louie filed more than 50 cases last year in Sacramento County Superior Court against banks, supermarkets, drugstores, restaurants and other businesses. He's been filing access lawsuits since the 1990s.

The defendants in Louie's cases nearly always settle, paying a few thousand dollars rather than go to trial. Louie is known for accepting reasonably low settlements.

People with disabilities consider the federal Americans With Disabilities Act to be a civil rights milestone as important as the laws that ended racial segregation.

"We're advocates," Louie said in 2002. "We're not in it to make money. We're in it to get compliance."

He said he became an advocate for access after suffering discrimination from an Oakland bank and a Chinese restaurant. In each place he met physical barriers that interfered with his ability to patronize the businesses and receive equal service.