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Litigious disability rights activist targets valley Jo-Ann Stores

Premium content from Silicon Valley / San Jose Business Journal by Kelly Johnson

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Kelly Johnson

There's no rest for George Louie.

After suing 30 **Wells Fargo & Co.** bank branches last month, the West Sacramento disabled-access activist and three colleagues last week sued 20 locations of **Jo-Ann Stores Inc.** in Northern California, including five in Silicon Valley.

Local fabric and crafts stores named in the Jo-Ann lawsuit filed Friday in Sacramento County Superior Court are in Cupertino, Fremont, Mountain View, Redwood City and San Mateo. Mr. Louie sued with three Bay Area residents: Gloria Vaughn of Richmond; Eddie King of Oakland and Barnabus Fairfield of Berkeley.

Instead of alleging specific state disabled-access violations for each Jo-Ann location, this latest lawsuit cites a laundry list of alleged architectural barriers for the stores as a whole. The alleged access violations include inaccessible restrooms and customer counters, unwrapped sink pipes, lack of accessible paths of travel, a lack of compliant disabled parking and excessively sloped disabled parking.

The lawsuit, filed by Folsom attorney Keith Cable, seeks access improvements at the stores, attorney fees and statutory, general and punitive damages. The amount exceeds \$25,000.

Mr. Louie said he's encouraged by what he considers to be Jo-Ann's willingness to resolve the matter.

"They know they have some problems and stuff," he said. "They act like people we can work with. Usually when you sue (a company), their natural response is to be mad and stuff."

"I guess we're on some kind of streak where people are taking us more seriously," Mr. Louie added.

Mr. Louie said he reached a confidential settlement with Wells Fargo. A Wells Fargo spokeswoman used the word "resolved" instead of "settled." Neither would elaborate.

"We have not been served with the lawsuit and therefore cannot comment at this time," Jo-Ann Stores said in a prepared statement Tuesday. "However, Jo-Ann is committed to operating stores which are accessible to all of our customers as demonstrated by the many persons with disabilities who are loyal customers of Jo-Ann Stores."

A month ago, Jo-Ann reached an agreement with the U.S. Department of Justice over complaints from California, Michigan and Wisconsin that it had violated the Americans with Disabilities Act.

In the settlement, Jo-Ann, a Hudson, Ohio-based chain of 817 stores, agreed to make its stores accessible to people with disabilities. The retailer agreed to hire an ADA consultant, survey each store for compliance over four years and train store personnel on access requirements.

"I really think they're making an honest effort to clean it up," Mr. Louie said. He has filed more than 1,000 lawsuits in California, but his critics have questioned whether he actually patronizes all the places he sues. Mr. Louie said he's been into at least 35 to 40 Jo-Ann stores.

He buys decorations for the holidays, he said. So does Mr. Fairfield. Ms. Vaughn shops for sewing supplies and Mr. King crochets or knits, Mr. Louie said.

As more access cases are litigated, courts are more inclined to make plaintiffs prove they visited a site, and are likely to return, said Kathleen Finnerty, an ADA defense attorney with **Greenberg Traurig LLP** in Sacramento. Some judges are also requiring plaintiffs to be more specific about alleged violations in each store. Some are ruling that certain things really aren't barriers, such as a door that requires an extra pound of pressure than the law allows.

"The chute that the plaintiffs have to go through is getting narrower," Ms. Finnerty said. "The courts are adding some aspects of reality of the plaintiffs' interpretation and often misinterpretation of what the law requires. I think it's getting more difficult (for plaintiffs) as the courts are getting more experienced with these drive-by lawsuits."