

Stuart News, The (FL){PUBLICATION2}

Date: August 5, 2000

Section: A Section

Edition: Martin County

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Correction:

DISABLED ACCESS SUIT NAMES DISNEY

Byline: *Gabriel Margasak of the News staff*

A Stuart man and his attorney say the resort violates laws protecting the rights of disabled.

Source:

A Stuart man and his attorney say the resort violates laws protecting the disabled STUART - It's supposed to be the happiest place on earth.

But for the disabled, many Walt Disney World Co. resort hotels, monorails and ferries are not accessible, according to a class-action lawsuit on behalf of a Stuart resident and a Miami advocate of rights for the disabled.

Scott Duckson of Stuart, who has had to use a wheelchair since a car accident in 1980, said he joined the suit because he wants to be able to take his twin baby daughters to the theme park.

"When my girls are old enough to go up there with my wife and I, and enjoy Disney, I want it to be an enjoyable family experience where I can enjoy it with them and not have to worry about all the accessibility problems," he said.

The other man who filed, Edward S. Resnick of Miami, who is head of the rights group Access Now, filed a separate discrimination lawsuit last month against Disney alleging the company's two cruise ships don't have enough rooms that accommodate wheelchairs.

The suit was announced Friday by Duckson's attorney **Lance Richard**, who is paralyzed.

Duckson and others claim the company is violating the Americans with Disabilities Act by not providing adequate access to restrooms, hotel rooms, the famous monorail system and other Florida attractions.

"That's what this lawsuit seeks to change," Richard said, adding they are not asking for monetary damages, although the suit seeks attorney fees. "We're asking Disney to fix the problem.

"I think Disney is very aware of the problems they've had," Richard said. The suit is not against a small mom and pop shop but a billion-dollar company that can afford to fix the problems, he said.

"Disney has no excuse," he said.

Meanwhile, a Disney official said she could not comment directly on the case.

"We work very hard and we're very proud of our record with providing access to our guests with disabilities," said Disney spokeswoman Diane Ledder, adding that the company has not received a copy of the lawsuit.

"I think we've done a lot of very creative things to help and welcome our guests with disabilities," she said, describing guides for guests with disabilities and wheelchair accessible safari rides.

"We comply with the ADA," she said.

The action is the latest lawsuit against the entertainment giant by a local attorney.

Last month, Stuart attorney Willy Gary and former O.J. Simpson attorney Johnnie Cochran teamed up to represent two businessmen who are suing Walt Disney Co. for \$1 billion, claiming Disney stole their idea for a sports complex.

In 1998, a disabled Allentown, Pa., man sued the company, claiming Disney's Epcot Center didn't have adequate access for his wheelchair.

In the new suit, Richard, whose high-profile clients include two pig farmers sued by a golf course and the 13-year-old boy accused of killing a Palm Beach County teacher, is taking on an issue with which he is familiar.

Richard broke his neck and was paralyzed in a swimming accident more than a decade ago and has been in a wheelchair since.

"I have a personal stake in this," Richard said, adding that 40 percent of his work is related to the ADA.

"I started receiving complaints on Disney a year ago." Richard said. "To me, it's a no brainer. Disney is in violation of the law."

One of his clients, Duckson, was injured in a car accident in 1980 and been in a wheelchair since.

"I used to go to the (theme) park all the time," Duckson said, and many parts of the facility were just not accessible.

"The only way we could get around the park was on the monorail" and the ramp was too steep, he said. "I was looking at the bottom saying 'I don't know how I'm going to get myself up this thing' ... It literally took me a about a half-hour to get from the bottom of the ramp to the top of the ramp.

"The number of bathrooms in the facility ... it's ridiculously low," he said. "It's not in compliance with the code."

The suit also claims access to grandstands, restaurants, shops, elevators and other facilities fails to meet ADA requirements.

The suit was filed in the U.S. District Court in Orlando on July 26, the 10th anniversary of the ADA, which took effect in 1992.

The act was adopted to "To establish a clear and comprehensive prohibition of discrimination on the basis of disability," the law states, and officials have touted its progress.

But an issue that has gained attention in recent years involving ADA suits is allegations of frivolous legal action, which has raised the attention of business owners and even Congress.

"We're finding that in California and Florida, this is becoming a real problem," U.S. Rep. E. Clay Shaw, R-Fla., said Friday, adding that most of the frivolous lawsuits are brought by a small number of lawyers against small businesses.

"The only one who gets something out of this suit is the lawyers," he said. "The law was meant to help Americans with disabilities."

Shaw, who said he hasn't seen the new suit, has introduced legislation that would give companies a certain number of days to comply with the ADA before they could be sued. If the company doesn't comply after the notice, then "bring the hammer down on them," he said.

The legislation will most likely sit untouched at least for the remainder of the year, he said.

In a case heard by Congress earlier this year, actor Clint Eastwood asked legislators to amend the ADA to discourage what he said were frivolous lawsuits. His Mission Ranch Hotel in Carmel, Calif., was the target of an ADA lawsuit.

But those issues aren't relevant to the Disney suit, Richard said.

"Disney could put an end to this today by saying, "we will agree to fix all these problems,"" he said.

Illustration:

Caption:(color) Photo by Judy Lutz: Attorney Lance P. Richard, left, relaxes with his client, Scott Duckson, and Attorney Deborah Gowen after a news conference announcing a class-action lawsuit against Walt Disney World, which claims the company is not complying with the Americans with Disabilities Act.

Chart: