



 Santa Monica, CA

Businesses adapt to wave of ADA lawsuits

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Sean Daly never saw the man who threatened his business with a lawsuit. But a few weeks after Lloyd Mosley visited The Activity Center, a children's event facility on Santa Monica Boulevard, Daly was served with a complaint that alleged Mosley could not access the facility in his wheelchair.

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But a few weeks after Lloyd Mosley visited The Activity Center, a children's event facility on Santa Monica Boulevard, Daly was served with a complaint that alleged Mosley could not access the facility in his wheelchair.

Daly was confused. The building had previously been a nursing home and is compliant with the 1990 Americans with Disabilities Act, which requires public and commercial facilities to be accessible to people with disabilities. Wheelchair users can enter the building from the parking lot through a set of double doors.

After searching L.A. Superior Court records, Daly found that Mosely had initiated litigation against at least 20 other local businesses since July. Many of them are near The Activity Center, including Bay Street Boards, Willow Spa and Express Financial & Insurances Services.

wasn't the first time owner Allan Marion had faced an ADA lawsuit.

Mosley's attorney, Dayton Magallanes, served Marion's outlet store in downtown Los Angeles with an ADA lawsuit a few years ago, Marion said. Another attorney had sued Allan Jeffries Framing 15 years ago, after which he added a wheelchair ramp to the store's side entrance.

"When I told his attorney we already had a ramp, they dropped the complaint," Marion said.

ADA lawsuits typically do not proceed to court. In both cases, Marion settled for \$4,000, the statutory minimum for discrimination lawsuits under the state's 1959 Unruh Civil Rights Act. He said he thinks Mosley was trying to get him to settle for the same amount.

"It's a total shakedown," Marion said. "They never actually check that you've put in the accommodations."

Because the statutory minimum in California is \$3,000 higher than the federal minimum and requires the court to pay plaintiffs' legal fees, the state has become a magnet for ADA lawsuits.

An estimated 36% of all cases nationwide are filed in California, many of them by the same plaintiffs. The California Commission on Disability Access found that 14 plaintiffs filed 46% of lawsuits between 2012 and 2014.

State and federal lawmakers started to reform rules around ADA cases in recent years. A state bill enacted in 2017 gave small businesses some time to fix minor ADA violations, and a 2018 congressional bill required potential plaintiffs to notify businesses of alleged ADA violations and an opportunity to remedy them before filing a lawsuit.

After Daly provided proof of The Activity Center's compliance with ADA standards, Magallanes agreed to drop the lawsuit. Daly said he is unsure how many other businesses have done the same or agreed to settle, and multiple businesses did not reply to The Daily Press' requests for comment.

Daly said he thinks Mosley is exploiting a well-intended law at the expense of small businesses. Settling or fighting the lawsuit would have jeopardized his family business' ability to remain open, he said.

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us and said, "this is a problem, can you fix it?" Instead, he chose to bypass that step and file dozens of lawsuits."

Magallanes did not reply to The Daily Press' request for comment.

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Lloyd Mosley *The Activity Center*