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CLASS ACTIONS ARE CRITICAL TO REMEDY DISABILITY DISCRIMINATION

Congress has enacted important federal laws to prevent discrimination against the disabled, most importantly the Americans with Disabilities Act of 1990, which “prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.”¹

Litigation under the ADA and other laws has been critical not only to remedy past and prevent future discrimination against the disabled but also to compensate people whose rights have been violated. The following are examples of recent class action settlements won on behalf of the disabled. They are all contained in CJ&D’s extensive class action compilation, *First Class Relief*,² and they illustrate just important class actions are.

Vallabhapurapu v. Burger King Corporation, (2012), Case No. 11-0667 (N.D. Cal.)

Burger King settled with a class of disabled persons who alleged that 86 Burger King restaurants failed to be wheelchair accessible. The settlement totaled \$19 million and included injunctive relief to provide access to the 86 restaurants.³

National Federation of the Blind v. Target Corp., (2008), 452 F.Supp.2d 946 (2006)

The National Federation of the Blind (NFB) brought a class action against Target for denying the blind access to its website Target.com.⁴ After the court ruled that Target could be sued for inaccessibility to the blind, Target settled for \$6 million – up to \$3,500 to each class member.⁵ The agreement also provided injunctive relief, including improvements to blind accessibility.

Access Now, Inc., et al. v. Crestwood Healthcare, L.P., (2007), Case No. 3:01-CV-00869 (N.D. Texas)

Sixty healthcare companies that own and operate hospitals and healthcare centers in the U.S. settled with a class of people with disabilities who alleged physical, structural, communication and program barriers in these facilities.⁶ Settlements were reached from 2004 through 2007, which included facility modifications to improve access and usability for disabled people.⁷ Settlements were also reached on January 29, 2007 and April 4, 2007, with 11 and 17 defendants, respectively.⁸

Lucas v. Kmart, (2006), WL 722166 (D. Colo.)

Kmart settled with a nationwide class of disabled persons over inaccessibility of stores in violation of the Americans with Disabilities Act, agreeing to pay \$13,060,000 and make changes to increase accessibility to its stores, both inside and outside the building.⁹

NOTES

¹ <http://www.dol.gov/dol/topic/disability/ada.htm>

² <http://centerjd.org/content/first-class-relief-how-class-actions-benefit-those-who-are-injured-defrauded-and-violated>

³ Settlement Agreement, *Vallabhapurapu v. Burger King Corporation*, No. C-11-00667-WHA(JSC) (October 25, 2012).

⁴ Class Settlement Agreement and Release, *National Federation of the Blind v. Target Corporation*, Case No. C- 06-01802 MHP (January 26, 2010).

⁵ Evan Hill, "Settlement Over Target's Web Site Marks a Win for ADA Plaintiffs," *Recorder*, August 28, 2008, <http://www.therecorder.com/id=1202424119025>.

⁶ *See Access Now Inc., et al. v. Crestwood Healthcare LP, et al.*, 2007 Mealey's Jury Verdicts & Settlements 810 (April 4, 2007).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Settlement Agreement, *Lucas v. Kmart Corporation*, Case No. 99-cv-01923-JLK-CBS (July 21, 2006).