

# Parking Lot Trolls: ADA Defenders or Enemies of the State?

---

**NT** [phoenixnewtimes.com/news/parking-lot-trolls-lawsuit-happy-ada-defenders-are-officially-enemies-of-the-state-8586200](http://phoenixnewtimes.com/news/parking-lot-trolls-lawsuit-happy-ada-defenders-are-officially-enemies-of-the-state-8586200)

Elizabeth Stuart

August 26, 2016

## Parking Lot Trolls: Lawsuit-Happy ADA Defenders Are Officially Enemies of the State

---

The parking lot for Deanna France's indoor batting cages in Mesa has 10 handicap-accessible spaces marked with a clearly painted wheelchair symbol — four more than are required under the Americans with Disabilities Act. So she was confused, in June, when she was served with a \$10,000 lawsuit for not...

The parking lot for Deanna France's indoor batting cages in Mesa has 10 handicap-accessible spaces marked with a clearly painted wheelchair symbol — four more than are required under the Americans with Disabilities Act. So she was confused, in June, when she was served with a \$10,000 lawsuit for not providing adequate access for people with disabilities.

Her offense? Two of the "reserved parking" signs she had posted at the head of each space were a few inches too short.

"I was like, 'What?'" she said. "I mean, seriously?"

The lawsuit is one of more than 2,120 filed this summer by the nonprofit Advocates for Individuals with Disabilities.

Representatives for the group state a noble goal: to make it easier for people with disabilities to eat, play, and work in Arizona by improving compliance with the ADA.

But its tactics have earned the ire of Arizona Attorney General Mark Brnovich and raised eyebrows in the business community, including the Mesa Chamber of Commerce, which has organized a series of meetings for business owners outlining legal and legislative strategies to fight the group.

"This has been devastating for a lot of small-business owners," said Sally Harrison, president of the Mesa Chamber of Commerce. "It's not right."

Founded this past January with backing from an anonymous millionaire, AID hires scouts to buzz around the Phoenix metro area with cameras and measuring tapes, checking parking lots for compliance with ADA regulations, including number of accessible parking spaces and their proximity to the business entrance. Parking spaces must be a minimum of eight feet wide, to ensure that someone in a wheelchair can easily lower a ramp and roll out of the car, and signs must be a minimum of five feet tall, to make them easy for law-enforcement officials and those with disabilities to spot.

If the parking lot isn't up to snuff, AID sues, offering to settle the case out of court for between \$3,500 and \$10,000.

Peter Strojnik, lead attorney behind the lawsuit blitz, said he chose to focus on parking lots because it was simpler to police and less invasive than conducting a full ADA compliance check, which would require going inside businesses to survey counter heights and bathroom facilities.

"If there is a problem with something like the height of the sign — something that can be fixed with a wrench in 10 minutes — that's probably a sign of more systematic problems," he said. "We're not being harsh. We're just asking people to follow the law."

In [a court filing](#) last week, however, the Arizona Attorney General's Office alleged that the group uses "trolling litigation tactics" to make money off businesses that people with disabilities can visit with ease. The office requested that more than 1,000 lawsuits AID has filed be consolidated and dismissed, arguing that the group's "systemic abuse" of the judicial system "imperils the public interest."

Lindsay Leavitt, a Phoenix-based attorney defending more than 100 local businesses that have been sued by AID, said in 95 percent of cases, such as France's, the only ADA violation is a technical issue with signage.

At a recent Mesa Chamber of Commerce meeting, he argued that AID doesn't have the right to sue, because no one with a disability has suffered — or even alleged — injury.

These types of serial lawsuits over ADA compliance have become common in recent years. But historically, the plaintiff has been a disabled person who, at least in theory, could be prevented from using a facility, such as Theresa Brooke, a wheelchair-bound woman who, in 2015, filed more than 100 lawsuits against Arizona hotel owners for failing to provide wheelchair pool lifts. AID is the first advocacy group to sue under its own name without naming a plaintiff with a disability.

"It's unreasonable," said Steve Fisher, owner of a small Volkswagen repair shop in Mesa called Doug's Buggs & Bunnies. "Nobody's civil rights were violated because my sign wasn't the exact right number of inches. Nobody was turned away from my business."

Fisher was sued in June because one of the two handicap-accessible parking spaces in his lot was marked with a parody sign that read "Not handicapped? Move your @\*\$%&\* car." Although the wheelchair symbol was painted clearly on the asphalt of the other, it had no sign.

Fisher, like other business owners *New Times* interviewed, expressed frustration with his experience attempting to work out a legal agreement with AID.

Fisher fixed the issues within three days of being served. Not only did he install the proper signage, but he also paid \$600 to have the whole parking lot repainted so he could add a third handicap-accessible spot — even though the ADA only requires a lot the size of his to have one.

Still, he said, AID demanded \$7,500 to settle the suit.

Leavitt called high settlement demands like this “red flags.” Under the ADA, plaintiffs are only allowed to recoup attorney’s fees — not collect punitive damages.

“A lot of defendants feel like they are being extorted,” he said.

Jennifer Rogers, AID’s executive director of foundation giving, told *New Times* last week that the settlement money is used to pay overhead costs, such as court-filing fees, salaries for the group’s 30 employees, computers, and office space. Stojnik helps with the project on a pro bono basis.

Any excess, she said, goes into AID’s charitable fund.

So far, AID has given \$45,487.55 in goods and services to people with disabilities, according to internal records. Gifts range from electric scooters to service dogs to hearing aids.

AID foundation employees have started receiving death threats.

“We’re nervous and it’s scary, but we’re not going to stop,” Rogers said tearfully. “This is an important cause.”

A few days later, however, she announced that she was resigning from her position, stating in an e-mail to *New Times* that her “personal goals are not in alignment with the organization.”

She declined to answer further questions.

Stojnik isn’t backing down.

“We know what we do is controversial,” he said. “But, to be frank, we’re very proud of the fact that word is getting out about ADA compliance.”

News Editor Zach Buchanan If you value independent journalism, please consider making a contribution to support our continued coverage of essential stories and to investigate issues that matter.