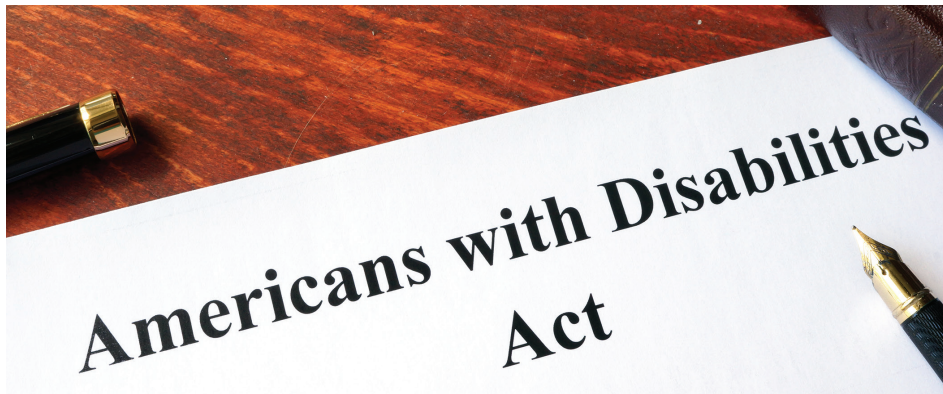


FROM THE COURTS

California Prosecutors Sue Law Firm Over ADA Lawsuits



SHUTTERSTOCK

Potter Handy, a San Diego-based disability rights firm, is accused of shaking down small businesses across California through lawsuits fraudulently filed in federal court to avoid California's Unruh Civil Rights Act disability litigation restrictions.

by Meghann M. Cuniff

Prosecutors in San Francisco and Los Angeles are suing a disability rights law firm they say has filed thousands of fraudulent lawsuits against small businesses across California.

Announced Monday, the complaint seeks restitution, civil penalties and injunctions against San Diego-based Potter Handy, also known as the Center for Disability Rights, for years of litigation prosecutors say basically amounted to shakedown of small businesses through serial plaintiffs with no regard to actual violations of the American Disabilities Act.

Backed by judges' orders, trial transcripts and deposition excerpts, the complaint accuses the law firm of bringing cases in U.S. district court to avoid the reforms California has implemented to try to prevent "this kind of blunderbuss approach to litigation" and says the lawsuits "are not clever lawyering" but illegal filings based on false claims that the plaintiff personally encountered a barrier at the business when the serial filers are too prolifically busy to actually have personally visited the businesses.

Most notably, between 2008 and 2016 the California Legislature imposed strict new pleading requirements and additional filing fees that only apply to "high-frequency" Unruh Act litigants like Potter Handy's clients. The Legislature also created the Certified Access Specialist program (CASP), which incentivizes businesses to obtain accessibility inspections and proactively correct ADA violations. These reforms make it difficult or impossible for Potter Handy to bring the vast quantities of boilerplate Unruh Act suits that are its bread and butter.

Prosecutors say one of the Potter Handy serial filers has "over 800 federal cases" in his name while another has about 1,700. One filer has settled "more than 500" federal lawsuits since December 2019, which the complaint said means, based on an average settlement of \$10,000, Potter Handy has extracted an estimated \$5 million from those business in less than three years.

"Federal courts have awarded attorney's fees to businesses and sanctioned Potter Handy attorneys, including named partner Russell Handy, for the firm's bringing of frivolous or false standing allegations," according to the complaint. "Other federal courts, even without issuing sanctions or awarding attorney's fees, have thrown out Serial Filer cases for lack of standing, holding that their allegations simply are not credible."

The complaint alleges violations of California's unfair competition law and the professional conduct standards required for members of the State Bar of California, including deceit and collusion and candor toward the tribunal. It details how the lawsuits seek federal status to avoid strict pleading requirements and other regulations California has implemented through the state Unruh Act, which prosecutors said "make it difficult or impossible for Potter Handy to bring the vast quantities of boilerplate Unruh Act suits that are its bread-and-butter."

San Francisco District Attorney Chesa Boudin said his office "launched an extensive investigation" over receiving reports last year of fraudulent lawsuits targeting hundreds of small businesses.

"We will hold accountable those who exploit vulnerable business owners, hurt immigrant communities, and subvert the intent of laws designed to promote accessibility," Boudin said in a press release.

Los Angeles District Attorney George Gascon said abusing disability laws "not only hurts business owners but also harms the people whom this law was enacted to protect."

The press release also quotes Samuel Chen, owner of the ice cream store Magical Ice Cream in San Francisco that prosecutors say was victimized by Potter Handy's frivolous claims.

"The lawsuits small businesses like ours have faced have terrified our community, and have threatened the survival of our stores," Chen said.

No one from Potter Handy returned a phone call from Law.com on Monday, and name partners Mark Potter and Russell Handy did not respond to emails.

The 58-page complaint details adverse rulings against Potter Handy from several judges in the Central District of California. One prolific filer stopped initiating new cases in the Central District in early 2021, which the lawsuit says was due in part to the fact that some judges had become familiar with his "abusive practices and began either dismissing their lawsuits or declining to exercise jurisdiction over the state-law Unruh Act claims that give Potter Handy the ability to demand damages."

Potter Handy viewed the Northern District as more favorable and profitable in part because of a general order that encourages settlements in ADA cases by requiring in-person meetings and allowing site inspections.

Meghann Cuniff reports The Recorder, an ALM affiliate of the Daily Business Review. Contact her at mcuniff@alm.com. On Twitter: [@meghanncuniff](https://twitter.com/meghanncuniff).



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **April 27, 2022 beginning at 6:00 PM** to consider an amendment to the City's Official Zoning Map from General Use District (GU) to Industrial District (I) and Industrial Restrictive District (I-R) for approximately 150 acres generally located at the southwest corner of the intersection of NW 41 Street and NW 107 Avenue. The City Council will consider this item for **SECOND READING**. The meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2022-10

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO THE CITY'S OFFICIAL ZONING MAP FROM GENERAL USE DISTRICT (GU) TO INDUSTRIAL DISTRICT (I) AND INDUSTRIAL RESTRICTIVE DISTRICT (I-R), FOR ±150 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NW 41 STREET AND NW 107 AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 22-04-DOR-05

APPLICANT: Bridge Point Doral 2700, LLC (the "Applicant")

PROJECT NAME: Bridge Point Doral Distribution Center

PROPERTY OWNER: Doral Farms, LLC

LOCATION: Southwest corner of the intersection of NW 41 Street and NW 107 Avenue

FOLIO NUMBER: 35-3030-000-0020

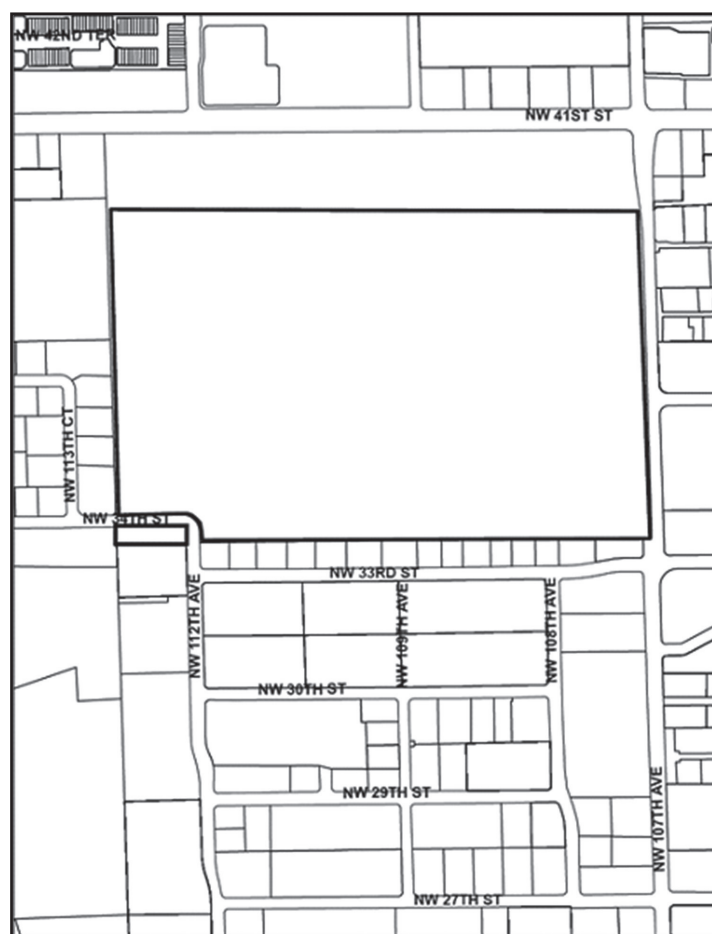
SIZE OF PROPERTY: ±175 acres

FUTURE LAND USE MAP DESIGNATION: Restricted Industrial (west portion) and Industrial (east portion). The northern portion of the property is designated Office Residential and Business.

ZONING DESIGNATION: General Use District (GU)

REQUEST: The Applicant is requesting a zoning map amendment from General Use District (GU) to Industrial District (I) (east portion) and Industrial Restrictive District (I-R) (west portion) for approximately 150 acres. The total property size, including the northern portion designated Office Residential and Business by the City's Future Land Use Map is ±175 acres.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL. The application file may be examined at the City of Doral Planning and Zoning Department located at 8401 NW 53 Terrace, Doral, FL 33166.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral