

Boston Area Restaurants and Bars Facing Scrutiny Over ADA Accessibility

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The Boston hospitality industry is facing increased scrutiny over alleged Americans with Disabilities Act (ADA) violations. In recent weeks, nearly two dozen new lawsuits have been filed in the US Federal District Court for the District of Massachusetts against various Boston area restaurants, bars, hotels and other hospitality businesses. The lawsuits name both the owners of the building and the operator of the business.

An earlier round of 44 nearly identical ADA accessibility lawsuits were filed in 2016 and 64 more in 2017 against various Boston hospitality businesses. The same plaintiff filed 18 of those lawsuits in December alone and has continued to file into the first few days of 2018.

The lawsuits, all with the same named plaintiff, make nearly identical allegations of ADA inaccessibility, and are filed by an out-of-state attorney.

The plaintiff is a “tester,” someone who visits public businesses to find alleged violations of the ADA with the intent of filing a lawsuit. HNOS Litigation Shareholder, Jeremy Y. Weltman, states:

While testers can certainly play a crucial role in shedding light on public accommodations and accessibility issues, because the ADA provides for the payment of a prevailing party’s attorney’s fees, it is not uncommon to see what are known as ‘serial lawsuits.’ In these suits, a tester will file multiple lawsuits in quick succession against various defendants. They will often make the same or similar allegations across the various lawsuits despite what can be significant architectural and other differences between the various targeted defendants. Individual case scrutiny is always warranted and necessary.

ADA accessibility lawsuits can cost restaurants, bars and building owners thousands of dollars in unnecessary legal fees and expenses if not addressed appropriately from the outset. Attorney Jeremy Y. Weltman has direct hands-on experience dealing with this sort of ADA accessibility litigation and this serial plaintiff, in particular, having been retained by a large contingent of the defendants in the 2015 and summer of 2016 round of lawsuits. Attorney Weltman assisted all of these clients in efficiently and effectively disposing of those cases with favorable results to the clients.