



Colorado
Cross-Disability
Coalition



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CONTACT:

Kevin W. Williams
720.336.3584
kwilliams@ccdconline.org

Amy F. Robertson
303.917.1870
arobertson@creeclaw.org

**COURT ORDERS HOLLISTER CO. TO MAKE ALL STORE ENTRANCES COMPLY WITH
ADA**

231 stores must be wheelchair accessible in three years.

On Friday August 16, 2013, United States District Court Judge Wiley Daniel ruled in favor of Plaintiffs that all Hollister stores must make inaccessible front entrances (depicted below) accessible to customers who use wheelchairs.



This case was filed in the Colorado Federal District Court on November 24, 2009. All Hollister stores nationwide were constructed after the passage of the ADA; approximately 50% of them have the inaccessible stepped entrances. Until today's ruling, Hollister has refused to make these entrances accessible. They argued that separate segregated side entrances for customers who use wheelchairs complied with the law and that the steps at the front entrance are a necessary part of the Hollister Co. brand. In an earlier ruling, the court disagreed:

Defendants have unnecessarily created a design for their brand that excludes people using wheelchairs from full enjoyment of the aesthetic for that brand. The steps to the center entrance are a legally unacceptable piece of that branding and violate Title III of the ADA.

Today's ruling requires Hollister to remedy all stores within three years at a rate of 77 stores per year. Hollister argued that it should not have to remedy these barriers because of the cost. The court rejected that argument for stores built after the passage of the ADA. The order takes effect on January 1, 2014 and all stores must be fixed by January 1, 2017. Any stores built between now and that date must be in compliance. Defendants have three options for modifying their stores:

1. They may modify the steps to be level with the surrounding floor space, as depicted below.



2. They may install a ramp to make the porch accessible.
3. Finally -- based on Hollister's attempt to defend the raised porches with the argument that they were visual displays -- Plaintiffs also proposed that the company could close off the middle entrance so that the porch served as a solely visual display for all customers, not just those who use wheelchairs.



The court will enter a written ruling very soon with these details.

Unless there is an appeal, this hearing and the court's decision should put an end to this lawsuit.

Amy Robertson, of the Civil Rights Education and Enforcement Center, which also represented the plaintiff class, noted that "integration and full participation in consumer and economic life is important -- from lunch counters to clothing stores. We're glad kids who use wheelchairs will not be required to shop through a side entrance." Ms. Robertson argued during today's hearing on behalf of the Plaintiffs.

Plaintiffs in the case are represented by the [Colorado Cross-Disability Coalition Legal Program](#); [Civil Rights Education and Enforcement Center](#); [Lewis, Feinberg, Lee, Renaker & Jackson, PC](#); and [Campins Benham-Baker, LLP](#). The [United States Department of Justice Civil Rights Division Disability Rights Section](#) ("DOJ") is responsible for enforcement of the ADA. The DOJ filed a [statement of interest in support of plaintiffs' motion for summary judgment](#). The DOJ also filed a statement of interest in support of [plaintiffs' motion requesting the court apply its summary judgment](#) ruling to all Hollister Co. stores nationwide and to order them to come into compliance.

For more information about this case, you can go to [CCDC's website](#).