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BLOGS

Class Actions

California Federal Court Refuses to Dismiss ADA Class Claim Against Burger King Corporation

A plaintiff alleging access violations at approximately 90 Burger King restaurants in California will be allowed to proceed with the case under a decision issued last week. *Castaneda v. Burger King Corp.*, 2009 WL 398489 (N.D. Cal. Feb. 18, 2009). The plaintiff's legal standing and specificity of allegations survived the defendant's motion to dismiss on the pleadings, according to the decision of the United States District Court for the Northern District of California. This is the first reported major case against a franchisor under the Americans with Disabilities Act ("ADA") in several years.

The California federal court's opinion was focused only on the sufficiency of the plaintiff's pleadings and did not go to the merits of the case. Importantly, however, the court held that the plaintiff had standing to allege claims challenging ADA compliance at restaurants the plaintiff had never visited. The allegation that all of the challenged stores were built pursuant to "architectural design prototypes developed by Burger King" was found to be adequate at the pleadings stage for the plaintiff to bring his case on behalf of individuals who use wheelchairs or electronic scooters. The allegedly offending building features included parking lots, restroom doors, dining areas, restrooms, and queue lines near the order counters. The court held that even the generalized allegations were sufficient to allow the case to survive under federal and state disability law, at least into the discovery stage.

The court did note that other ADA cases have ultimately been won by restaurants and hotels at the summary judgment stage. For now, however, the complaint adequately pleads the existence of common discriminatory barriers or policies, this court ruled.