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September 21, 2004

ADA SUITS CLOSE ANOTHER BELOVED EATERY

Once again it's happening in central California: "After more than 40 years in business, Roy's Drive-In in Salinas is closing -- in part because the owner can't afford a lawsuit that accuses him of violating the Americans with Disabilities Act." Jarek Molski of Woodland Hills in southern California, who uses a wheelchair, "is suing Patterson because he claims the restaurant is in violation of the Americans with Disabilities Act. Molski has sued over 200 small businesses for not meeting ADA requirements. ...Built in the 1950s, Roy's Drive-In does not have ramps to access the windows and restrooms, but employees say the business is accessible to all of their customers -- including the disabled," through car-hop service. The restaurant is scheduled to close today. ("Roy's Drive-In Closing After 40 Years", TheKSBWChannel.com, [Sept. 20](#); Claudia Melendez, "Roy's Drive-In to close", Salinas Californian, [Sept. 18](#)). Last year (see [Sept. 2, 2003](#)) On Lock Sam, a beloved 105-year-old Chinese restaurant in Stockton, closed after being hit with an access suit.

Complainant Molski has been known to call himself "Sheriff", and his activities (assisted by lawyer Thomas Frankovich) have caused an uproar lately in central California. His suits repeatedly recycle identical allegations concerning the lack of accessibility of establishments he says he has visited, and demand money over such putative misdeeds such as placing paper towel holders at an incorrect height. Hundreds of residents "filled the Morro Bay council chambers" after Molski hit a dozen local restaurants with suits. (Andrew Masuda, "Residents speak out over ADA lawsuits", KSBY, [Sept. 14](#)). "Customers are calling Molski's tactics a get-rich-quick scheme," reported KSBY. Molski is "asking for \$4,000 a day until the remodeling is completed," says Ruth Florence, who owns Ahedo's Mexican Restaurant in Grover Beach. "That's ridiculous." (Carina Corral, "China Bowl owner speaks out", [Sept. 15](#)). More coverage on the same station: [Sept. 8](#), [Sept. 9](#), [Sept. 10](#), [Sept. 14](#).

Nor is Roy's Drive-In the only casualty: "Owners of The Hungry Fisherman restaurant on Beach Street in Morro Bay say that Molski's lawsuit caused the establishment to close after 28 years." (Lindsay Christians, "Disability suits worry Morro Bay", San Luis Obispo Tribune, [Sept. 14](#)). More coverage in the same paper: [Sept. 11](#), [Sept. 15](#), [Sept. 15 again](#), [Sept. 16](#), [Sept. 18](#). San Diego-based lawyer Amy Vandeveld has also represented Molski (Matt Krasnowski, "Flood of ADA lawsuits irks small businesses", Copley/San Diego Union-Tribune, [Sept. 12](#)). For Morse Mehrban's recent activities in Fresno, see [Jul. 9](#). For much more about disabled-rights filing mills, see [Mar. 9](#) and links from there, and my City Journal article, "[The ADA Shakedown Racket](#)". **Update** [Dec. 12](#): judge declares Molski vexatious litigant.

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