

## **Business owners sue attorney for alleged Americans with Disabilities Act violations**

By Ross Farrow/News-Sentinel Staff Writer | Posted: Friday, March 8, 2013 12:00 am

A Lodi attorney known for suing businesses that don't comply with the Americans with Disabilities Act has himself been sued by brothers who claim he has committed the same violation with his own office.

James and Robert McCarty, who own the Town & Country Liquors property at Highway 88 and Elliott Road in Lockeford, filed suit against Lodi ADA attorney Russell Humphrey on March 4 in U.S. District Court, Eastern District of California.

Humphrey said he believes the suit is an attempt by the McCarty brothers to retaliate against Humphrey for representing a client who sued them.

James McCarty served four years on the Lodi City Council beginning in 1978, plus a stint as mayor.

The McCartys' attorney, Catherine Corfee of Carmichael, describes James McCarty, 86, and Robert McCarty, 78, as clients who need to use a cane, walker or assistance from others to meet their daily needs. They have heart problems, and Robert McCarty has gout, which causes his feet to hurt, Corfee wrote in her complaint.

In the lawsuit filed on Monday, Corfee contends that Humphrey violated the ADA by having only two handicap parking spaces at his office instead of the four that are required.

Additionally, when the McCarty brothers tried to talk to Humphrey at Humphrey's second-story office twice in 2012, the elevator was hidden from view one time and locked the second time, according to the complaint. All the McCartys could see were some steep stairs, Corfee alleges. The ADA requires that a sign be placed directing people to the elevator, Corfee added.

"The McCartys are seeking revenge and retaliation against me for advocating for my clients," Humphrey said in a phone interview on Thursday.

One of Humphrey's clients, Connie Moreno, sued Town & Country Liquors in 2012 on allegations that the old structure failed to comply with ADA requirements.

Moreno had previously asked the McCartys to pay her \$15,000 so that she wouldn't sue the liquor store owners, according to the complaint against Humphrey.

The McCartys made some improvements, hoping to avoid Moreno's lawsuit, according to the complaint. Humphrey countered that the McCartys' contractor wasn't an expert on ADA requirements, so the improvements weren't satisfactory.

Regarding his own office at Lakeshore Plaza on South Mills Avenue, Humphrey said that he notified

the office complex owner of ADA violations shortly after he opened his office in 2001. The improvements were made a short time later, after he said the complex violated ADA law at the time and that Humphrey intended to have disabled clients in his office, Humphrey said.

Corfee maintains that the Lakeshore Plaza office complex still isn't completely ADA compliant.

Instead of business owners merely complying with the ADA, Humphrey said, they resist the ADA requirements, much like many people who once opposed the right of women and African-Americans from voting. Today, it's gay marriage that is being fought in addition to complying with the ADA, he added.

In addition to Humphrey and his business, Humphrey Law Group, defendants include Lakeshore Plaza, plus two other people who may own the building — Larry Anderson and the John David Figone III Trust. Corfee said in a phone interview she has conflicting information on who owns the building.

The McCartys are asking the court to require Humphrey and the building owners to comply with the ADA, Humphrey to take four California State Bar classes on ethics for his "abusive tactics and hypocrisy," and Humphrey to apologize in writing to the McCartys for the emotional distress they endured when Moreno sued them.

*Contact reporter Ross Farrow at [rossf@lodinews.com](mailto:rossf@lodinews.com).*