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Prolific ADA Plaintiff Faces Nemesis in Harassment Suit

After years of defending access suits brought by a wheelchair using lawyer, Catherine Corfee now represents his former employees in a harassment suit.

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SACRAMENTO -- Catherine Corfee's conference table is cloaked in a sea of papers, Post-it Notes and a cardboard box jammed with files, all of it potential ammunition in the battle against a long-time nemesis.

"So that was June 12," Corfee says, flipping intensely through just-provided discovery documents as her cellphone buzzes repeatedly. "And then ..." The lawyer's voice trails off, replaced by the drone of the gardener's leaf blower from her expansive lawn outside. She seizes on a highlighted paragraph in some type of work record. "Oh, this is sooo interesting."

The case engrossing Corfee involves four clients who are suing their former Sacramento-area employer for sexual harassment. Jenna Doeuk, Esra Jones, Monthica Kem and Micaela Lucas say their boss mounted video cameras above their work stations -- one was aimed directly at a worker's chest, they say -- and watched the feeds from a split-screen television. The women also allege that, in addition to their normal work as legal assistants, they were forced to train as the paralyzed man's personal assistants, dressing him and undressing him and applying lotion to his body when his usual aide wasn't available.

This is no typical employment case for Corfee because the accused boss is no typical defendant. He's Scott Johnson, a paraplegic lawyer and *pro per* plaintiff who has filed thousands of disability access lawsuits against California businesses.

For years, Corfee and Johnson have engaged in a well-choreographed legal routine. He sues the owners of restaurants, convenience stores, bars and even dental offices for allegedly denying him access to their establishments. She fields calls from the targeted owners who can afford an attorney. He says he's simply protecting the civil rights of the disabled by enforcing laws that have been on the books for decades. She says his work leaves her consoling mom-and-pop merchants who drain their kids' college funds to pay legal costs.

The two attorneys spar and then usually settle out of court. But that hasn't happened in this case.

After battling Johnson in hundreds of cases, Corfee thinks she may have finally cornered him with this workplace harassment suit, which all but fell into her lap.

"There is a lot of irony," Corfee said in a recent interview from her Carmichael office. "All these years I thought I'd beat him on access. It never occurred to me that I'd have a sexual harassment lawsuit against him."

Johnson did not return messages left with his office. His attorney, H. Wade Sammis of Sacramento, did not respond to requests for comment. Johnson has not filed an answer to the harassment suit.

Johnson's current legal troubles make him an easy target for those who question his access litigation tactics. But others who don't even know Johnson or his work say private enforcement is key to making access laws work.

"This is the rationale for all civil rights laws. They are the private [attorneys general] on the street," said Silvia Yee, a senior

staff attorney with the Disability Rights Education and Defense Fund. She took no position on Johnson's particular work or legal situation. "The point is to give individuals a tool, a lawsuit, to enforce the laws on behalf of all people."

In addition to their workplace claims, the plaintiffs have publicly accused Johnson of something that has regional defense attorneys buzzing. The women said Johnson sent them into businesses with cameras and measuring tapes to document access law violations. He would then cite those findings in warning letters and legal filings, a potential violation of laws that require plaintiffs to personally be denied access.

The women also say Johnson would pay them bonuses if they filed a certain number of complaints or if a case settled for an unusually high amount. A document, provided by Corfee, appears to show that someone in Johnson's office was urging staff to drum up more business. "August 8, 2012 Meeting Highlights," the paper reads. "1. Complaint status (have 6, so need many more for current pay period)".

Cris Vaughan, a Loomis defense attorney, said he's always suspected that Johnson, who uses a wheelchair, didn't collect some of the evidence he offered as proof of wrongdoing.

"In one picture there was a pink key chain on the counter," he said. In others, Vaughan added, the high angles of photos didn't seem to be captured by someone in a wheelchair.

Vaughan said he's reviewing a small number of lawsuits he handled that, if the women's allegations are true, could be based on fraud. The problem, both he and Corfee said, is that while the women say they recall documenting certain access violations, they don't always remember where and when.

The plaintiffs' original attorney in the case was Jordan Peters, a CSU-Sacramento professor and Roseville employment law solo. Peters filed the [32-page complaint](#) seeking unspecified damages in Sacramento County Superior Court on Aug. 17, 2012. But Peters became too busy to handle the case, so she called her former boss, Corfee, for help.

Corfee started her career as an employment defense lawyer. Then, one of her clients, a Redding diner owner, asked if she could help with a legal threat from a frequent disability-access litigant. She launched her own practice and now handles workplace, housing and access work.

Corfee, who has taken over the harassment suit completely, said she was floored when she first read the accusations about her long-time adversary.

"I was really, really shocked because, you know, I didn't have any indications," she said. "How would you know? I never went to his house. I never saw cameras. I didn't even know where he lived because he has a P.O. box."

Johnson runs his law practice from his house, which actually isn't far from Corfee's home office in the suburban neighborhood of Carmichael. Corfee said she's always had a cordial relationship with Johnson, who was left paralyzed by a drunken driver in 1981 and received his J.D. from Pacific McGeorge School of Law in 1993. They've run into each other at the mall and chatted about his service dog. He even sends her a box of See's candies every Christmas -- "the double-decker kind," Corfee said.

Sacramento defense attorneys, including Corfee, said Johnson actually offers some of the more reasonable settlements among frequent access-suit filers. Johnson will often close a case for \$4,000 or \$5,000, attorneys said, far less than it would cost a defendant in legal fees to challenge his claims in court.

Johnson has no public record of discipline by the State Bar, and he's never been declared a vexatious litigant. But he's prolific. His name appears as a plaintiff in more than 2,200 cases filed between 2003 and 2012 in the U.S. District Court for the Eastern District of California.

It's that sheer volume of litigation and his targeting of small businesses that irritates Corfee, that and what she says is her belief that plaintiffs like him are actually making things worse for the disabled. She has no qualms about wanting to put Johnson out of business.

"It's such a scam," she said. "There are so many loopholes [exploited] by these few individuals who are suing thousands of businesses. The same people ... They aren't being barred or being emotionally damaged."

That brash attitude doesn't always sit well with opposing counsel. Just ask Russell Humphrey. The Lodi attorney represented a disabled woman who sued a dozen merchants in the tiny town of Lockeford for noncompliance with the Americans with Disabilities Act. One of the targets was Town & Country Liquors, owned by brothers -- and eventual Corfee clients -- James McCarty, 86, and Robert McCarty, 78.

The McCartys made some improvements to their business. Then they made headlines by suing Humphrey and Humphrey's landlord for alleged access violations. In court papers the brothers, who both use canes to get around, said they tried to visit Humphrey's office to discuss his client's lawsuit against Town & Country Liquors. They claim the complex's parking lot failed to provide appropriate handicapped parking and signage. And they said they couldn't reach Humphrey's office because the elevator wasn't working on two visits.

"The hunter is now being hunted," James McCarty told *The Record* of Stockton.

Humphrey said "it's pretty clear" revenge is the McCarty's motivation. He said he actually pressed the complex owner to make some fixes before the brothers sued. If they found violations, he said, "they're fully within their rights" to sue.

But Humphrey blames Corfee for publicizing the lawsuit to the point where he's received hate mail and left the local country club to avoid critics.

"Attorneys are not supposed to take cases for revenge," he said. "She essentially is accusing me of breaking the rules of professional conduct and acting inappropriately. I've never done anything like that."

Corfee brushes off such criticism as part of the job.

"I've been threatened before. I've had to hire a criminal attorney," she said. "It's because I fight."

Corfee said her clients in the sexual harassment suit have a good case, although she worries that a jury may sympathize with the soft-spoken Johnson. One of the plaintiffs, Doeuk, worked for Johnson for five years before she was fired last year; Doeuk said he told her it was for insubordination and misconduct. She said he forced her out after she complained about hostile work conditions. The remaining three quit shortly thereafter, citing "intolerable harassment," according to a document provided by Corfee.

"We needed jobs," said Doeuk, explaining why she and others stayed with Johnson as long as they did. "We were paying bills and going to school."

In the beginning, Doeuk said she admired her boss. "I honestly felt like Scott was all about disability access, that he was making places accessible for disabled people." Now, she said, she just thinks "he's money hungry." No trial date has been set. But the lawsuit has already changed one dynamic between Corfee and Johnson. Records show that one month after the harassment suit was filed, Johnson stopped suing in the Eastern District.

After a six-month lull, however, his name recently reappeared -- but just as the plaintiff, not counsel -- in four ADA cases in the Eastern District. His attorney is Christopher Seabock, an attorney with the San Diego firm of [Pottery Handy](#), well-known for its plaintiff work in ADA litigation.

Seabock did not return a message left with his office.

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