



For Immediate Release

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Equal Rights Center Files Suit Against CVS Caremark for Discriminating Against People with Disabilities ERC Discovers Barriers to Accessibility at Every Surveyed Location

WASHINGTON, D.C., December 9, 2009 –Today the Equal Rights Center (ERC), a national non-profit civil rights organization, and three individuals who use wheelchairs, filed a federal lawsuit against CVS Caremark, the nation’s largest retail pharmacy chain with more than 6900 retail stores. The lawsuit alleges that the corporate policies, practices, and procedures of CVS fail to provide adequate access to goods and facilities to people with disabilities.

“As the nation’s largest retail pharmacy chain and the largest provider of prescriptions in the country, CVS stores’ practices and policies affect millions of people in America every day,” said Don Kahl, Executive Director of the ERC. “Access to pharmacies and the health care services they provide is critical to everyone, particularly to people with disabilities. By permitting serious barriers to and in their stores, CVS makes daily necessities, medicines, and medical services unavailable for their many customers with disabilities.”

According to the complaint filed in the U.S. District Court of Maryland, CVS has many locations that violate both the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973, federal laws which require places of public accommodation and federal financial recipients to be accessible to people with disabilities. Individuals Marsha Johnson, Charla Ramsey, and Christopher Butler, have joined the ERC in its complaint against CVS. Shopping at stores in Maryland and Washington, D.C., all three individuals encountered frequent problems due to aisles blocked with merchandise and displays, lack of accessible routes to sales counters and the pharmacy, lack of accessible spaces in parking lots, and other barriers to accessibility.

“Not being able to access merchandise aisles or get to the pharmacy when visiting CVS became so frustrating I finally had to find somewhere else to go,” said Marsha Johnson, a resident of Maryland who frequents CVS stores in Maryland and the District of Columbia.

This is the second time that complaints have focused on CVS due to alleged failures to remove barriers to persons with disabilities. In 2001, the Disability Rights Council of Greater Washington (DRC) sued CVS Corporation (now Defendant CVS Caremark) in the United States District Court for the District of Columbia for similar ADA violations. The resulting settlement required CVS Corporation to take steps to remedy the accessibility issues at stores in Maryland, the District of Columbia and Virginia. In 2005, the DRC was merged into the ERC.

“Even though the Americans with Disabilities Act has been in place for nearly 20 years, we still encounter businesses who are unaware of their responsibilities under the law,” said Jennifer Wolfsheimer, Disability Rights Program Manager at the ERC. “However, CVS was fully aware of these very problems at their stores, and less than ten years ago agreed to take systematic steps to address these discriminatory practices.”

The ERC began conducting accessibility surveys again after receiving numerous complaints from members and other people with disabilities. Investigations in ten states and the District of Columbia uncovered accessibility barriers at every one of the 50 CVS stores surveyed. During its nationwide investigation of 50 CVS stores, the ERC found:

- 84% had inaccessible aisles due to merchandise not shelved, freestanding merchandise displays, merchandise bins or cardboard boxes;
- 32% of the pharmacy counters were too high for customers who use wheelchairs to reach or use;
- 60% did not have adequate parking for persons with disabilities;
- 20% had inaccessible check out counters;
- Of the stores that have employment application devices, 54% were inaccessible; and
- A majority of the pharmacies that offer blood pressure monitoring stations do not offer any station which permits usage by individuals who use wheelchairs.

The ERC, Johnson, Ramsey, and Butler are represented by the Washington Lawyers’ Committee for Civil Rights & Urban Affairs and the Washington law firm of Gilbert’s LLP.

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About the Equal Rights Center (www.equalrightscenter.org)

Since 1983, the Equal Rights Center (ERC), a national non-profit civil rights organization, has worked to identify, challenge, and eliminate discrimination. The ERC combats discrimination in housing, employment, access to public accommodations and government services, disability rights and immigrant rights, through education and outreach, research, testing, counseling, advocacy and enforcement.

About the Washington Lawyers’ Committee for Civil Rights and Urban Affairs (<http://www.washlaw.org/>)

The Washington Lawyers’ Committee for Civil Rights and Urban Affairs was established in 1968 to provide pro bono legal services to address issues of discrimination and entrenched poverty. Since its founding, the Committee has handled more than 5,000 cases on behalf of individuals and advocacy organizations in the areas of equal employment, fair housing, public accommodations, public education, asylum and refugee rights, and disability rights. For more information about the Committee, see www.washlaw.org. The Committee can be reached at 202.319.1000.

About Gilbert's LLP (<http://www.gilbertslaw.ca/home.html>)

Gilbert's LLP is an agile, energetic law firm with an astonishing track record, at the heart of some of North America's most complex and sophisticated litigation and legal issues. The firm's history is rooted in advocacy, regulatory negotiations, government relations, and intellectual property challenges, across borders. Gilbert's LLP makes business sense of the complex and unconventional, allowing it to provide clients with unique solutions. Its focus and noteworthy accomplishments are related to pharmaceuticals, life sciences, technology, engineering, the environment and other areas of invention and original thought.