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Equal Rights Center Brings Discrimination Lawsuit Against National Restaurant Chain Così

WASHINGTON, D.C., June 18, 2009 – A lawsuit filed today against the national restaurant chain Così, charges the restaurant with failing to provide adequate access to its goods and facilities to people with disabilities.

According to the complaint filed in the U.S. District Court for the District of Columbia, the restaurant chain, which has locations in 18 states and the District of Columbia, is in violation of the Americans with Disabilities Act (ADA), a federal law that requires places of public accommodation to be accessible to people with disabilities.

The lawsuit was filed by Donna Sims, a Washington, D.C. resident who uses a wheelchair, and the Equal Rights Center (ERC), a national non-profit civil rights organization. According to the complaint, Così regularly violates federal law by not providing people with disabilities equal access to its restaurants.

Among the violations identified in the complaint were:

- Narrow paths of travel that prevent access to facilities such as service counters;
- Restrooms that are not on an accessible path of travel, or with inaccessible features such as toilets, lights switches, paper towel dispensers, soap dispensers, sinks and mirrors;
- Tables and seating areas that wheelchair users cannot access or utilize; and
- Service counters, condiment bars, and self-service items that exceed the maximum height allowances.

Così's inaccessibility for people who use wheelchairs was brought to the ERC's attention by Sims and several other complainants. Sims had attempted to enter a Così restaurant in the District of Columbia by using an access ramp leading to the store's entrance. However, the ramp was significantly narrower than permitted under federal law, and Sims was unable to enter the restaurant.

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“The ramp for wheelchair access was too narrow for my wheelchair to pass and I could not get into the restaurant,” Sims said. “I felt very frustrated when I was denied access and I find it incredible that the Friendship Heights Cosi is still inaccessible more than 15 years after the law went into effect.”

After receiving several complaints about Cosi restaurants, the ERC conducted an investigation of all 12 Cosi restaurants located in Washington, D.C., as well as 11 Cosi restaurants outside the District. The ERC’s investigation found that 100 percent of the restaurants surveyed had features that were in violation of the ADA.

“These types of situations should never occur,” said Donald Kahl, the Executive Director of the Equal Rights Center. “The ADA has been in place since 1990, and there is no reason that people with disabilities should not be able to eat at a restaurant without having to endure any level of discrimination or embarrassment.”

Both Sims and the ERC are represented by the Washington Lawyers’ Committee for Civil Rights & Urban Affairs and the Washington-based law firm of Foley and Lardner.

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