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September 02, 2003

ACCESS SUIT CLOSES LANDMARK CALIF. EATERY

On Lock Sam, a beloved 105-year-old Chinese restaurant in Stockton, Calif., has closed rather than fight a suit filed by a wheelchair-using visitor who says he was humiliated and soiled himself after finding himself unable to use the restaurant's bathroom. The restaurant owners said 32 employees would be laid off. The customer, Charles Hager, hired Oakland attorney Paul Rein to file a lawsuit demanding triple damages plus attorney fees under state discrimination law. (Jason Williams, "One last trip to On Lock Sam", Stockton Record, [Aug. 18](#); Michael Fitzgerald and Bruce Spence, "Eatery to close after 105 years", [Jul. 30](#); Michael Fitzgerald, "Talk before filing that lawsuit", [Jul. 30](#)). The closing prompted an outpouring of discussion, much of it critical of the lawsuit, by Stockton residents (letters, Stockton Record, [Aug. 9](#)) including longtime patrons of the restaurant who themselves use wheelchairs or are otherwise disabled ([Aug. 18 story](#), see comments of Fred Hess and Mary Gildner).

Oakland attorney Rein is perhaps best known for having unsuccessfully demanded \$577,000 from Clint Eastwood in a complaint over accessibility shortcomings at the film star's Carmel inn/restaurant (see [May 18-21, 2000](#) and links from there); later, Rein vigorously disputed allegations by a former client that the bathroom in his own office was out of ADA compliance (see [Apr. 25, 2002](#)); the allegations were later dropped without payment (Joy Lanzendorfer, "Enforced Compliance", MetroActive, [Dec. 26, 2002](#)). Disabled-rights suits over bathroom humiliation in the Bay Area have brought some large payouts in the past: \$80,000 and \$150,000 (Kelly Johnson and Lynn Graebner, "Crusade, or cottage industry?", Sacramento Business Journal, [Oct. 19, 1998](#)) (& welcome readers from George Wallace's [Declarations and Exclusions](#), a weblog on California insurance, professional liability and other legal issues)

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