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JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CARI SHIELDS, et al.,  
Plaintiffs,

v.

WALT DISNEY PARKS AND  
RESORTS U.S., INC., et al.,  
Defendants.

Case No.: 10-cv-05810-DMG (FMOx)

ORDER GRANTING FINAL  
APPROVAL TO CLASS ACTION  
SETTLEMENT AND DISMISSING  
SECOND AMENDED COMPLAINT  
WITH PREJUDICE

This matter came before the Court on January 25, 2013 on the Joint Motion for Final Approval of Settlement of plaintiffs Cari Shields and Amber Boggs, on their own behalf and on behalf of the classes they represent (“Plaintiffs”), and defendants Walt Disney Parks and Resorts U.S., Inc., Disney Online and Walt Disney Parks and Resorts Online (“Disney”) in the above-captioned action. (Collectively, Plaintiffs and Disney are referred to as the “Parties.”) The Court has considered the substantial briefing and the argument of counsel for the Parties since the initial submission of their preliminary approval papers on April 23, 2012 and over the course of hearings on May 4, 2012, May 14, 2012, July 29, 2012, August 3, 2012, September 14, 2012, October 12, 2012 and November 30, 2012. The

1 Court has also considered the entirety of the record in this action in issuing the  
2 below ruling.

3 In addition, the Court has considered the comments or objections submitted  
4 by the National Federation of the Blind (“NFB”) and the American Council of the  
5 Blind (“ACB”).

6 The Court having found that the proposed resolution of this matter set forth  
7 in the Class Action Settlement Agreement And Release, as modified in the revised  
8 Class Action Settlement Agreement And Release (a true and correct copy of which  
9 is designated as Exhibit A at Doc. # 290- 2 (the “Revised Settlement Agreement”),  
10 taken as a whole, is fundamentally fair, adequate, and reasonable to all concerned,  
11 and for other good cause shown, the Court hereby Orders as follows:

12 1. The following classes shall be certified as settlement classes under  
13 Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure:

14 a. The Website Class: All individuals with visual impairments  
15 who (a) have a disability, as that term is defined in 42 U.S.C. §12102, and (b) have  
16 been or will be unable to gain equal access to or enjoyment of one or more of the  
17 websites maintained by Disney such as [www.disney.go.com](http://www.disney.go.com), [www.disneyland.com](http://www.disneyland.com),  
18 [www.disneyworld.com](http://www.disneyworld.com), and [www.disneycruise.com](http://www.disneycruise.com) as a result of their visual  
19 disability.

20 b. The Effective Communication Class: All individuals with  
21 visual impairments who (a) have a disability, as that term is defined in 42 U.S.C.  
22 §12102, and (b) have been or will be denied equal access to or enjoyment of the  
23 Disney Parks (as that term is defined in the Revised Settlement Agreement) because  
24 of (i) the absence of maps in an alternative format, or (ii) the absence of menus in  
25 an alternative format, or (iii) the absence of schedules of events at the Disney Parks  
26 in an alternative format, or (iv) inadequate or inconsistent operation of the audio  
27 description service on the Handheld Device, or (v) Disney’s refusal to provide a  
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1 free or discounted pass to their sighted companions, or (vi) the failure to be read, in  
2 full, the menus, maps or schedules of events at the Disney Parks.

3 c. The Service Animal Class: All individuals with visual  
4 impairments who (a) have a disability, as that term is defined in 42 U.S.C. §12102,  
5 and (b) have been or will be denied equal access to or enjoyment of the Disney  
6 Parks because of (i) the fee charged for the use of a kennel for their service animal,  
7 or (ii) the absence of reasonably-designated service animal relief areas, or (iii) the  
8 absence of a location to kennel their service animal at attractions that do not allow  
9 service animals, or (iv) the lack of equal interaction with Disney employees who  
10 portray Disney characters because the individuals with visual impairments are  
11 accompanied by service animals.

12 d. The Infrastructure Class: All individuals with visual  
13 impairments who (a) have a disability, as that term is defined in 42 U.S.C. §12102,  
14 and (b) have been or will be denied equal access to or enjoyment of the Disney  
15 Parks because of (i) physical barriers to access, or (ii) the lack of reasonable  
16 modifications to Disney’s policies and practices to permit such equal access or  
17 enjoyment. Among other things, the members of this class have been or will be  
18 denied equal access to or enjoyment of the parade viewing areas, public lockers, or  
19 parking lots at the Disneyland Resort.

20 2. Andy Dogali of Forizs and Dogali PA, and Eugene Feldman, of the  
21 Eugene Feldman, Attorney At Law, APC, are appointed as class counsel of the  
22 certified classes under Rule 23(g) of the Federal Rules of Civil Procedure.

23 3. The Court hereby grants final approval to the Revised Settlement  
24 Agreement as it finds that, taken as a whole, the settlement and compromise  
25 contained in that Revised Settlement Agreement are fundamentally fair, adequate,  
26 and reasonable to all concerned.

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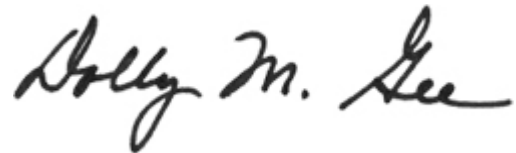
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4. The Court grants Plaintiffs' request for an award of attorneys' fees in the amount of \$1,403,500 and costs in the amount of \$146,500. The Court also approves a \$15,000 incentive award to Class Representative Cari Shields and a \$15,000 incentive award to Class Representative Amber Boggs.

5. The Second Amended Complaint shall be and hereby is dismissed with prejudice.

IT IS SO ORDERED.

DATED: January 29, 2013



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DOLLY M. GEE  
UNITED STATES DISTRICT JUDGE