

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 99-WM-2086

JULIE FARRAR-KUHN and CARRIE ANN LUCAS, for themselves and all others similarly situated,

Plaintiffs,

v.

CONOCO INC.,

Defendant.

SECOND AMENDED CLASS ACTION COMPLAINT

Plaintiffs Julie Farrar-Kuhn and Carrie Ann Lucas by and through their attorneys Fox & Robertson, P.C. and Kevin Williams, Esq., hereby submit this Second Amended Class Action Complaint against Conoco Inc. (“Conoco”) asserting a nationwide class action that challenges violations of the Americans with Disabilities Act (“ADA”) at service stations and convenience stores owned by Conoco as well as individual claims under the Colorado Anti-Discrimination Act (“CADA”).

INTRODUCTION

1. On July 26, 1990, President Bush signed the Americans with Disabilities Act, establishing the most important civil rights law for persons with disabilities in our country’s history. The ADA became effective as to Defendant on January 26, 1992. One of the principal goals of the ADA is the integration of people with disabilities into the country’s economic and social life.

2. Title III of the ADA prohibits public accommodations – including service stations and convenience stores – from discriminating on the basis of disability in the provision of their goods and services.

3. One of the primary ways in which many people with disabilities have gained independence and sought integration is through their ability to drive an adapted car or van. This permits the mobility necessary to commute to a job or perform personal errands without relying on public or private assistance. However, this independence is illusory if a disabled driver is unable to buy gas for his vehicle when and where it is needed.

4. Defendant Conoco’s convenient “pay-at-the-pump” service is configured so that it is not available to many customers who use wheelchairs. In addition, many service stations and convenience stores owned by Conoco have many other inaccessible features, including inadequate parking and blocked or narrow sidewalks and aisles. This places additional burdens on customer who use wheelchairs or makes it impossible for them to access Conoco’s goods and services.

JURISDICTION

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 and pendant jurisdiction over Plaintiffs’ state claims.

2. Venue is proper within this District pursuant to 28 U.S.C. § 1391.

PARTIES

1. Plaintiff Julie Farrar-Kuhn is and was at all times material hereto a resident of Colorado. Ms. Farrar-Kuhn has sacral agenesis and is substantially impaired in several major life activities, including but not limited to the major life activity of walking. She uses a manual wheelchair for mobility.

2. Plaintiff Carrie Ann Lucas is and was at all times material hereto a resident of Colorado. As a result of a bone infection and bone tumor and related treatment, Ms. Lucas is substantially

impaired in several major life activities, including but not limited to the major life activity of walking. She uses a power wheelchair for mobility.

3. Defendant Conoco Inc. (“Conoco”) is a corporation incorporated in the State of Texas with its principal place of business at 600 North Dairy Ashford Street, Houston, TX 77079. Conoco is registered to do business in the state of Colorado. Conoco owns service stations and convenience stores in the state of Colorado. On information and belief, Conoco had net income of more than \$223 million in the third quarter of 1999.

4. Defendant Conoco owns approximately one hundred forty service stations and/or convenience stores in approximately six states including but not limited to those at the following locations in Colorado:

- a. 785 Colorado Boulevard, Denver;
- b. 1501 Colorado Boulevard, Denver;
- c. 303 S. Colorado Boulevard, Denver;
- d. 1696 S. Colorado Boulevard, Denver;
- e. 3495 S. Monaco Parkway., Denver;
- f. 7295 East Belleview Avenue, Englewood;
- g. 1500 7th Street, Denver;
- h. 290 S. Havana Street, Aurora;
- i. 2100 S. Monaco Parkway, Denver;
- j. 15351 E. Iliff Avenue, Aurora;
- k. 11515 N. Highway 83, Parker; and
- l. 1100 S. Havana Street, Aurora.

CLASS ACTION ALLEGATIONS

1. Plaintiffs Julie Farrar-Kuhn and Carrie Lucas seek to maintain this action as a class action under Rule 23(b)(2) of the Federal Rules of Civil Procedure. The class consists of all persons

with disabilities who use wheelchairs or scooters for mobility who, within four years of the filing of the Complaint in this case, have been denied, or are currently being denied, full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any service station or convenience store that is owned by Conoco Inc.

2. The class identified in Paragraph 11 is believed to consist of well over 10,000 members and joinder of all of such members in this lawsuit is impracticable.

3. There are numerous questions of law and fact common to the class, including without limitation, the following:

a. Whether Conoco service stations and convenience stores are “public accommodations” under the ADA;

b. Whether Conoco service stations deny the full and equal enjoyment of their goods, services, facilities, privileges, advantages, or accommodations to people in wheelchairs in violation of the ADA; and

c. What measures are legally required to bring Conoco service stations and convenience stores into compliance with the ADA.

4. The claims of Ms. Farrar-Kuhn and Ms. Lucas are typical of the claims of the members of the class. They – like all other members of the class – use wheelchairs for mobility and claim Conoco has violated the ADA by failing to make its service stations and convenience stores accessible to people in wheelchairs.

5. Ms. Farrar-Kuhn and Ms. Lucas will fairly and adequately protect the interests of the class. They are both familiar with the requirements of the ADA and committed to ensuring access for people who use wheelchairs through enforcement of its provisions. Neither Plaintiff has any interests that conflict in any way with those of the class.

6. In addition, Plaintiffs have retained counsel with extensive experience in litigation, including class action litigation. Plaintiffs’ counsel have been found by this Court on two

occasions to be qualified to represent a class in bringing claims under the ADA. Two of Plaintiffs' counsel, Timothy Fox and Kevin Williams, are thoroughly familiar with issues concerning people who use wheelchairs because both are tetraplegics and both have used wheelchairs for over 10 years.

7. This action may be maintained as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2) because Conoco's violations of the ADA – including but not limited to controls and counters that are too high, and access to stores, merchandise and restrooms that is obstructed – are applicable to all members of the class. Therefore, an injunction requiring compliance with the ADA is appropriate. Declaratory and injunctive relief is the only relief sought on behalf of the class.

GENERAL ALLEGATIONS

1. Many Conoco service stations have gas pumps that permit customers to pay for their gas by swiping a credit card through a card reader on the pump itself. The customer then pumps the gas, receives a receipt and drives away, with no need to enter the store area, stand in line or wait for store personnel. This system of paying with a credit card at the gas pump is known as “pay-at-the-pump.”

2. In most of Conoco's gas pumps that have the pay-at-the-pump feature, the credit card reader and other controls are too high to be used by customers who use wheelchairs. As a result, Conoco does not offer its convenient pay-at-the-pump service to those customers.

3. On information and belief, many Conoco gas pumps that have inaccessible pay-at-the-pump controls were installed after January 26, 1992 and, as such, were required to be accessible.

4. On information and belief, pay-at-the-pump gas pumps are available that have accessible card readers and other controls. In addition, equipment is available that permits accessible card readers and other controls to be appended to and used with otherwise inaccessible pumps.

5. Many Conoco service stations and convenience stores also have other inaccessible features including but not limited to inaccessible parking, tables, sidewalks, entrances, restrooms and aisles.

6. Plaintiff Julie Farrar-Kuhn drives a minivan. Ms. Farrar-Kuhn has two young children and works as an Administrative Assistant at the Colorado Developmental Disabilities Planning Council. As such, she is very busy and often has to buy gas for her van quickly when she is between errands or on her way to or from work. She would like to be able to take advantage of the convenience of Conoco's pay-at-the-pump system.

7. Ms. Farrar-Kuhn has patronized Conoco service stations in the past and would like to do so in the future.

8. In or about August 1998, Ms. Farrar-Kuhn went to the Conoco at 785 Colorado Boulevard in Denver ("785 Colorado Conoco") to purchase gas. She was unable to use the credit card reader on the gas pump at the 785 Colorado Conoco because it was too high for her to reach. On information and belief, the card reader is higher than 54 inches.

9. Instead, Ms. Farrar-Kuhn wrote a check for the amount of gas she anticipated purchasing and tried to get into the store to give it to the cashier. Because a car was blocking the ramp and a newspaper stand was blocking the sidewalk, she was unable to get into the store. The only ramp to the store is incorporated into the only accessible parking space. As such, when a car parks in that space, the ramp is blocked.

10. Because she could not get in the store, Ms. Farrar-Kuhn honked her horn and waved her disabled parking placard trying to get the attention of the cashier to come out and get her check. The cashier looked and shrugged her shoulders. Ms. Farrar-Kuhn then asked another customer to explain the situation to the cashier and to ask her to come out and get the check. The customer apparently did so but the cashier continued to refuse to come out. There were no other customers at the store and the cashier did not appear to be busy.

11. An employee of the Conoco station then came out and got in the car that was in the accessible parking space blocking the access ramp – making clear that it was his car. This car did not have a disabled placard or license plate. Because of the newspaper rack in the sidewalk, Ms. Farrar-Kuhn still could not get to the store. Because the employee would not assist her, Ms. Farrar-Kuhn left and obtained gas elsewhere.

12. Ms. Farrar-Kuhn has patronized the 785 Colorado Conoco on at least ten occasions since October, 1997. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature and inability to get into the store.

13. Ms. Farrar-Kuhn has patronized the Conoco at 290 S. Havana in Aurora, Colorado on at least two occasions since October, 1999. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature.

14. Ms. Farrar-Kuhn has patronized the Conoco at 1501 Colorado Blvd. in Denver, Colorado (“1501 Colorado Conoco”) on at least twenty occasions since October, 1997. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature, the inability to maneuver in the store and service counters that were too high.

15. Ms. Farrar-Kuhn has patronized the Conoco at 303 S. Colorado Blvd. in Denver, Colorado (“303 S. Colorado Conoco”) on at least five occasions since October, 1997. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature, the inability to maneuver in the store, service counters that were too high, and the inability enter the store due to obstructions on the sidewalk.

16. Ms. Farrar-Kuhn has patronized the Conoco at 1696 S. Colorado Blvd. in Denver, Colorado (“1696 S. Colorado Conoco”) on at least two occasions since October, 1997. On each

occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature.

17. Ms. Farrar-Kuhn has patronized the Conoco at 2100 S. Monaco Parkway in Denver, Colorado (“2100 S. Monaco Conoco”) on at least two occasions since October, 1997. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature.

18. Plaintiff Carrie Ann Lucas uses a power wheelchair and drives a lift-equipped van. Ms. Lucas is a graduate of the Iliff School of Theology and is approved for ordination as a minister in the United Church of Christ. She works at the Colorado Cross-Disability Coalition. Ms. Lucas has custody of her niece and is preparing to adopt her as her daughter. Ms. Lucas’s niece also has a mobility disability and also uses a wheelchair. As such, Ms. Lucas is often very busy and has to buy gas for her van quickly between meetings and errands. She would like to be able to take advantage of the convenience of Conoco’s pay-at-the-pump system.

19. Ms. Lucas travels a great deal for her various jobs and activities. She has patronized Conoco service stations throughout the state of Colorado in the past and will continue to do so in the future.

20. On or about August 6, 1999, Ms. Lucas went to the 785 Colorado Conoco to purchase gas for her van. After she got out of her van, she found that she was unable to reach the credit card reader on the pump. On information and belief, the card reader is higher than 54 inches.

21. Because she was unable to use the pay-at-the-pump system, she went into the store to pay. The sidewalk leading to the store was blocked by a garbage can and a bucket of salt, leaving very little room (less than 36 inches) for Ms. Lucas to pass and leaving her at risk to fall off the curb. In the store, she waited in line, waited for approval of her credit card, and signed the receipt. The counter was too high for her to sign the receipt comfortably. On information and belief, it is higher than 36 inches.

22. It took her longer to purchase gas than it would have if she were not disabled.
23. Ms. Lucas has patronized the 785 Colorado Conoco on at least one occasion since the events described in Paragraphs 37 through 39 above. On that occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature, service counters that were too high and difficulty parking and using the facility based on the need to put her lift down to get out of her van.
24. On information and belief, the 785 Colorado Conoco has the following features, among others, that violate the ADA and the CADA: credit card readers and other controls that are over 54 inches high; a service counter that is over 36 inches high; and insufficient, noncompliant and/or improperly marked accessible parking.
25. On or about August 6, 1999, Ms. Lucas went to the 303 S. Colorado Conoco to purchase gas. She pulled up to the most distant pump and discovered she was required to prepay or use the pay-at-the-pump system. Because Ms. Lucas was unable to use the card reader, she tried to use the help button. It was difficult to reach because it was too high, but using a pen she managed to push it. On information and belief, the card reader is higher than 54 inches. An employee came out to pump the gas.
26. Ms. Lucas then went inside to buy water and pay for the gas. The aisles were blocked making it impossible for her to access all of the merchandise in the store. None of the employees offered to move any of the boxes. She accidentally knocked over a display of sunflower seeds trying to turn around at the check-out counter. The counter was too high for her to sign the credit card receipt. On information and belief, it is higher than 36 inches.
27. It took her longer to complete her transaction than it would have if she were not disabled.

28. Ms. Lucas went outside to use the restroom at the 303 S. Colorado Conoco. There were boxes blocking her path and she was unable to get the door open without falling off the curb. She was unable to use the restroom at the 303 S. Colorado Conoco.

29. Ms. Lucas also patronized the 303 S. Colorado Conoco in at least February and March of 2000. On both occasions, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature and service counters that were too high.

30. On information and belief, the 303 S. Colorado Conoco has the following features, among others, that violate the ADA and the CADA: credit card readers and other controls that are over 54 inches high; a service counter that is over 36 inches high; no accessible parking; and an inaccessible path to the restrooms.

31. On or about August 6, 1999, Ms. Lucas went to the 1501 Colorado Conoco to get gas. She pulled up to the most distant pump so it would be safe to put her lift down. This pump required her to prepay or use the pay-at-the-pump system. The card reader was too high for her to use. On information and belief, it is higher than 54 inches.

32. Because the credit card reader was too high, Ms. Lucas went inside to pay. When she complained about the situation, an employee came out and pumped the gas. It took her longer to buy gas than it would have if she had been able to use the card reader and pay at the pump.

33. Ms. Lucas has patronized the 1501 Colorado Conoco on December 24, 1999 and on at least three other occasions since the events described in Paragraph 48 and 49 above. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature and service counters that were too high.

34. On information and belief, the 1501 Colorado Conoco has the following features, among others, that violate the ADA and the CADA: credit card readers and other controls that are over

54 inches high; a service counter that is over 36 inches high; insufficient, noncompliant and/or improperly marked accessible parking; and an inaccessible path to the restrooms.

35. On or about August 14, 1999, Ms. Lucas went to the Conoco at 3495 S. Monaco (“3495 S. Monaco Conoco”) to buy gas. She pulled up and noticed an employee assisting a customer with her car. Ms. Lucas deployed her lift to get out of her van. She attempted to use the card reader but it was too high. On information and belief, it is higher than 54 inches.

36. The employee saw her try to reach the card reader, but did not offer assistance. Because she was unable to use the card reader, Ms. Lucas pumped gas into her van and was prepared to pay inside the store.

37. When Ms. Lucas attempted to go into the store to pay for her gas and buy a bottle of water, she found that she was unable to open the door because a trash can and cooler blocked her way. To get the attention of an employee, she pounded on the window for a minute. An employee finally came out to ask what the problem was. Ms. Lucas told him that she was unable to get in the door.

38. The employee stared blankly and held the door open. Ms. Lucas requested that he move the trash can that was blocking her access. He finally begrudgingly did so. Even after moving the trash can, the path of travel was very tight and Ms. Lucas was fearful of falling off the curb.

39. After Ms. Lucas got in, she found a bottle of water and paid for both her water and gas. Again, the counter was too high to sign the receipt. On information and belief, it is higher than 36 inches.

40. Ms. Lucas then attempted to use the restroom. The path to the restroom was blocked by merchandise. She had to find the employee again and request that he move the merchandise that blocked her way. The same employee begrudgingly moved the merchandise.

41. It took Ms. Lucas longer to buy gas, buy water and use the restroom than it would have if she were not disabled.

42. On or about August 16, 1999, Ms. Lucas went to the 3495 S. Monaco Conoco to buy water and chewing gum and to use the restroom. When she pulled into the service station, she saw that the garbage can was placed in front of the door again. She left without making her purchases or using the restroom.

43. On information and belief, the 3495 S. Monaco Conoco has the following features, among others, that violate the ADA and the CADA: credit card readers and other controls that are over 54 inches high; a service counter that is over 36 inches high; insufficient, noncompliant and/or improperly marked accessible parking and an inaccessible path to the store and to its restrooms.

44. On or about September 11, 1999, Ms. Lucas went to the 1696 S. Colorado Conoco to buy gas. After she had pumped gas into her van, she attempted to enter the store to purchase a snack and pay for her gas. She was unable to get into the store, however, because the sidewalk between the ramp and the door was blocked by a soda cooler and boxes of windshield washer fluid. On information and belief, there was approximately 22 inches of space between these various obstacles and the edge of the sidewalk.

45. Ms. Lucas got the attention of two employees who were working near the gas pumps. One of them (whose first name was Maria) came up and started attempting to push Ms. Lucas's wheelchair past the obstacles, a very dangerous thing to do. Ms. Lucas requested that she not push the wheelchair but rather move the obstacles from the sidewalk. Maria and her colleague (whose first name was Telia) went into the store and another woman came out to speak with Ms. Lucas.

46. This new employee initially stated that a vendor had placed the cooler there and that it was too full to be moved. When she looked in the cooler, however, it turned out to be empty. The three Conoco employees moved the cooler and the other merchandise and, 20 minutes after

she arrived, Ms. Lucas was able to get in the store, buy her snack and pay for her gas. This delay caused her to be late for a meeting in Colorado Springs.

47. Ms. Lucas has patronized the 1696 S. Colorado Conoco on at least two occasions since the events described in Paragraphs 61 through 63 above. On each occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature and difficulty parking and using the facility based on the need to put her lift down to get out of her van.

48. On information and belief, the 1696 S. Colorado Conoco has the following features, among others, that violate the ADA and the CADA: credit card readers and other controls that are over 54 inches high; insufficient, noncompliant and/or improperly marked accessible parking and an inaccessible path to the store.

49. Ms. Lucas patronized the Conoco at 15351 E. Iliff Avenue in Aurora, Colorado in December 1997. On that occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature.

50. Ms. Lucas patronized the Conoco at 11515 N. Highway 83 in Parker, Colorado in August, 1998. On that occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature.

51. Ms. Lucas patronized the Conoco at 1100 S. Havana Street in Aurora, Colorado in early 1999. On that occasion, she encountered discrimination on the basis of disability including but not limited to the inability to use the pay at the pump feature and service counters that were too high.

52. Ms. Lucas patronized the 2100 S. Monaco Conoco approximately three times per month during the following months: November 1997, January through May 1998 and September through November 1998. On each occasion, she encountered discrimination on the basis of

disability including but not limited to the inability to use the pay at the pump feature and, at times, the refusal of Conoco employees to assist her with refueling.

53. Ms. Lucas patronized the Conoco at 1500 S. Broadway in Edmond, Oklahoma on or about November 22, 2000. On that occasion, she encountered discrimination on the basis of disability including but not limited to the lack of accessible parking, the obstruction of the route to the women's restroom, and the inability to use the pay at the pump feature.

54. Ms. Lucas patronized the Conoco at 33rd and Blvd. Street in Edmond, Oklahoma on or about November 22, 2000. On that occasion, she encountered discrimination on the basis of disability including but not limited to the lack of accessible parking, the obstruction of the women's restroom, and the inability to use the pay at the pump feature.

55. Ms. Lucas patronized the Conoco at 3300 Main Street in Norman, Oklahoma on or about November 25, 2000. On that occasion, she encountered discrimination on the basis of disability including but not limited to the lack of accessible parking, the obstruction of the women's restroom, and the inability to use the pay at the pump feature.

56. On information and belief, Conoco owns other service stations and/or convenience stores around the country – some of which were designed and constructed for first occupancy after January 26, 1993 – that have pay-at-the-pump facilities, counters, tables, aisles, restrooms, parking areas and other facilities that are in violation of the Americans with Disabilities Act.

FIRST CLAIM FOR RELIEF

(On behalf of Plaintiffs and all others similarly situated
for violation of the Americans with Disabilities Act)

1. Plaintiffs reallege and incorporate by reference the allegations set forth in paragraphs 1 - 73 above as if fully set forth herein.

2. Title III of the ADA prohibits discrimination by public accommodations on the basis of disability. 42 U.S.C. §12182.

3. Conoco service stations and convenience stores are public accommodations covered by Title III of the ADA. 42 U.S.C. § 12187(7)(E) & (F).
4. With respect to facilities already in existence on or before the effective date of the ADA, discrimination under § 12182 includes the failure to remove architectural barriers where it would be readily achievable to do so. 42 U.S.C. § 12182(b)(2)(A)(iv).
5. With respect to facilities constructed after January 26, 1993, discrimination under § 12182 includes the failure to design and construct such facilities so that they are readily accessible to and usable by individuals with disabilities. 42 U.S.C. § 12183(a)(1).
6. With respect to facilities that are altered after the effective date of the ADA, discrimination under § 12182 includes the failure to make the alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities. 42 U.S.C. § 12183(a)(2).
7. The actions and barriers described above discriminated and continue to discriminate against Plaintiffs and others similarly situated in violation of Title III of the ADA and its implementing regulations.
8. Plaintiffs and others similarly situated have been damaged and will continue to be damaged by this discrimination as more fully set forth above.

SECOND CLAIM FOR RELIEF

(On behalf of Plaintiffs for violation of C.R.S. § 24-34-601)

1. Plaintiffs reallege and incorporate by reference the allegations set forth in paragraphs 1 - 81 above as if fully set forth herein.
2. C.R.S. § 24-34-601(1) defines a “place of public accommodation” to include “any place of business engaged in any sales to the public.”

3. Conoco service stations and convenience stores in Colorado are places of business engaged in sales to the public, selling gasoline and/or grocery and other sundry products and therefore are places of public accommodation.

4. C.R.S. § 24-34-601(2) provides in relevant part that “[i]t is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability . . . the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation . . .”

5. By, among other things, placing credit card readers and other controls out of reach, failing to designate appropriate accessible parking, failing to provide wheelchair accessible seating, failing to maintain aisles of 36 inches, and failing to lower counter heights, the Defendant has discriminated against the Plaintiffs by denying them the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of Conocos in Colorado in violation of C.R.S. § 24-34-601.

6. Plaintiffs have been damaged and will continue to be damaged by this discrimination as more fully set forth above.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray:

1. That this Court assume jurisdiction;
2. That this Court certify the class described in Paragraph 11 pursuant to Rule 23 of the Federal Rules of Civil Procedure and certify Plaintiffs as representatives of that class;
3. That this Court declare Conoco to be in violation of the Americans with Disabilities Act and the Colorado Anti-Discrimination Act;
4. That this Court issue an injunction ordering Conoco
 - a. to bring all service stations and convenience stores in the United States that it owns and that were designed and constructed for first

occupancy after January 26, 1993, into full compliance with the Americans with Disabilities Act;

b. to bring all gas pumps that were installed after January 26, 1992, at service stations and convenience stores in the United States that Conoco owns into full compliance with the ADA; and

c. to institute a program to review all other facilities at all other service stations and convenience stores in the United States that Conoco owns to ensure that they are in full compliance with the ADA including but not limited to ensuring that, where alterations were made, they comply with the ADA and that where no alterations have been made, any architectural barriers at such service stations and convenience stores are removed where it is readily achievable to do so or as it becomes readily achievable to do so.

5. That this court award statutory damages of \$500 for each instance of discrimination experienced by Plaintiffs pursuant to C.R.S. §§ 24-34-601 & 24-34-602.

6. That this Court award reasonable attorneys' fees and costs; and

7. That this Court award such additional or alternative relief as may be just, proper and equitable.

8. **JURY DEMAND:** Plaintiffs demand a jury on all issues that can be heard by a jury.

Respectfully submitted,

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