

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

COLORADO CROSS-DISABILITY COALITION, a Colorado corporation,
JEREMY HUDSON, and
JAMES HUDSON,

Plaintiffs,

v.

COLORADO ROCKIES BASEBALL CLUB, LTD., a Colorado limited partnership,

Defendant.

COMPLAINT

Plaintiffs Colorado Cross-Disability Coalition, Jeremy Hudson, and James Hudson, by and through their attorneys, Fox & Robertson, P.C. and Kevin W. Williams, hereby bring this Complaint against the Colorado Rockies Baseball Club, Ltd., lessee and operator of Coors Field.

INTRODUCTION

1. Coors Field is the home of the Major League Baseball Colorado Rockies. Starting in 2001, Defendant made it almost impossible for baseball fans who use wheelchairs to enjoy a game from front-row or near-in seats adjacent to the infield.

2. For baseball fans who do not use wheelchairs, Defendant provides seats behind the dugouts and along the first and third base lines at prices that range from \$27 to \$38. The only wheelchair accessible seats with similar lines of sight cost approximately \$100.

3. Prior to 2001, Defendant provided wheelchair accessible seats behind home plate at prices equivalent to the inaccessible seats behind the dugouts and along the first and third base lines. These seats were the only accessible seats providing a front-row or near-in viewing experience by the infield.

4. Starting in 2001 -- in order to create a luxury area called the "Coors Clubhouse" -- Defendant raised the price on the wheelchair accessible seats behind home plate to \$100 each and removed some of these seats. This move left no accessible seats in Coors Field that are equivalent in price, lines of sight and overall experience to the many inaccessible seats behind the dugouts and along the first and third base lines.

5. This discrimination violates the Americans with Disabilities Act, which requires stadiums such as Coors Field to "provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public." Department of Justice Standards for Accessible Design, § 4.33.3.

JURISDICTION

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.

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

PARTIES

8. Plaintiff Colorado Cross-Disability Coalition ("CCDC") is a Colorado non-profit corporation whose members are persons with disabilities and their nondisabled allies.

9. Plaintiff Jeremy Hudson is a resident of Colorado. He has spina bifida and is substantially impaired in several major life activities, including but not limited to walking. He uses a manual wheelchair for mobility. Plaintiff Jeremy Hudson is a member of CCDC.

10. Plaintiff James Hudson is a resident of Colorado. He is the father of Jeremy Hudson and often attends baseball games at Coors Field with him. As such, he is in a known relationship with and/or association with an individual with a disability. Plaintiff James Hudson is a member of CCDC.

11. Defendant Colorado Rockies Baseball Club, Ltd. is a Colorado limited partnership with its principal place of business in Denver, Colorado. Defendant owns the Colorado Rockies major league baseball team and leases and operates Coors Field, the stadium in which the team plays.

FACTS

12. Coors Field was built for first occupancy after January 26, 1993.

13. Defendant does not provide wheelchair accessible and companion seats with lines of sight equivalent to -- and at prices equivalent to -- the inaccessible seats in the rows behind the backstop, behind the dugouts, and adjacent to the infield along the first and third base lines in Sections 120 to 141 ("Infield Box Seats").

14. Infield Box Seats are currently sold at prices ranging from approximately \$27 to approximately \$38 per game.

15. Prior to the 2001 major league baseball season, Defendant provided approximately 17 wheelchair accessible and companion seats immediately behind the backstop

(“Backstop Accessible Seats”). These seats were sold at prices similar to those of the Infield Box Seats.

16. Starting in 2001, Defendant raised the prices on the Backstop Accessible Seats to approximately \$100 per game.

17. This price hike was the result of the creation of a luxury area known as the Coors Clubhouse. Defendant describes the Coors Clubhouse as a “premium seating area located directly behind home plate. Season Ticket Holders in this area have a private entrance, access to a private lounge and complimentary in-seat service.”

18. In addition, on information and belief, Defendant removed all or many of the Backstop Accessible Seats and reduced the total number of accessible seats behind home plate.

19. Defendant is required to provide wheelchair accessible and companion seats in certain percentages, dispersed throughout Coors Field. Specifically, wheelchair accessible seating is required to be an integral part of the seating at Coors Field, and Defendant is required to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public.

20. The current arrangement does not satisfy these requirements. Among other things, it does not provide Coors Field patrons who use wheelchairs with a choice of admission prices and lines of sight comparable to the front rows of the Infield Box Seats.

21. The only wheelchair accessible Infield Box Seats are at the back of each such section of seats. As such, among other differences, they do not have lines of sight equivalent to

the Backstop Accessible Seats because they are significantly farther from the field and underneath an overhang that provides a restricted view of the game.

22. Plaintiffs Jeremy and James Hudson enjoy attending Rockies games at Coors Field together. On several occasions prior to 2001, they purchased tickets to the Backstop Accessible Seats for prices in the range of approximately \$30 per seat.

23. Starting in 2001, the price of those seats was raised to \$100. The Hudsons declined to pay this amount and have been unable to sit in seats with comparable sight lines to the Infield Box Seats since that time.

24. CCDC's purpose is to work for systemic change that promotes independence, self-reliance, and full inclusion for people with disabilities in the entire community. As part of that purpose, CCDC seeks to ensure that persons with disabilities have access to -- and do not encounter discrimination in -- public accommodations such as Coors Field.

25. CCDC's members include individuals with disabilities and their friends, relatives and allies who attend and will attend events at Coors Field.

26. CCDC's members have been injured and will continue to be injured by Defendant's discrimination described above. Plaintiffs Jeremy Hudson and James Hudson are members of CCDC.

27. The elimination of discrimination, such as that of Defendant, and the integration of persons with disabilities into the community are at the core of CCDC's organizational purpose.

28. The participation of individual CCDC members in the lawsuit is not required either to resolve the claims at issue or to formulate relief.

29. Plaintiffs have been damaged and will continue to be damaged by Defendant's discrimination.

30. Plaintiffs would like to be able, in the future, to sit in the Backstop Accessible Seats or seats with choice of admission prices and lines of sight comparable to the Infield Box Seats behind the dugouts and along the first and third base lines.

CLAIM FOR RELIEF
(Violations of the Americans with Disabilities Act)

31. Plaintiffs reallege and incorporate by reference the remainder of the allegations set forth in this Complaint as if fully set forth herein.

32. Coors Field is a stadium and is therefore a place of public accommodation as defined in 42 U.S.C. § 12181(7)(C).

33. Defendant leases and/or operates Coors Field.

34. Defendant has discriminated against Plaintiffs on the basis of disability.

Defendant's discriminatory conduct includes but is not limited to:

- a. Discriminatory exclusion from and/or denial of goods, services, facilities, privileges, advantages, accommodations, and/or opportunities;
- b. Provision of goods, services, facilities, privileges, advantages, and/or accommodations that are not equal to those afforded non-disabled individuals;

- c. Failing to provide wheelchair seating that is sufficiently dispersed throughout Coors Field;
- d. Failing to provide wheelchair seating that is an integral part of the fixed seating at Coors Field;
- e. Failing to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public;
- f. Failing to make reasonable modifications in policies, practices, and/or procedures as necessary to afford the goods, services, facilities, privileges, advantages, and/or accommodations of Coors Field to individuals with disabilities; and
- g. Failing to make alterations in such a manner that, to the maximum extent feasible, the altered portions of Coors Field are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

35. As such, Defendant discriminates and, in the absence of the injunction requested herein, will continue in the future to discriminate against Plaintiffs on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, accommodations and/or opportunities of Coors Field in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq. and/or its implementing regulations.

36. Plaintiffs have been damaged and will continue to be damaged by this discrimination.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray:

1. That this Court assume jurisdiction;
2. That this Court issue an order declaring the Defendant to be in violation of the Americans with Disabilities Act;
3. That this Court issue an injunction ordering the Defendant to bring Coors Field into compliance with, and to operate Coors Field in compliance with, the Americans with Disabilities Act;
4. That this Court award Plaintiffs their reasonable attorneys' fees and costs; and
5. That this Court award such additional or alternative relief as may be just, proper and equitable.

Respectfully submitted,

FOX & ROBERTSON, P.C.

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