Weldon v. Hill Investments, L.L.C. Doc. 22

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

DALLAS WELDON,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	3:14cv930-MHT
	)	(WO)
HILL INVESTMENTS, L.L.C.,	)	
a Domestic Limited	)	
Liability Company,	)	
	)	
Defendant.	)	

CONSENT JUDGMENT AND FINAL ORDER

This matter comes before the Court on the Joint Motion for Entry of Consent Decree (the "Joint Motion") filed by the parties. For good cause shown, it is the ORDER, JUDGMENT, and DECREE of the court that the joint motion for the entry of consent decree (doc. no. 21) is granted, and that:

1. Pursuant to the parties' Settlement (as defined in the Joint Motion), Defendant shall make the following modifications and alterations to the premises

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located at 4371 Hwy 280, Alexander City, Alabama 35010 ("Alex City Food Shop"):

a. The Defendant shall create one van-accessible compliant accessible parking space, which shall comply with ADA requirements for such parking spaces.

b. The Defendant shall install an automatic-opening accessible door, which shall be compliant with ADA requirements for such doors, and which is a reasonable accommodation in place of repairing and/or replacing the existing curb ramp at the entrance of the facility.

c. The Defendant shall replace the doorknobs with levers which are ADA compliant.

d. The Defendant shall adjust the door-closing mechanism to all public restroom doors such that the mechanisms comply with ADA requirements for such door-closing mechanisms.

e. The Defendant shall insulate the plumbing beneath all public lavatories.

f. The Defendant shall relocate soap dispensers in all public restrooms such that they comply with ADA requirements for such soap dispensers.

g. The Defendant shall reposition existing mirrors in all public restrooms such that they comply with ADA requirements for placement of such mirrors, or, in the alternative, install an additional mirror, which shall comply with all ADA requirements for placement of such mirrors.

h. The Defendant shall install an ADA compliant rear grab bar above the water closets in all public restrooms.

i. The Defendant shall reposition toilet paper dispensers in all public restrooms so as to comply with ADA requirements for such toilet paper dispensers.

j. The Defendant shall install signage on all self-service beverage dispensers directing any customers needing assistance to request such assistance from a store employee, and shall train its employees to

assist any customer needing assistance with access to the self-service beverage dispensers to provide such assistance, which is a reasonable accommodation in place of replacing, repositioning, or retrofitting the said beverage dispensers, and/or the counters upon which they sit, so as to comply with ADA requirements for reach.

k. The Defendant shall clear all aisles within the store location, which are accessible to the public, and which would deter equal access.

l. The Defendant shall cause each of the above numerated repairs to be made within sixty (60) days of the entry of this Order.

2. Defendants' completion of the enumerated modifications and alterations shall not be construed as an admission of liability as to any claims which were asserted, or which could have been asserted, in the Complaint or as to any liability regarding compliance with Title III of the Americans With Disabilities Act, 42 U.S.C. Section 12181, et seq. ("ADA").

3. Upon Defendants completion of the enumerated modifications and alterations, the Alex City Food Shop shall be in compliance with the requirements of Title III of the ADA to the extent readily achievable and technically feasible.

4. The Complaint, and all claims asserted (or which could have been asserted) by Plaintiff against Defendants relating to the Alex City Food Shop, are hereby dismissed with prejudice.

5. The Plaintiff shall be entitled to, and shall receive no further relief other than the injunctive relief described and enumerated herein. The Plaintiff shall receive no monetary damages, whether nominal, compensatory or punitive, and shall receive no portion of any award of attorney's fees.

6. The parties are to bear their own costs.

7. This Court retains jurisdiction over this matter for the purposes of handling any motions or other matters relating to the enforcement of the Settlement and this Consent Decree.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 22nd day of October, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE