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Targeting entire towns

Access attorney goes on offensive in 2 cities near San Diego

By Marjie Lundstrom and Sam Stanton - Bee Staff Writers

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Erik Wyatt was 17 when he was asked by attorney Theodore Pinnock in January to visit 19 businesses in the town of Alpine, near San Diego, that Pinnock planned to sue for alleged violations of the Americans With Disabilities Act. Pinnock's request, which included a veterinary hospital where Wyatt's godmother worked, appalled the teen, paraplegic since the age of 2.
 Sacramento Bee/Paul Kitagaki Jr.

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In a dimly lit, rural house in the Southern California desert, a 17-year-old disabled boy in a wheelchair opened a curious e-mail. Erik Wyatt, paraplegic since age 2 and on the cusp of his high school graduation, received this Jan. 17 instruction from a San Diego attorney: "Pls go to places on attached list by thurs. Please get receipt or business card for each place. You get \$1,000 for each case when it settles."

Attorney Theodore Pinnock included a brief note listing how each of 19 businesses in nearby Alpine was violating the Americans With Disabilities Act.

At Alpine Plumbing and Backhoe, there was "no disabled parking space." Alpine Animal Jungle lacked proper signs and had a loose doormat. The coin drop for the pay phone at

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Hair Designs by Oscar and Co. was too high.

What Pinnock wanted was appalling to Erik, whose own godmother worked at Alpine Veterinary Hospital, one of the businesses on the list in the town of 13,000, 28 miles east of San Diego.

"I think it's wrong," said Erik, now 18.

Yet even without Erik's help, many of the businesses were sued in one of California's most audacious legal maneuvers under the auspices of the ADA.

The lawsuits in Alpine and neighboring Julian, which began in late 2005 and continue to this day, were the handiwork of one of the busiest access attorneys in California.

Pinnock, 44, says he has targeted more than 2,000 businesses for ADA violations since the 1990s. But it wasn't until his visit to Julian over the 2005 Veterans Day weekend that he truly made a name for himself in the field.

He called it the "Julian experiment" and said it began when he decided to spend that holiday weekend in the quaint town northeast of San Diego known for its apple orchards and pie shops.

Many of the buildings in Julian date back to the 1800s, and are entered through stone stairways and rough, uneven sidewalks.

The attorney, who has cerebral palsy that requires him to use a wheelchair, lives in Ramona, about 20 miles from Julian. Pinnock said he had never been to Julian before that holiday weekend, when he headed there with his wife and family to "take a break."

"I didn't want to think about work, so I went up there," he said. "And I was very mad. I went to relax, and I couldn't get in anywhere at all."

As a result of his visit, Pinnock said he mailed demand letters to 67 businesses seeking payments totaling \$200,000 for their lack of access and asking that they fix their stores.

Attorneys hired by many of the targeted businesses argued that Pinnock was more interested in money than access.

A lawsuit filed against Pinnock by a group called "Julinians Against Shakedown Tactics" alleges that Pinnock had been to Julian before and that he previously had reached a settlement with a local hotel and restaurant for access problems. The settlement, court papers say, allowed him to use the hotel "as a staging area to bring access claims in Julian."

Some settled with Pinnock. Others banded together to seek ways to make their businesses ADA-compliant but also to oppose the lawsuits brought by Pinnock. Julian pizza parlor owner Harry Horner testified before a congressional subcommittee on the ADA in September, and news of Pinnock's "Julian experiment" created a backlash that even the attorney said surprised him.

"They believed I was trying to extort money," Pinnock said. "Go figure. They went to the news media, to TV. I became the evil lawyer in the wheelchair trying to take money from mom and pop."

After Julian, he moved on to Alpine.

Pinnock would not comment on his e-mail about Alpine businesses to Erik Wyatt, citing client confidentiality. Pinnock has been the teen's trustee for years, according to the boy's parents, managing the money he received in a medical malpractice settlement related to his permanent disability.

Erik and his parents, Raymond and Nennette, told The Bee they wanted no part of Pinnock's plans in Alpine.

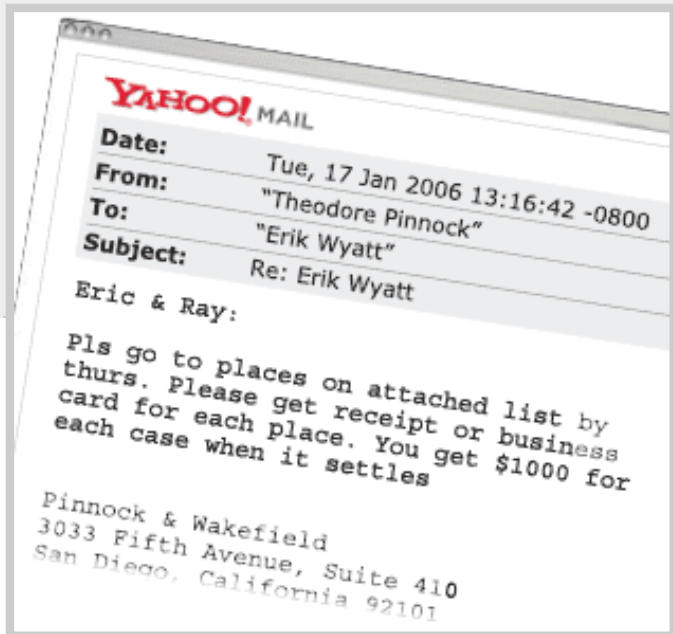
"This is not what we taught him," said his mother. "We know everybody, and they know

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us. Why would we sue our friends?"

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This e-mail that attorney Theodore Pinnock, below, sent Erik Wyatt as part of his plan to sue Alpine businesses for Americans With Disabilities Act violations didn't convince the teen to participate in what nonetheless became one of California's most audacious legal maneuvers under the auspices of the ADA.



Theodore Pinnock
Sacramento Bee/Paul Kitagaki Jr.

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