

Please see the attached one-minute video clip, in which one well known professional plaintiff threatens **"If I fall out of my wheelchair or something else, it's your responsibility."** This statement was made under oath, on the record, and was made immediately between discussions of whether the deposition would continue a second day if a settlement offer was not received.

- Notice how he changes his entire tone after his attorney clears his throat and tries to stop him
- Notice how he makes no effort to respond to or even correct, the last question
- Consider his statement "I do what my attorney tells me to do."

The exact transcript of the proceedings is as follows:

Defense counsel: ". . . Before we go off the record, I want to know are you refusing to come back tomorrow?"

Plaintiff's counsel: "No. He's going to be here tomorrow **if we don't have a settlement offer.**"

Defense counsel: "Okay. So is that --"

Plaintiff: "I do what my attorney tells me to do."

Defense counsel: "Okay. So you're --"

Plaintiff: "If I fall out of this wheelchair, expect more."

Defense counsel. "I'm sorry?"

Plaintiff: "If I fall out of this wheelchair or something else, it's your responsibility."

Plaintiff's counsel: "Jim --"

Plaintiff: "I'm tired of it."

Defense counsel: **"You mean if you get injured on this property, it's my responsibility?"**

[Plaintiff's counsel clearing throat]

Plaintiff: "No, no. I'm sorry. I --"

Plaintiff's counsel: "You're tired, and you're upset."

Plaintiff: "Yeah."

Defense counsel: "Have you ever made threats like that before?"

Plaintiff: "No. No, that's not a threat. I'm telling you it wasn't a threat."

Defense counsel: "If you get --"

Plaintiff: "In reality, I'm a -- you know -- that is not what I was saying. I'm saying that this is stressful to me. It's difficult on me. **It's not a threat. It's a reality.** What happens if I get ill?"

Defense counsel: "But it's my responsibility, according to you?"

Plaintiff: "I thought we were going to be done with this today."

Plaintiff's counsel: "We'll be here at 10 o'clock tomorrow, unless you make a settlement offer."

Plaintiff: Yeah, we'll be here.

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The plaintiff in this matter wrote to the Defendant threatening a lawsuit and mentioned the inaccessibility of the restrooms in his letter; he then returned to the property 6 weeks later and claimed he was injured because he could not get into the restroom, even though he had been to the property at least 20 times before. The plaintiff has claimed to have been injured in 100% of the 30+ lawsuits he's filed, and the plaintiff's attorney has claimed his clients were injured in 100% of his 100+ lawsuits we've obtained.

The plaintiff is an access inspector and originally solicited the defendant to have one of his inspectors review his property. The defendant asked the inspector to come out and prepare a report because he genuinely wanted to eliminate any obstacles for the disabled on the property. After the inspector came out, he heard nothing further until the day he was sued. Is this how our legislators want private enforcement of access lawsuits to work?