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8th Circuit Denies “Drive-By” ADA Claims

The 8th Circuit recently affirmed a District of Minnesota Order for Summary Judgment, dismissing claims for damages stemming from alleged ADA violations in the parking lot of a Minnesota restaurant. Check out *Davis v. Morris-Walker*, LTD the Appellate Court concluded that the claims were moot by the time they reached the Court because the restaurant and property owner remedied the alleged violations. Also, the Court noted that the plaintiff had never actually been a patron of the restaurant, so there was no actual harm for other alleged violations.

While federal court case, this decision is consistent with 2016 changes unanimously supported by the Minnesota Legislature and approved by the Governor to curb these types of lawsuits. HF2995 was passed in 2016 to give business and property owners a fighting chance in the face of these claims, especially if the property owner has undergone an ADA audit. The law also requires notice and an opportunity to cure the alleged defect before a lawsuit can be filed. The 2016 Minnesota law can be found [here](#) . Information from the Minnesota Chamber of Commerce about ADA compliance audits and efforts to derail these drive-by claims can be found [here](#) .