

DSW's MUST be allowed Free Entry

By: Mary Jacob



You are busy working, your DSW is looking for new creative things to do with your child during the summer break – but you are unable to pay admission for both of them to attend. This is something I've heard numerous times in the past. Even though some establishments have honored the American's with Disabilities Act (ADA) rule that clearly defines who can get in free and where they can get into, many still refused to allow free entry.

On May 6, 2016, after three years of litigation, The United States District Court for the Eastern District of Pennsylvania issued a memorandum opinion on the Civil Suit Action No. 13-5374, Michael Anderson and Vision for Equality, a Non-Profit Corporation vs. The Franklin Institute, a science museum named after Benjamin Franklin in Philadelphia, Pennsylvania.

In the Court's Memorandum Opinion it states the legal reasoning applies to all Title III entities as the ADA defines them. This includes:

- a. an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- b. a restaurant, bar, or other establishment serving food or drink;
- c. a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- d. an auditorium, convention center, lecture hall, or other place of public gathering;
- e. a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
- f. a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel



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service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

- g. a terminal, depot, or other station used for specified public transportation;
- h. a museum, library, gallery, or other place of public display or collection;
- i. a park, zoo, amusement park, or other place of recreation;
- j. a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
- k. a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
- l. a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.”

To read more on this case visit the following sites:

<https://casetext.com/case/anderson-v-institution>

<http://www.newsworks.org/index.php/local/philadelphia/93546-franklin-institute-ordered-to-change-admission-policy-deemed-discriminatory-to-disabled>

<http://www.phillyvoice.com/judge-franklin-institute-violated-ada-charging-disabled-mans-caregiver/>

<http://www.bizjournals.com/philadelphia/news/2016/05/09/franklin-insitute-violated-ada-disabled-visitor.html>

<http://www.law360.com/articles/793968/charging-museum-guest-s-care-aide-violates-ada-judge-says>



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