

## Jury Lets Hawaii, NFL Off The Hook For ADA Suit

By **Rick Archer**

*Law360, New York (September 7, 2016, 6:43 PM ET)* -- The National Football League and the state of Hawaii dodged a disability discrimination claim Tuesday after a jury found there were valid reasons to deny a woman with a back condition access to the seats she paid for at the 2013 Pro Bowl.

Deb Ritchie had claimed the NFL and the state had violated the Americans with Disabilities Act by denying her access to the front-row seats in the state-owned Aloha Stadium in Honolulu for the January 2013 game, but the state argued there were valid safety reasons for the decision, and the NFL argued it had no involvement in the denial of access.

“Plaintiff did not elicit one iota of testimony regarding discrimination; none of her witnesses testified any Aloha Stadium employee had any sort or negative feeling or animus based on her disability,” the state said in its motion for judgment as a matter of law.

In her complaint Ritchie claimed to have a cervical disorder that by early 2013 had left her confined to a wheelchair when traveling significant distances but still able to use crutches for short walks.

Ritchie claimed when she arrived at the stadium employees there refused to allow her to take her seat, refused to help her down the stairs and refused her request to be allowed to access her seat from the field, which she claimed she was allowed to do at the 2012 Pro Bowl. She claimed she was instead sent to a more distant wheelchair-accessible seating section with poorer sight lines and where her family members were unable to join her.

She claimed that in a subsequent phone conversation with Lenny Bandy, the NFL Security Services director, Bandy claimed responsibility for the decision.

The state argued that allowing Ritchie to descend to her seat on crutches or be carried there was too dangerous, and that allowing her access from the field would interfere with emergency evacuation plans, since she would be unable to exit that way in an emergency.

“Aloha Stadium staff stopped Ritchie from descending sixty steps to get to her seat because she appeared unsteady on her feet and therefore a danger to herself and to others in the event of an evacuation,” the state Attorney General’s Office said in a press release on the verdict Tuesday.

The NFL argued it had no part in this decision, arguing Ritchie never claimed any NFL employees communicated with her on the steps and she had not offered any evidence that NFL employees were in communication with stadium employees at the time.

“Lacking any factual substance, the statements plaintiff attributes to Mr. Bandy amount to nothing more than a purported, summary admission of NFL liability. Given that neither plaintiff nor Mr. Bandy is qualified to make a legal assessment concerning liability, this supposed admission should not be taken as true in the same manner the Court would view alleged factual testimony,” the NFL said in its motion for a judgment as a matter of law.

Both defendants also argued Ritchie had not established she was injured, arguing she ultimately watched the game from a handicapped-accessible seat in the same section as her original seat.

“Plaintiff has conceded that she did not seek or receive any medical treatment from a physician or psychologist in 2013 as a result of any physical injury, anxiety, worry, disappointment, depression, dejection, or sorrow that she allegedly suffered during her time at the 2013 Pro Bowl,” the NFL said in its motion for judgment as a matter of law.

Counsel for the NFL declined comment. Ritchie did not immediately respond to requests for comment late Wednesday.

Ritchie was pro se at trial.

The NFL is represented by Theodore D.C. Young of Cades Shutte and Benjamin J. Razi of Covington & Burling LLP.

The State of Hawaii is represented by Caron M. Inagaki, Dana A. Barbata and William K. Awong of the Department of the Attorney General.

The case is Deb Ritchie v. National Football League et. al., case number 1:13-cv-00525 in the United States District Court for the District of Hawaii.

--Editing by Joe Phalon.

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