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**HAVE IT YOUR WAY AT BURGER KING? NOT IF YOU USE A WHEELCHAIR  
Federal Lawsuit Charges Burger King with Violations of Disability Law**

*San Francisco, September 10, 2008* – Wheelchair-users today filed a class action lawsuit in U.S. District Court in San Francisco charging Burger King with violations of state and federal civil rights disability access laws.

The lawsuit, *Castaneda v. Burger King Corporation*, was filed on behalf of thousands of wheelchair- and scooter-using Burger King customers who face a series of unnecessary physical barriers at the fast food restaurants in California, including inaccessible dining areas, parking lots and restrooms; narrow or steep sidewalks or ramps; and queue lines that are too narrow for wheelchairs. The lawsuit asks the federal court for an injunction to require the fast food giant to remove these barriers and fix the discriminatory practices.

“Though the restaurant promises to treat its customers like ‘Kings,’ it treats those who use wheelchairs and scooters as commoners who must have it Burger King’s way or not at all,” charged attorney Linda D. Kilb of the Berkeley-based Disability Rights Education and Defense Fund (DREDF), one of the nation’s leading non-profit disability civil rights groups.

Lead plaintiff Miguel Castaneda is a 45-year-old rehabilitation counselor in Contra Costa County with incomplete quadriplegia. He uses a wheelchair for his primary means of mobility outside his home. “I’m on the road a lot for my job and like Burger King food, but it’s very frustrating to try to eat there,” said Castaneda. “I often can’t open the door on my own, putting me at the mercy of someone walking by. Getting to the counter can be incredibly difficult, and it’s often impossible to use the restrooms.”

Burger King leases approximately 90 restaurants in California. These restaurants were all built or remodeled according to prototype designs developed by Burger King and are managed according to Burger King policies. These restaurants influence how 500 other Burger King restaurants in California are operated.

Lead counsel Bill Lann Lee, who was Assistant Attorney General for Civil Rights in the Clinton Justice Department, observed that this case underscores the importance of the enforcement of disability access laws. “Forty years ago California adopted accessibility standards, almost 20 years ago Congress passed the Americans with Disabilities Act, and a decade ago Burger King promised — in settling an earlier lawsuit — to bring its stores into compliance. Yet Burger King continues to violate laws that guarantee access,” said Lee, currently an attorney with Lewis, Feinberg, Lee, Renaker & Jackson, PC.

Plaintiffs charge that Burger King is in violation of Title III of the Americans with Disabilities Act, the Unruh Civil Rights Act and the California Disabled Persons Act. The lawsuit is asking for an injunction mandating Burger King to comply with disability access laws as well as statutory minimum damages defined by the state civil rights law.

In addition to attorney Kilb of DREDF and Lee of Lewis Feinberg, plaintiffs are represented by Julia Campins, also of Lewis Feinberg, Amy F. Robertson of Fox & Robertson, P.C., Mari Mayeda, and Antonio M. Lawson.

For further information, and for copies of the complaint, please go to the websites of DREDF and the lead law firms: [www.dredf.org](http://www.dredf.org) — [www.lewisfeinberg.com](http://www.lewisfeinberg.com) — [www.foxrob.com](http://www.foxrob.com)