

A Call to Arms!

DRAFT has been closely monitoring a class action case that involves Disney World's refusal to allow persons with disabilities to bring a Segway into the park. The parties have reached a settlement that affects every class member, including you. The settlement denies people with disabilities the right to bring their Segway into the both the Florida and California theme parks. Instead, it allows Disney to develop their own standing electric convenience vehicle that it will rent to people with mobility disabilities who need them, as long as the supply lasts.

DRAFT strongly disapproves of this settlement.

We need your help to show the court why we object. We have prepared a fillable form declaration for you to fill out and return that we will file on your behalf in court. **It is important that not only all of our members participate to ensure that the settlement does not go through but that you reach out to others with disabilities who use the Segway as their assistive device to encourage them to participate as well.**

The notice of class action settlement which describes the terms of the settlement and the class member's obligations if they intend to object is available in PDF format on this webpage. The hearing to approve or disapprove of the settlement will be on March 31, 2009 in Orlando, Florida. However, all of the objections must be filed by **March 12, 2009**. DRAFT has retained an attorney to assist in filing the objections and to appear in court on our behalf. If you would like to object to the proposed settlement you may do so by completing the declaration available on this webpage and submitting it to us.

Background:

In November 2007, three individuals with disabilities filed suit against Disney World on their behalf, and on behalf of all other persons with disabilities who want to bring their Segways into Disney World, for refusing to allow them to enter Disney World using their Segways. The lawsuit filed in United States District Court in Orlando, Florida claims that Disney World has violated the rights of individuals with disabilities under the Americans with Disabilities Act.

DRAFT did not instigate this lawsuit and we are not a party to it, but it affects all of our members.

As the only organization which represents the interests of people with disabilities using Segways, we were contacted by the plaintiffs' counsel asking that we advise DRAFT members about the existence of the lawsuit. We were also asked to provide information about the use of Segways by people with disabilities and we were told by plaintiffs' counsel and the plaintiffs that they would not settle the case unless those who have disabilities were assured access with their Segways to Disney venues in Florida.

Without prior notice to DRAFT, in December 2008, the parties submitted a proposed settlement to the court and the court granted its approval, subject to a fairness hearing on March 31, 2009. The settlement allows both Disney World and Disneyland (including California Adventure) to continue to deny access to people with disabilities who are using their Segways. Instead, the settlement allows Disney World and Disney Resorts (California) to develop their own standing electric convenience vehicle on four wheels (not two), supply 15 of them to the parks, and rent them to people with mobility disabilities who need them (on a first-come first-served basis) at \$35 per day (plus a deposit.)

On January 9, 2009 we received formal notice of the settlement and were contacted by plaintiffs' attorneys to request our assistance in distributing notice of the proposed settlement.

DRAFT opposes the settlement because it believes that mobility devices are a highly personalized choice based upon individual needs, lifestyle, convenience, safety, and personal expression. DRAFT believes that the right of people with disabilities to use Segways as their mobility device is guaranteed by the Americans with Disabilities

Act. No person with a disability should be required to surrender their assistive device, whether in a Segway, wheelchair or scooter, at the entrance of a place of public accommodation and be required not only to use but to pay for the right to use an assistive device chosen by another.

Moreover, the proposed electric convenience vehicle is not personalized to the individual needs of the user, is limited in supply, costs money that would not otherwise have to be paid, has much less maneuverability, and includes several other objectionable features.

Please read the Notice of Class Action Settlement very carefully. If you oppose the settlement, as we do, we must receive your declaration as soon as possible so that we may file it by the **March 12, 2009 deadline**.

By remaining silent and allowing this proposed settlement to take effect you will forever foreclose your ability to use a Segway as your mobility device at Disney venues in both Florida and California.

We have advised plaintiffs' counsel that as an organization representing not only our Segs4Vets recipients but also all others who use universally designed technology solutions, we intend to vehemently oppose the settlement as it is not founded in law or in the best interest of the class and does a tremendous disservice to all people with disabilities now and in the future.

If you use a Segway because you have a mobility related disability which is protected by the Americans with Disabilities Act and you intend to visit Disney venues in either California or Florida and you disagree with this settlement agreement, we urge you to immediately reply to this e-mail by filling out the attached declaration which you may also download from our website. You may also contact me for further information and questions.

Once you have filled out the declaration, please e-mail it back by clicking the submit button at the top of the form but we also need your completed declaration with your original signature.

You may fax it to us at 314-965-4956 or mail it to us at 500 Fox Ridge Road, St. Louis, MO 63131.

Your objections will be filed with the court and brought the court's attention by the attorney who will be representing our interests at the hearings in March.

If you intend to come to the hearing on March 31, 2009 in Orlando, Florida to state your objections, please let me know as soon as possible.

Best regards,

Jerry Kerr
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Certified as one of America's Best Charities
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