

## Colorado advocacy group sues Build-A-Bear on behalf of blind customers

Updated: 08/20/2015 01:06:52 AM MDT

DenverPost.com

Build-A-Bear Workshop is under legal fire, accused of not providing its blind customers with accessible point-of-sale devices in Colorado and elsewhere.

The Colorado Cross-Disability Coalition, along with the National Federation of the Blind, on Aug. 11 filed a lawsuit against the St. Louis-based company in the U.S. District Court in Colorado alleging violations of various state laws and the Americans with Disabilities Act. There are four named plaintiffs in the claim, which seeks class-action status.

A second lawsuit, filed in New York, takes aim at clothing retailer J. Crew.

The lawsuits focus on the retailers' use of touch-screen interfaces to complete credit-card payment at the checkout counter.

"Unfortunately, merchants like J.Crew and Build-A-Bear have not taken their obligations under the ADA seriously, and they have failed to make accessibility a priority for their organizations," the coalition's legal program director Kevin Williams said in a statement.

To enter a PIN code when making a purchase, blind customers need point-of-sale devices with tactile keypads and raised markings, said Denver lawyer Jana Eisinger, who represents the plaintiffs on behalf of Martinez Law Group.

"This requirement has been in place in California since 2010. And nationwide, it's been more than a year since the Department of Justice explicitly confirmed that companies are required to have accessible point-of-sale systems," Eisinger said. "Build-A-Bear is one of the few companies that did not respond or make any changes in a timely manner."

Build-A-Bear Workshop declined to comment on the pending litigation.

Both merchants have been sued by blind customers in the past on similar claims, according to a news release.

The current lawsuits seek damages for blind customers in Colorado, New York, Texas and California, which is where the named plaintiffs live.

The National Federation of the Blind also has filed suit against The Container Store for its failure to provide accessible point-of-sale devices. The national federation and the coalition in April sued PetSmart in Colorado on similar claims.

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