



Arizona Attorney General Mark Brnovich

News Release

For Immediate Release: February 17, 2017

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Judge Dismisses More Than 1,000 Frivolous Lawsuits Targeting AZ Small Businesses

PHOENIX - Arizona Attorney General Mark Brnovich announced today a judge dismissed more than 1,000 frivolous lawsuits filed by a serial litigator against Arizona small businesses. Advocates for Individuals with Disabilities (AID) flooded state courts with more than 1,700 lawsuits against Valley businesses in 2016. The copy-and-paste lawsuits alleged that businesses' parking lots did not comply with regulations related to persons with disabilities. Many of the issues were minor and easily fixable, but the lawsuits sought thousands of dollars in damages and attorneys' fees.

"Arizona is not going to tolerate serial litigators who try to shake down small hardworking businesses by exploiting the disability community," said Attorney General Mark Brnovich. *"Today's ruling is a victory for the rule of law."*

Today's ruling comes after the Attorney General's Office filed a motion to dismiss the 1,000 lawsuits based on AID's lack of standing. Some courts have sanctioned AID for these lawsuits and a federal judge also questioned whether AID's attorney "has engaged in a pattern of professionally unethical conduct."

The Attorney General's Office intends to file a Motion for Sanction against AID.

This motion was argued by Assistant Attorney General Matthew Du Mee. Other Assistant Attorneys General participating included Brunn (Beau) W. Roysden III, O.H. Skinner, John Heyhoe-Griffiths, Evan Daniels, Aaron Duell and Civil Division Chief Paul Watkins.

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From: "du Mee, Matthew" <Matthew.duMee@azag.gov>

Date: February 17, 2017 at 3:35:14 PM MST

To: "du Mee, Matthew" <Matthew.duMee@azag.gov>

Subject: **AID: Motion to Dismiss GRANTED, Defendants Must Submit Fee Applications Within 10 Days**

Today, the Court granted our motion to dismiss the consolidated cases with prejudice. Judge Talamante ruled from the bench after oral argument, stating that he would dismiss all of the consolidated cases (with the possible exception of the *Tarian Properties* case). The State will be submitting a proposed form of judgment to the Court.

IMPORTANT: The Court said today that applications for fees and costs must be submitted within the next 10 days. **If you wish to request your fees and costs, you should file a motion with Judge Talamante within 10 days.** Keep in mind that a "fee application must be in sufficient detail to enable the court to assess the reasonableness of the time incurred." *Schweiger v. China Doll Rest., Inc.*, 138 Ariz. 183, 188 (App. 1983).

The State will be filing its own Motion for Sanctions within the next 10 days as well. **Please remember that the Attorney General's Office cannot represent private parties, and cannot give you any legal advice.** We do not represent any defendant and will not be asking for fees on behalf of any defendant. So if you wish to apply for fees and costs, you need to submit your own fee application within 10 days.

For informational purposes only, we believe that only defendants that have hired an attorney are going to be able to request fees. We believe that only defendants that have filed documents with costs associated (such as an answer) are going to be able to recover those associated costs. If the circumstances permit, we would encourage counsel who are representing multiple defendants to file a single request for fees for their various defendants to reduce the volume of filings.

Thanks,
Matthew

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