

Brief Writing project 2

Read through the following three articles about lawsuits against the Disneyland resort. Pay attention to the claims the lawsuits make and the support for those claims. In 3-4 paragraphs total, explain which one of these lawsuits you feel has the best argument against Disneyland and why, and which lawsuit has the worst argument against Disneyland and why.

1. Disneyland Character Refused to Hug Black Kids, Lawsuit Claims

By Deanne Katz, Esq. on February 11, 2013 11:24 AM

Disneyland is "the happiest place on earth," unless you are one of the black kids who were allegedly rejected by the White Rabbit last August.

Jason and Annelia Black, who are African American, say they took their sons to Disneyland last summer. When they saw an actor dressed as the White Rabbit from "Alice in Wonderland," Jason Jr. and his brother Elijah both wanted to take a photo with the character.

They got their photo, but the actor refused to hug the boys or shake their hands, their parents claim. However, when a white family showed up, the rabbit's affectionate demeanor returned. The Blacks filed a complaint.

In response, Disneyland offered to give the family VIP passes, but they declined, reports Fox News. Then Disney offered an apology letter and a check for \$500; in exchange, they wanted the Blacks to sign a confidentiality agreement.

But this isn't about money for the Blacks. It's about fairness.

The parents want Disney to make a public apology and to fire the employee who was dressed as the White Rabbit that day. They feel his actions were racist and that he refused to hug their children because they were black, reports Los Angeles' KCBS-TV.

With the help of a lawyer they've filed a lawsuit to that effect. But can they win?

It will depend on what they can prove. Legally speaking, the Constitution, as well as federal and state laws, generally prohibit discrimination based on race.

Government entities can never discriminate based on race. Certain settings must also be free from racist discrimination, such as housing, employment, voting, transportation, and education.

The same goes for private businesses that are open to the general public, such as hotels, retail stores, restaurants, gas stations, and amusement parks. Under the law, they're known as public accommodations.

Disneyland falls squarely within that definition, according to the Americans with Disabilities Act. While this isn't a case of disability, the definition still applies when it comes to alleged race discrimination.

Whoever was dressed in that White Rabbit costume was working on behalf of Disney. If a court rules his actions were discriminatory, then Disney may have to pay the price as his employer.

Of course, the family will have to prove the actions were really discrimination and not based on some other factor. That is, unless Disney chooses to settle, which has happened in all but a handful of Disney injury lawsuits in recent years.

2. Parents of Autistic Kids Sue Disney Over Policy

By Jenny Tsay, Esq. on April 10, 2014 8:25 AM

Sixteen families with autistic kids are suing Disney over alleged Americans with Disabilities Act (ADA) violations.

The families claim that the park doesn't provide adequate access, after Disney stopped offering "guest assistance cards" to autistic visitors. The "guest assistance cards" allowed the visitors to bypass lines, according to Reuters.

The program was called in question after Disney discovered that people were finding ways to cheat the system.

The ADA and Public Accommodations

Under the ADA, commercial facilities and places of public accommodation are prohibited from discriminating against a person on the basis of their disability. To be covered by the act, the individual must have a physical and mental impairment that substantially limits a "major life activity." Autism is covered.

Businesses that are public accommodations must abide by the ADA's requirements that prohibit exclusion, segregation, or unequal treatment. They must also comply with specific requirements to effectively communicate with people who have hearing or vision disabilities as well as reasonably modifying their policies and procedures to accommodate the disabled.

Abusing the System?

The main reason why Disney discontinued its "guest assistance card" program was because of reported abuse of the system – for example, by people who hired disabled guides at the park in order to cut in line.

Instead of the assistance card, Disney now has a Disability Access Service Card that includes a photo ID. The new system assigns a time for the disabled visitors to return and bypass the line at that time, according to the Orange County Register.

Parents behind the Disney lawsuit claim that the new system discriminates against autistic kids because it doesn't provide an individualized assessment of their needs; many children with autism are unable to wait in line. The parents also allege that even if they have a time set, they sometimes still have to wait in line when they return, the OC Register reports.

In response to the lawsuit, Disney insists it complies with all ADA requirements and believes there's no merit to the parents' legal claims.

3. Disneyland Banned Muslim Woman's Head Scarf: Lawsuit

By Deanne Katz, Esq. on August 15, 2012 8:55 AM

Disneyland can expect a lawsuit from former employee, Imane Boudlal, for their alleged refusal to let her wear her hijab, a Muslim head scarf, in front of customers.

Boudlal worked at 'the happiest place on earth' in California for two and a half years until late 2010. When she began wearing her hijab to work, management told her to take it off, work where customers couldn't see her, or go home.

That was two years ago. After the incident Boudlal filed a complaint with the U.S. Equal Employment Opportunity Commission. Last week they sent her a 'notice of right-to-sue.'

Not all employment discrimination complaints go to court. Claims must first go through the EEOC administrative process.

If that process fails, the EEOC notifies complainants that they can bring a suit in court which is what happened here.

Boudlal allegedly had to deal with derogatory comments about her religion and ethnicity while working at Disneyland. Coworkers harassed her, calling her 'terrorist,' reports the Los Angeles Times.

She reported the incidents to her manager but nothing was done.

Then while studying for a citizenship exam, Boudlal realized she could wear her head scarf to work given U.S. protections for freedom of religion. But when she did wear it to work she was allegedly told she must stay out of sight or take it off.

Federal employment discrimination laws prohibit employers from discriminating against employees for their religion. That generally extends to employees whose religious practice requires a certain dress code.

For employees like Boudlal who have specific clothing requirements, employers must make reasonable accommodations so that workers can wear religious garments.

Boudlal's supervisor allegedly told her she could only wear a Disney provided hijab at work but no date was given for when one would be ready. She was not allowed to wear her own head scarf in the meantime.

Boudlal is being represented by the ACLU and is expected to file suit soon against Disneyland for their refusal to let her wear the traditional Muslim head scarf. Disneyland claims that they make accommodations for religion but cannot comment on this particular case.