



*United States Attorney
Southern District of New York*

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**U.S. SUES FIVE MANHATTAN HOTELS FOR VIOLATIONS OF
THE AMERICANS WITH DISABILITIES ACT**

LEV L. DASSIN, the Acting United States Attorney for the Southern District of New York, announced today that the United States has brought suit against the owners and operators of five Theater District hotels - the MODERNE, the AMERITANIA, the AMSTERDAM COURT, the HOTEL CARTER, and the RADIO CITY SUITES - for violations of the Americans with Disabilities Act of 1990 ("ADA").

According to the Complaints filed in Manhattan federal court:

Although the MODERNE (243 West 55th Street) was designed and constructed after the ADA was passed, it suffers from numerous violations of the ADA Standards for Accessible Design. In particular, its main entrance, registration counter, and public restroom are inaccessible for people with disabilities. The Complaint seeks relief against Amsterdam Hospitality LLC, DKE Realty Corporation, and Jennas LLC, as the owners and operators of the MODERNE hotel.

The AMERITANIA (230 West 54th Street) also has numerous violations of the ADA Standards for Accessible Design. In particular, in violation of the ADA Standards, not one of the AMERITANIA's 219 rooms is accessible for people with disabilities. Nor are its main entrance, registration counter, and public restroom accessible for people with disabilities. The Complaint seeks relief against Amsterdam Hospitality LLC, and Britannia 54th Street Hotel Corporation, as the owners and operators of the AMERITANIA hotel.

The AMSTERDAM COURT (226 West 50th Street) likewise suffers from numerous violations of the ADA Standards. In particular, its main entrance, registration counter, and public restroom are also inaccessible for people with disabilities. The Complaint seeks relief against Amsterdam Hospitality LLC, and Ali Baba Hotel Corporation as the owners and operators of the AMSTERDAM COURT hotel.

The HOTEL CARTER (250 West 43rd Street) also has numerous violations of the ADA Standards. In particular, not one of the HOTEL CARTER's 614 rooms is accessible for people with disabilities. In addition, its main entrance, registration counter, and public restroom are also inaccessible for people with disabilities. The Complaint seeks relief against Alphonse Hotel Corporation as the owner and operator of the HOTEL CARTER.

Finally, RADIO CITY SUITES (142 West 49th Street), also has numerous violations of the ADA Standards for Accessible Design. In particular, not one of the RADIO CITY SUITES hotel's 113 rooms is accessible for people with disabilities. In addition, its main entrance and public restroom are also inaccessible. The Complaint seeks relief against 49th Street Hotel Corporation as the owner and operator of the RADIO CITY SUITES hotel.

Each Complaint seeks a declaration that the hotel is in violation of the ADA, an injunction requiring the owners and operators of the hotels to remove all ADA violations, and civil penalties, which by law may be as large as \$55,000.

The United States Attorney's Office commenced a compliance review of approximately 50 Theater District hotels in 2005. As a result of that review, the United States Attorney's Office has entered into voluntary compliance agreements with 15 of those hotels, and is in the process of finalizing an additional 29 agreements. The five hotels mentioned above are the first to be sued in connection with that review.

"Our Office has worked for more than three years with Theater District hotels to improve accessibility for persons with disabilities, and numerous hotels have entered into voluntary compliance agreements that have greatly expanded the number of accessible rooms in New York's Theater District. The complaints filed today demonstrate our intention fully to enforce the Americans with Disabilities Act in the important area of access to hotel accommodations." Mr. DASSIN said.

Assistant United States Attorneys LAWRENCE H. FOGELMAN, CAROLINA A. FORNOS, DAVID J. KENNEDY, and HEATHER K. McSHAIN are in charge of the cases.

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