



## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

April 13, 2012

The Honorable Darrell Steinberg  
Senate President pro Tempore  
California State Senate  
State Capitol  
Room 205  
Sacramento, California 95814

Dear Darrell:

Thank you for your prompt response to my March 8<sup>th</sup> letter regarding abusive demand letters and lawsuits filed against California small business owners for noncompliance with the Americans with Disabilities Act (ADA). I appreciate your leadership on this issue and commend you for your efforts to address this problem through the passage of SB 1608 (Corbett, 2008) and SB 384 (Evans, 2011).

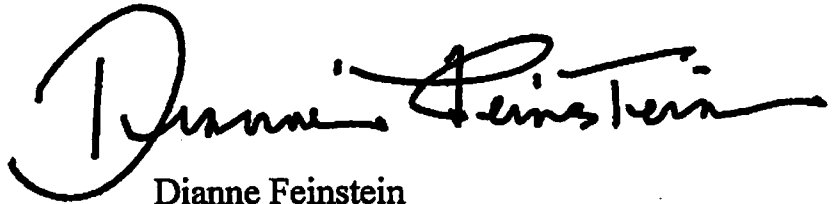
I understand that SB 1608 was a carefully-crafted compromise agreement that has created some positive changes related to disability access lawsuit reform. However, despite these sincere efforts, it appears that this legislation has not succeeded in ending these abusive lawsuit practices, as they nevertheless have continued to occur in the three years that have passed since SB 1608 became law. As you may recall, a majority of the demand letters that I shared with you in my previous letter were sent after the enactment of SB 1608.

Today, we are still witnessing an alarming rate of demand letters that are being sent to small business owners demanding settlements in the range of \$5,000 - \$8,000. The payment of this settlement amount, combined with the cost of hiring a lawyer to respond to the demand letter, can easily add up to more than \$15,000 in costs for a small business owner. As you know, these unforeseen costs can be devastating to the "mom and pop shops" that are struggling to remain open for business.

Thus, I believe it is critical that a 90-day right to cure be enacted to help small businesses respond to this problem and, once and for all, to end these abuses by certain aggressive attorneys and predatory plaintiffs. I strongly urge you to reconsider your position on this approach. A business owner's ability to cure an ADA violation within 90 days would give that owner the opportunity to comply with the law without the wasteful expense of a lawsuit, which in my view would represent a win both for people with disabilities and for California small businesses.

Thank you again for your efforts in this area, and I hope that you will reconsider your position and help to advance the "right-to-cure" proposals that have been introduced in the California State Legislature.

Sincerely,

A handwritten signature in black ink that reads "Dianne Feinstein". The signature is written in a cursive style with a large, prominent initial "D".

Dianne Feinstein  
United States Senator