

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

RAFAEL QUIÑONES

Plaintiff

v.

CIVIL NO.

**PLAZA CAROLINA MALL, L.P.;
ASIAN FOOD & BISTRO LLC; HOT
TOPIC, INC.; BARCELONETA
CINEMA CORP.; ELBARDI
INTERNATIONAL PR PREMIUM
L.L.C.; INTERNATIONAL
RESTAURANT SERVICES, INC.;
DREAM TEAM COLLECTIBLES
LLC; CARIBE PHARMACY
MANAGEMENT LLC; GAP
(PUERTO RICO INC.); GUESS ?
RETAIL, INC.; METROPOL SAN
JUAN, INC.; RESTAURANTS
OPERATORS, INC.; PERRY ELLIS
MENSWEAR PUERTO RICO, LLC;
THE NEW 5-7-9 AND BEYOND,
INC.; SOFT & CREAMY, INC.;
G.A.C. FOOD INC.; FAST FOOD
MANAGEMENT, INC.;
CLEARSEA CORP.**

Defendants

COMPLAINT

TO THE HONORABLE COURT:

The Plaintiff, Rafael Quiñones, (hereinafter "plaintiff" or "Mr. Quiñones") on behalf of their own interests, respectfully requests a Permanent Injunction against Plaza Carolina Mall, L.P.; Asian Food & Bistro LLC; Hot Topic, Inc.; Barceloneta Cinema Corp.; Elbardi International PR Premium L.L.C.; International Restaurant Services, Inc.; Dream Team Collectibles LLC.; Caribe Pharmacy Management LLC; Gap (Puerto Rico Inc.); Guess ?

Retail, Inc.; Metropol San Juan, Inc.; Restaurants Operators, Inc.; Perry Ellis Menswear Puerto Rico, LLC; The New 5-7-9 And Beyond, Inc.; Soft & Creamy, Inc.; G.A.C. Food Inc.; Fast Food Management, Inc.; and Clearsea Corp. (hereinafter the defendants) in accordance with Title III of the *Americans with Disabilities Act*.

I. PARTIES

1. The Plaintiff Rafael Quiñones is a resident of the Municipality of Florida.
2. The Defendants are as follows:
 - 2.1. Plaza Carolina Mall, L.P. is the owner, lessor, and/or operator of Puerto Rico Premium Outlets.
 - 2.2. Asian Food & Bistro LLC is the owner, lessor, lessee, and/or operator of the public accommodation known as Asian & Bistro.
 - 2.3. Hot Topic, Inc. is the owner, lessor, and operator of BoxLunch.
 - 2.4. Barceloneta Cinema Corp. is the owner, lessor, and operator of Caribbean Cinemas.
 - 2.5. Elbardi International PR Premium L.L.C. is the owner, lessor, lessee, and/or operator of Charley's Philly Steaks.
 - 2.6. International Restaurant Services, Inc. is the owner, lessor, lessee, and/or operator of Chilis Grill & Bar.
 - 2.7. Dream Team Collectibles LLC is the owner, lessor, lessee, and/or operator of Dream Team Collectibles.
 - 2.8. Caribe Pharmacy Management LLC is the owner, lessor, lessee, and/or operator of Farmacia Caridad.
 - 2.9. Gap (Puerto Rico Inc.) is the owner, lessor, lessee, and/or operator of Gap Factory Store.
 - 2.10. Guess ? Retail, Inc. is the owner, lessor, lessee, and/or operator of Guess Factory.

- 2.11. Hot Topic, Inc. is the owner, lessor, and/or operator of Hot Topic.
- 2.12. Metropol San Juan, Inc. is the owner, lessor, lessee, and/or operator of Metropol Restaurant-Barceloneta.
- 2.13. Restaurants Operators, Inc. is the owner, lessor, lessee, and/or operator of Olive Garden Barceloneta.
- 2.14. Perry Ellis Menswear Puerto Rico, LLC is the owner, lessor, lessee, and/or operator of Perry Ellis.
- 2.15. The New 5-7-9 And Beyond, Inc. is the owner, lessor, lessee, and/or operator of Rainbow Shops.
- 2.16. Soft & Creamy, Inc. is the owner, lessor, lessee, and/or operator of Soft & Creamy.
- 2.17. G.A.C. Food Inc. is the owner, lessor, lessee, and/or operator of The Taco Maker.
- 2.18. Fast Food Management, Inc. is the owner, lessor, lessee, and/or operator of The Hot Potato - Prime Outlet - Barceloneta.
- 2.19. Clearsea Corp. is the owner, lessor, lessee, and/or operator of Wetzel's Pretzels.

II. ALLEGATIONS

A. Regarding the Plaintiff Medical Conditions

- 3. Mr. Rafael Quiñones lives with hydrocephalus and spina bifida, two medical conditions that significantly impact his mobility and daily life. Hydrocephalus is a condition that causes an excessive accumulation of fluid in the brain, leading to increased pressure that can affect neurological functions. Spina bifida, on the other hand, is a congenital spinal defect that results in motor difficulties, often causing partial or total paralysis of the lower limbs. Due to these conditions, Mr. Quiñones has severe mobility limitations and relies on a wheelchair to move around.

4. His disability affects nearly every aspect of his daily routine. Tasks that might seem simple to others, such as getting in and out of bed, dressing, or preparing meals, require extra effort and, in many cases, assistance. He must carefully plan his day to ensure that he has the necessary accommodations and support to complete essential activities. Something as basic as transferring from his wheelchair to a chair or using certain facilities can be challenging, requiring both time and effort.

B. Concerning the Properties in Question and the Court's Jurisdiction

5. The property in question is a public accommodation known as Puerto Rico Premium Outlets, located at 1 Premium Outlets Blvd, Barceloneta, PR 00617-0000.
6. The following places are places of public accommodation located inside Puerto Rico Premium Outlets that are also in controversy due to the presence of barriers:
 - 6.1. The location in controversy is a place of public accommodation, known as Aldo, located at 1 Premium Outlets Blvd, Space 120, Barceloneta, PR 00617-0000, with coordinates 18.43997587304622, -66.54097127586556.
 - 6.2. The location in controversy is a place of public accommodation, known as Asian & Bistro, located at 1 Premium Outlets Blvd, Space F40, Barceloneta, PR 00617-0000, with coordinates 18.439261682330468, -66.54057489673112.
 - 6.3. The location in controversy is a place of public accommodation, known as BoxLunch located at 1 Premium Outlets Blvd, Space 620, Barceloneta, PR 00617-2539, with coordinates 18.438450359342646, -66.53952006778651.
 - 6.4. The location in controversy is a place of public accommodation, known as Caribbean Cinemas located at 1 Premium Outlets Blvd, Space 140, Barceloneta, PR 00617-2539, with coordinates 18.436743201648458, -66.53943013597296.

- 6.5. The location in controversy is a place of public accommodation, known as Charley's Philly Steaks located at 1 Premium Outlets Blvd, Space FC100, Barceloneta, PR, 00617-2360, with coordinates 18.43927030415231, -66.53941308455343.
- 6.6. The location in controversy is a place of public accommodation, known as Chili's Grill & Bar located at Intersection Hwy. 140, Prime Outlets Village Shopping Center, Bo. Manati Abajo, Barceloneta, PR 00617-0000, with coordinates 18.436535217154955, -66.54063192322806.
- 6.7. The location in controversy is a place of public accommodation, known as Dream Team Collectibles located at 1 Premium Outlets Blvd #F100, Barceloneta, PR, 00617-0000, with coordinates 18.438771160460192, -66.54093364440591.
- 6.8. The location in controversy is a place of public accommodation, known as Farmacia Caridad located at 1 Premium Outlets Blvd, Barceloneta, PR 00617-0000, with coordinates 18.436748300573004, -66.5420779029297.
- 6.9. The location in controversy is a place of public accommodation, known as Gap Factory Store located at 1 Premium Outlets Blvd, Ste 165, Barceloneta, PR 00617-2630, with coordinates 18.439466927798115, -66.54198439737456.
- 6.10. The location in controversy is a place of public accommodation, known as Guess Factory located at 1, KM 5548 Premium Outlets Blvd, Space 110, Barceloneta, PR 00617-0000 with coordinates 18.438356873974733, -66.54196921680922.
- 6.11. The location in controversy is a place of public accommodation, known as Hot Topic located at 1 Prime Outlets Blvd, KM 54.8 RM 530, Barceloneta, PR 00617-0000 with coordinates 18.4384738690224, -66.54016674848161.

- 6.12. The location in controversy is a place of public accommodation, known as Metropol Restaurant - Barceloneta located at Premium Outlets Blvd, Barceloneta, PR 00617-000, with coordinates 18.43677544223396, -66.53916902260583.
- 6.13. The location in controversy is a place of public accommodation, known as Olive Garden Barceloneta located at 1 Premium Outlets Blvd, Barceloneta, PR 00617-000, with coordinates 18.436681671778267, -66.540114505577.
- 6.14. The location in controversy is a place of public accommodation, known as Perry Ellis located at 1 Prime Outlets Blvd, Suite #330, Barceloneta, PR 00617-000, with coordinates 18.438656183678678, -66.54101345041069.
- 6.15. The location in controversy is a place of public accommodation, known as Rainbow Shops located at 1 Premium Outlets Blvd, Ste 570, Barceloneta, PR 00617-2535, with coordinates 18.439123142408043, -66.53936532697705.
- 6.16. The location in controversy is a place of public accommodation, known as Soft & Creamy located at 1 Premium Outlets Blvd, Ste F10, Barceloneta, PR 00617-3372, with coordinates 18.43942607222712, -66.54073691349247.
- 6.17. The location in controversy is a place of public accommodation, known as The Taco Maker located at 1 Premium Outlets Blvd, Ste FC20, Barceloneta, PR 00617-2698, with coordinates 18.439412626138537, -66.54067828465661.
- 6.18. The location in controversy is a place of public accommodation, known as The Hot Potato - Prime Outlet - Barceloneta located at 1 Premium Outlets Blvd, Ste FC80, Barceloneta, PR 00617-2691, with coordinates 18.439335430635147, -66.54033125396984.

- 6.19. The location in controversy is a place of public accommodation, known as Wetzel's Pretzels located at 1 Premium Outlets Blvd, Ste 430, Barceloneta, PR 00617-2568, with coordinates 18.438794456080487, -66.54079945767171.

C. Discrimination in the Puerto Rico Premium Outlets in

Responsibility of Plaza Carolina Mall, L.P.
Puerto Rico Premium Outlets

7. Mr. Rafael Quiñonez wants to visit Puerto Rico Premium Outlets because he is attracted to the variety of stores featuring renowned brands that offer exclusive discounts. He is interested in taking advantage of deals on clothing, technology, and accessories. Additionally, he appreciates having dining options available to relax after a day of shopping. The mall's location and the possibility of combining his visit with other activities in the area make him eager to experience this destination. However, since November 2024, Mr. Rafael has been aware of architectural obstacles that make it difficult for him to access and move around the location. These challenges have discouraged him from visiting, as he wants to avoid situations that might cause discomfort or restrict his independence while navigating the store. The specific barriers that Mr. Rafael is aware of include:

- 7.1. Lack of Accessible Parking Spaces: Mr. Rafael is aware that the limited availability of accessible parking spaces presents a significant obstacle to his daily mobility. Frequently, when he arrives at an establishment, he is unable to find a suitable parking spot, forcing him to leave his vehicle in areas that are farther away and less convenient for his needs. As a result, he must travel longer distances and navigate surfaces that may be uneven or unsafe, making his movement more challenging and increasing the risk of incidents. Additionally, the

lack of adequate parking spaces forces him to rely on others for assistance, reducing his independence and adding extra concerns. The absence of accessible options not only requires more physical effort from him but also turns a simple task into an exhausting and impractical process.

- 7.2. Lack of Proper Signage for Accessible Parking Spaces: Mr. Rafael is aware that the lack of proper signage and clear demarcation for accessible parking spaces creates constant difficulties when trying to park. When these spaces are not properly marked, they are often occupied by vehicles belonging to individuals who do not require them, preventing him from using them. As a result, he is forced to park in areas that are not adapted for individuals with mobility impairments, which lack necessary features such as sufficient space for wheelchair access, or proximity to accessible entrances. This situation significantly affects him, as navigating these non-adapted spaces increases the risk of accidents, falls, or additional strain when maneuvering his wheelchair. It also forces him to take longer and more complex routes that do not accommodate his needs, making a simple task like parking unnecessarily difficult. Beyond the physical challenges, the absence of proper signage and clear designation leads to frequent misuse of these spaces, reinforcing a lack of awareness about their importance and further restricting his ability to move independently and safely.
- 7.3. Uneven Surfaces in Accessible Parking Spaces: Mr. Rafael experiences constant challenges due to the poor condition of the ground in accessible parking spaces. These areas have deteriorated surfaces, cracks, uneven pavement, and slippery textures that make maneuvering his wheelchair extremely difficult. These

irregularities compromise his stability, increase the risk of falls, and obstruct his ability to move safely. What should be a straightforward access point becomes an additional barrier, requiring more time and effort to navigate. The difficulty of moving through these terrains places unnecessary physical strain on him, making routine tasks more exhausting and limiting his ability to carry out daily activities independently. The lack of proper maintenance in these areas directly hinders his mobility and clearly reflects the disregard for the needs of individuals with limited mobility.

7.4. Accessibility Ramps with Improper Slope: Mr. Rafael is aware that the incorrect slope of some accessibility ramps significantly hinders his mobility. In many places, ramps are too steep, making it extremely difficult to ascend and creating a risk of slipping or losing control of his wheelchair when descending. Additionally, the lack of handrails or non-slip surfaces on some ramps further exacerbates the problem, increasing the chances of accidents. Instead of providing a safe solution, these poorly designed ramps become an additional challenge that restricts his independence. To avoid accidents, he often has to look for alternative routes or rely on assistance from others, which reduces his autonomy and causes discomfort.

7.5. Accessibility Ramps Located Far from Main Entrances: Mr. Rafael is aware that the placement of some accessible ramps creates an obstacle in his daily routine. In many establishments, such as Guess Factory, Perry Ellis or Wetzel's Pretzels, these ramps are not near the main entrances, forcing him to take a longer and more complicated route just to enter. This situation not only requires additional

physical effort but also wastes his time and energy on unnecessary detours. Furthermore, because he has to take extended routes, he frequently encounters uneven surfaces, slopes, or architectural barriers that make his mobility even more difficult. Instead of offering him direct and convenient access, the distant placement of ramps adds to his challenges, making him feel that accessibility for people with limited mobility has not been properly considered.

- 7.6. Long Distance Between Accessible Parking and Business Entrances: Mr. Rafael is aware that the excessive distance between accessible parking spaces and the entrances of some businesses, such as Guess Factory, Perry Ellis or Wetzel's Pretzels, is a constant difficulty. In many cases, the designated accessible route to the entrance is unnecessarily long, requiring him to travel much farther than needed before even reaching the building. This extended route increases his physical strain, and in extreme weather conditions such as intense heat or rain, makes his journey even more exhausting and uncomfortable. Additionally, many of these paths include slopes, vehicle crossings, or uneven surfaces, adding even more obstacles to his movement. Instead of allowing him to reach his destination quickly and easily, these long distances demand extra effort, limiting his comfort and independence in everyday activities.
- 7.7. Lack of Accessible Ramps in Areas with Level Changes: Mr. Rafael is aware that the absence of accessible ramps in areas with level changes presents a significant barrier to his daily mobility. In many public and commercial spaces, he encounters steps or uneven surfaces without an accessible alternative, making it difficult for him to continue his route smoothly. In these situations, he is forced to

look for longer and less practical paths or, in some cases, rely on others for assistance to overcome the obstacle. This lack of proper infrastructure not only makes his movement more challenging but also makes him feel excluded and limits his access to places that are supposed to be designed for everyone. Additionally, the extra effort required to find a viable alternative causes physical strain and frustration, impacting his independence and overall experience in urban environments.

- 7.8. To eliminate accessibility barriers at Prime Outlets, improvements must be made in parking, signage, ramps, and pathways to ensure compliance with accessibility standards and provide a seamless experience for individuals with mobility impairments. Accessible parking spaces must be increased and relocated closer to main entrances to reduce unnecessary detours. Proper enforcement should be implemented to ensure that only authorized vehicles use these spaces, preventing misuse. Additionally, clear and visible signage with ground markings and vertical signs must be installed to improve identification and maintain accessibility. Parking surfaces require regular maintenance to repair cracks, uneven pavement, and slippery textures. The use of non-slip and durable materials should be prioritized to ensure a stable and safe surface for all users. Accessibility ramps should be relocated and redesigned to comply with proper slope standards. Ramps must be positioned near main entrances, eliminating the need for extended routes. They should also include handrails and non-slip surfaces to enhance safety and ease of use. Pathways from parking areas to store entrances must be redesigned to create direct and obstacle-free routes. Any steep slopes, high-traffic crossings, or

unstable surfaces should be removed or modified to ensure smooth and accessible movement. In areas with level changes and no existing ramps, new ramps must be installed to provide continuous accessibility. The implementation of these solutions would not only ensure that Mr Quiñones can move more safely and comfortably but also eliminate the extra effort he currently has to exert on every trip.

Responsibility of Plaza Carolina Mall, L.P. and Asian Food & Bistro LLC
Asian & Bistro

8. Mr. Rafael Quiñonez enjoys Asian cuisine, appreciating the richness of flavors, the variety of ingredients, and the unique combinations that characterize this gastronomy. Dishes such as fried rice, dumplings, and sushi are among his favorites, allowing him to experience different textures and aromas in every bite. For this reason, he has developed an interest in visiting the Asian & Bistro restaurant, eager to explore its diverse menu and authentic flavors. As a lover of Asian cuisine, he is excited to try its signature dishes, from carefully prepared sushi to flavorful stir-fries and handcrafted dumplings. However, since February, 2025, Mr. Rafael has been aware of architectural barriers that hinder his access and mobility within the restaurant. These barriers dissuade him from going, as they create discomfort and limit his independence while using his wheelchair. The barriers that Mr. Rafael is aware of are:

- 8.1. Excessively High Counters: Mr. Rafael is aware that the excessively high counters at Asian & Bistro represent a significant barrier to his experience at the restaurant. This disproportionate height not only makes direct contact with the staff difficult but also prevents him from easily accessing a key part of the service, such as selecting his order. The lack of accessibility at this essential point forces him to

rely on others for something as basic as choosing his meal, limiting his autonomy and creating a sense of exclusion. Beyond its impact on his independence, this barrier causes him considerable physical discomfort. The need to adopt uncomfortable postures to try to interact with the counter generates tension and fatigue, making the dining experience physically exhausting. The combination of these difficulties not only frustrates him but also makes him feel dissuaded from returning, as what should be an enjoyable experience turns into an unnecessary challenge.

8.2. Inaccessible Tables: Mr. Rafael is aware that the tables at Asian & Bistro present a significant barrier due to the lower support bar, which limits his ability to position himself properly. This structure prevents him from getting close enough to the table, restricting his mobility and forcing him into an uncomfortable posture that causes tension and fatigue. Beyond the physical discomfort, this barrier directly impacts his experience at the restaurant. The difficulty in positioning himself correctly makes him feel excluded and prevents him from enjoying his meal with the comfort and autonomy that every diner deserves. The lack of an accessible design turns what should be an enjoyable moment into a frustrating situation, making him feel dissuaded from returning.

8.3. Lack of Circulation and Accessibility: Mr. Rafael is aware that the narrow space between tables and chairs at Asian & Bistro represents a significant barrier to his mobility within the restaurant. The tightly arranged furniture makes it difficult for him to move around, forcing him to maneuver with great effort to navigate between tables. This lack of adequate space not only causes discomfort but also

makes him feel like a burden to other diners and the restaurant staff. Beyond its impact on his autonomy, this barrier causes stress and frustration, as any attempt to move becomes a constant challenge. The feeling of being restricted in a space that does not consider his needs makes the restaurant experience unwelcoming and discouraging. Instead of enjoying his visit, he finds himself struggling with obstacles that make him feel dissuaded from returning.

- 8.4. The accessibility barriers at Asian & Bistro could be addressed by implementing necessary modifications to create a more inclusive and accessible dining environment. To resolve the issue of excessively high counters, the restaurant could install a lower, accessible counter section that allows for direct interaction between customers and staff. This adjustment would enable Mr. Rafael and others with similar mobility needs to place their orders independently, restoring their autonomy and making the ordering process more inclusive and comfortable. For the inaccessible tables, replacing or modifying tables with lower support bars would significantly enhance accessibility. Providing tables with open space underneath would allow Mr. Rafael to position himself comfortably, eliminating the need for awkward postures and physical strain. Ensuring that a portion of tables meets accessibility standards would create a more equitable dining experience for all patrons. To improve circulation and accessibility, the restaurant should consider rearranging its layout to allow for adequate space between tables and chairs. By widening pathways and reducing congestion in dining areas, Mr. Rafael would be able to move freely without struggling to navigate through tight spaces or feeling like an inconvenience to others. If these barriers are resolved,

Mr. Rafael would no longer feel dissuaded from going and could fully enjoy his visit to the restaurant.

**Responsibility of Plaza Carolina Mall, L.P. and Hot Topic, Inc.
BoxLunch.**

9. Mr. Rafael Quiñones has the intention of visiting Box Lunch because he knows that there he finds a wide variety of items and unique collectibles that are hard to find elsewhere. The store offers affordable prices, and the employees are always kind and respectful, making the experience enjoyable. However, since January, 2025 he has felt discouraged from going because he is aware of several architectural barriers that prevent his access.

The barriers he is aware of are the following:

- 9.1. Lack of Access Route: Mr. Quiñones notices that the absence of an access route to the establishment makes it extremely difficult, if not impossible, for him to reach the entrance on his own. Uneven surfaces, curbs, and steps create physical barriers that his wheelchair cannot overcome without significant effort or external help. If he encounters a step, he has to wait for someone to lift his wheelchair, which is both uncomfortable and unsafe. Navigating through such obstacles adds unnecessary stress and inconvenience to his daily life. Knowing that simply getting inside will be a struggle, he feels disheartened and ultimately discouraged from visiting the place.
- 9.2. Heavy Entrance Door: Mr. Rafael Quiñones is aware that the heavy entrance door presents a major difficulty for him. Because he has severe mobility limitations and relies on a wheelchair, opening a door that requires significant force is extremely challenging. He has to push with great effort while balancing himself in his wheelchair, which is exhausting and, at times, nearly impossible without

assistance. When the door opens outward, he struggles to hold it open while maneuvering his wheelchair through the entrance. This frustrating and physically demanding process makes entering the establishment an exhausting task, making him feel unwelcome and dissuading him from visiting the place.

9.3. Inaccessible Product Shelves: Mr. Rafael Quiñones recognizes that the height of the product shelves creates a frustrating barrier for him. Since he remains seated in his wheelchair, his reach is significantly lower than that of a standing person. Many items are placed beyond his arm's length, forcing him to stretch uncomfortably or attempt to grab objects with difficulty, which often leads to dropping them. If no one is nearby to assist him, he is unable to access the products he needs, leaving him feeling dependent and excluded. The constant struggle to perform a simple task, like selecting an item from a shelf, makes the experience frustrating and discourages him from going to the establishment.

9.4. High Counter: Mr. Rafael Quiñones acknowledges that the high counter creates a significant challenge when trying to interact with staff or complete a transaction. Because he remains seated in his wheelchair, the counter is above his eye level, making it difficult for him to see the cashier, place his hands comfortably on the surface, or exchange money and products. He has to raise his arms awkwardly to complete a payment, and sometimes he cannot even see the details of a transaction clearly. This makes him feel overlooked and frustrated, as he cannot engage in a normal customer experience. The discomfort of struggling to interact with the counter makes him feel excluded and dissuades him from going.

- 9.5. Shallow Counter: Mr. Quiñones is also aware that the lack of counter depth prevents him from positioning himself close enough to use it comfortably. His wheelchair requires additional space in front of him, and a shallow design does not allow sufficient clearance for him to roll in and rest his arms or securely place objects. As a result, he is forced to reach forward uncomfortably, straining his shoulders and making basic transactions more difficult. Signing a receipt, placing his wallet down, or handling change becomes a challenge, increasing the risk of dropping items and restricting his movement. The difficulty of simply using the counter adds to his frustration and ultimately discourages him from visiting the establishment.
- 9.6. The barriers in BoxLunch could be eliminated by implementing practical accessibility improvements. A designated access route must be created, providing a smooth, step-free pathway to the entrance so he can navigate easily in his wheelchair. The entrance door should be replaced with an automatic or lighter door to allow Mr. Quiñones to enter without requiring excessive force. Product shelves should be rearranged so that essential items are placed at a reachable height for him, ensuring independent access. The high counter should be lowered or equipped with a section at a height that allows him to interact comfortably with the staff and complete transactions without difficulty. Additionally, the shallow counter must be adjusted to provide enough depth for him to position himself properly and carry out necessary tasks without strain. These improvements would remove the obstacles that currently make his visit difficult, allowing him to access the establishment without unnecessary challenges.

9.7. Without the architectural barriers, Mr. Rafael Quiñones visits Box Lunch at Puerto Rico Premium Outlets without hesitation. He loves pop culture and enjoys finding collectibles, accessories, and merchandise from his favorite franchises. Seeing and choosing items in person makes the experience even more exciting for him. The wide variety of products, from Disney and anime to Marvel and Harry Potter, always captures his interest.

**Responsibility of Plaza Carolina Mall, L.P. and Barceloneta Cinema Corp.
Caribbean Cinemas**

10. During his visits to Puerto Rico Premium Outlets, Mr. Rafael Quiñones, a true cinephile, is always drawn to the idea of watching movies. His passion for cinema makes Caribbean Cinemas an ideal destination, offering a great selection of films and an immersive atmosphere that he thoroughly enjoys. However, despite his enthusiasm, he has felt discouraged from visiting Caribbean Cinemas since January 2025, due to several architectural barriers that prevent his access. He is aware of the following barriers:

- 10.1. Lack of a Marked Accessible Route from the Parking Lot: Mr. Quiñones realizes that there is no designated accessible route from the parking lot with horizontal pavement markings to guide him safely to the entrance. Without a clear path, he has to find his way through areas that may be uneven, obstructed, or unsafe, making the journey more complicated. The lack of a direct and secure route forces him to navigate unpredictably, requiring extra time and effort just to reach the entrance. The added difficulty in accessing the building discourages him from going.
- 10.2. Worn and Damaged Ramp Surface: Mr. Rafael Quiñones observes that the worn-out paint, cracks, and potholes on the access ramp make it difficult and

unsafe for him to use. Since he moves in a wheelchair, the uneven surface makes it hard to maintain control, requiring extra effort to avoid sudden jolts or obstacles. The faded paint reduces visibility, making it unclear where the correct path is, adding unnecessary difficulty to his access. The struggle to use the ramp comfortably discourages him from entering the establishment.

10.3. Obstructed Entrance: Mr. Rafael Quiñones knows that the presence of bars and rugs along the route to the main entrance creates a significant challenge for him. Since he relies on a wheelchair, these obstacles make maneuvering difficult, requiring extra effort to navigate around or over them. Rugs create resistance against his wheels, slowing his movement and making it harder to maintain control, while bars block his path, forcing him to find an alternative way through. The struggle to reach the entrance with unnecessary effort makes visiting the place frustrating and discouraging. For this reason, he feels discouraged from visiting the place.

10.4. High Ticket Booth with Glass: Mr. Rafael Quiñones recognizes that the height of the gray ticket booth with glass makes communication and transactions difficult. Since he remains seated, the booth is positioned too high for him to see the staff properly or comfortably exchange money and tickets. He has to strain his arms to reach the counter, and at times, he cannot even see the transaction taking place. This lack of accessibility makes purchasing tickets an inconvenient and unpleasant task, discouraging him from visiting.

10.5. Shallow Ticket Booth with Glass: Mr. Quiñones notices that the gray ticket booth with a shallow counter does not provide enough space for him to position himself

close enough to use it comfortably. His wheelchair requires adequate space in front, but the shallow surface forces him to stretch forward awkwardly, making it difficult to reach for tickets or handle money. This physical strain turns a simple interaction into a frustrating experience, discouraging him from using the service.

- 10.6. Obstacles in the Access Route: Mr. Rafael Quiñones identifies that promotional movie advertisements placed along the place obstruct his movement and create unnecessary complications. Since he moves in a wheelchair, navigating around these obstacles requires constant effort to adjust his direction and avoid collisions. If the space is too cluttered, moving forward requires extra time and energy, making his mobility slow and uncomfortable. The added difficulty of maneuvering through the area discourages him from going.
- 10.7. Narrow Queue Lanes: Rafael Quiñones is aware that the narrow queue lanes severely restrict his movement. The space between the barriers is too tight for him to turn or pass through comfortably, making navigation difficult and requiring precise adjustments to avoid getting stuck. If the lanes do not allow enough room, he has to exert extra effort to move forward or reposition himself multiple times. This lack of space makes mobility within the establishment frustrating and discourages him from going.
- 10.8. High Concession Counters: Mr. Quiñones notices that the high concession counters prevent him from interacting comfortably with the staff or making purchases independently. Since he remains seated in his wheelchair, the counters are above his reach, making it difficult for him to see the products, exchange money, or receive items without straining. He has to stretch his arms

uncomfortably or ask for assistance to complete a simple transaction. The constant difficulty in accessing basic services makes the experience frustrating and dissuades him from visiting.

10.9. The barriers in Caribbean Cinemas could be eliminated by implementing key accessibility improvements. A clearly marked accessible route from the parking lot must be established with visible horizontal pavement markings to guide movement safely. The access ramp requires immediate maintenance, including repainting for visibility and repairing cracks and potholes to ensure a stable surface. The entrance route can be cleared by removing bars and replacing rugs with slip-resistant flooring to ensure smooth wheelchair movement. The ticket booth height should be lowered, and the shallow counter should be extended to allow comfortable positioning for transactions. Promotional advertisements inside the establishment should be repositioned to keep pathways clear and unobstructed. Queue lanes should be widened to provide enough space for easy navigation. Concession counters must be lowered to a height that allows direct interaction without requiring excessive reach. These adjustments remove unnecessary obstacles, making access more practical and reducing the physical effort required for mobility.

10.10. Without the architectural barriers that once hindered his access, Mr. Rafael Quiñones has the possibility of enjoying a full experience at Caribbean Cinemas. The improved accessibility allows him to move around easily and comfortably, which in turn enables him to enjoy the diverse movie selection, immersive sound, and the opportunity to share a pleasant moment with friends or family.

**Responsibility of Plaza Carolina Mall, L.P. and Elbardi International PR Premium
L.L.C.-
Charley's Philly Steaks**

11. Mr. Rafael Quiñones loves high-quality food, and his appreciation for freshly prepared meals makes Charley's Philly Steaks an appealing option whenever he visits Puerto Rico Premium Outlets. Known for its made-to-order sandwiches crafted with premium ingredients like 100% USDA choice steak, the restaurant stands out, especially with its signature cheesesteaks, grilled to perfection and topped with fresh, hand-cut vegetables. Beyond the cheesesteaks, Charley's diverse menu, featuring original and ultimate fries, real-fruit lemonades, and indulgent shakes, adds to its appeal as one of the standout dining choices in the area. However, since December 2024, he is aware of the following architectural barriers that hinder accessibility to the establishment, deterring him from attempting a visit:

- 11.1. Inaccessible Counter: Mr. Rafael Quiñones is aware that the ordering and payment counter at Charleys Cheesesteaks is too high and lacks sufficient depth, making it impossible for him to approach comfortably in his wheelchair. The excessive height prevents him from seeing the menu clearly or interacting with the cashier at eye level, forcing him to strain his neck and rely on assistance to place an order or make a payment. Additionally, the lack of proper counter depth means he cannot position his wheelchair close enough to comfortably complete a transaction, further restricting his independence. This design flaw turns a simple action into a frustrating and exclusionary experience for him.
- 11.2. Non-Accessible Tables: Mr. Quiñones also knows that the restaurant's tables are not designed to accommodate wheelchair users, as they feature a low support bar

underneath that obstructs his ability to roll under them. This structural limitation prevents him from sitting comfortably and aligning his wheelchair properly with the table, making it difficult for him to enjoy a meal without feeling awkward or physically restricted. Instead of being able to position himself naturally like other customers, he is left with inadequate space, forcing him to sit at an uncomfortable angle or seek assistance just to have a dining experience that should be effortless.

- 11.3. To ensure accessibility, Charleys Cheesesteaks must lower a section of the counter to a compliant height and provide adequate depth to allow wheelchair users like Mr. Quiñones to approach comfortably and complete transactions independently. Additionally, the restaurant must replace or modify tables to eliminate obstructive support bars, ensuring that wheelchair users can sit properly and align themselves with the table without difficulty. These adjustments are essential to comply with accessibility standards and to provide Mr. Quiñones with an equal and dignified dining experience.

Responsibility of Plaza Carolina Mall, L.P. and International Restaurant Services Inc. Chili's Grill & Bar.

12. Mr. Rafael Quiñones has a strong desire to dine at Chili's, renowned for its lively atmosphere and signature dishes like Baby Back Ribs and sizzling fajitas. He has heard positive feedback about their Southwestern Eggrolls and Presidente Margaritas®, which many patrons recommend. However, since December 2024, Mr. Quiñones has been aware of several architectural barriers that prevent him from accessing the restaurant safely and independently. Despite his eagerness to enjoy Chili's offerings, these obstacles have deterred him from visiting, as he anticipates being unable to navigate the space on equal terms. These barriers include the following:

- 12.1. Heavy Main Entrance Door: Mr. Rafael Quiñones is aware that the main entrance door at Chili's is heavy, making it difficult for him to open and maneuver through while using his wheelchair. Due to his limited lower-body mobility, he relies on upper-body strength to propel himself, and the weight of the door creates a significant obstacle. The lack of an automatic or lightweight mechanism forces him to struggle with an action that should be simple, making entry into the restaurant unnecessarily difficult.
- 12.2. Narrow Interior Layout Restricting Movement: Once inside, Mr. Quiñones knows that the arrangement of tables, chairs, and other fixtures creates a narrow space that limits his ability to move comfortably. The tight layout makes it difficult for him to navigate between tables without bumping into furniture, restricting his freedom to move and making it challenging to find an accessible seating area. Instead of experiencing a seamless dining experience, he is forced to navigate an environment that does not accommodate wheelchair users properly.
- 12.3. Inaccessible Tables and Seating: Mr. Quiñones has noticed that the restaurant's tables are not designed for wheelchair accessibility, as they feature support bars underneath that block his ability to position himself properly. Additionally, the chairs provided are too high, and no accessible tables are visibly available. This setup prevents him from sitting comfortably, forcing him to either sit at an awkward angle or struggle to find a space that accommodates his wheelchair.
- 12.4. High Service Counters Without Front Access: Mr. Quiñones is also aware that the service counters at Chili's are too high for him to reach comfortably from his wheelchair. The lack of a lower section prevents him from engaging easily with

staff or placing an order without assistance. This design forces him to depend on others for basic interactions that should be independent, creating an unnecessary barrier to his ability to enjoy the restaurant like any other customer.

- 12.5. Obstructed Payment Counter: Finally, Mr. Quiñones knows that the payment counter is located in the same area as the dining bar and is obstructed by chairs. This setup makes it extremely difficult for him to access the counter when attempting to pay for his meal. Instead of having a clear and accessible point of service, he must navigate around obstacles that prevent him from completing a basic transaction independently.
- 12.6. To enhance accessibility for Mr. Rafael Quiñones, who uses a wheelchair, several modifications at Chili's are essential. Installing an automatic door opener or ensuring staff assistance would alleviate the difficulty he currently faces with the heavy main entrance. Rearranging interior elements to create wider pathways would facilitate his movement throughout the restaurant. Providing tables with appropriate height and knee clearance, as well as accessible seating options, would accommodate his dining needs. Lowering service counters to a suitable height would enable him to interact comfortably with staff. Implementing these changes would encourage Mr. Quiñones to visit the restaurant, knowing he can navigate and enjoy the environment without hindrance.
- 12.7. It is important to note that on November 13, 2024, a letter was sent via postal mail to International Restaurant Services, Inc., serving as a formal notice that outlined the accessibility barriers present at the establishment and requested reasonable accommodations to address these barriers. However, to date, no response has been

received, leaving Mr. Quiñones without assurance that his accessibility concerns will be addressed.

Responsibility of Plaza Carolina Mall, L.P. and Dream Team Collectibles LLC
Dream Team Collectibles

13. Mr. Rafael Quiñones has enjoyed the selection at Dream Team Collectibles, a premier destination for sports memorabilia, collectibles, and pop culture items located in the Premium Outlet of Barceloneta. The store is known for its extensive collection of autographed merchandise, limited-edition items, and exclusive releases, making it a favorite among enthusiasts. As an avid collector of sports memorabilia, Mr. Quiñones has been particularly drawn to its assortment of signed baseballs and vintage trading cards, which are rare and highly sought after. However, since December 2024, he has felt dissuaded from visiting due to the presence of architectural barriers that hinder accessibility. The following barriers have prevented him from fully enjoying the unique shopping experience that Dream Team Collectibles offers:

- 13.1. Heavy Entrance Door: Mr. Rafael Quiñones is aware that the entrance door to Dream Team Collectibles is heavy, making it difficult for him to open and navigate through while using his wheelchair. This substantial weight requires significant effort to manage, hindering his ability to enter the store independently and comfortably.
- 13.2. Unsecured Entrance Mat with Raised Cable Cover: Mr. Quiñones has noticed that there is an entrance mat that is not secured to the floor, with a cable conduit running beneath it that causes a slight elevation. This uneven surface poses a tripping hazard and makes it difficult for him to roll over smoothly in his wheelchair, affecting his safe entry and exit from the store.

- 13.3. Inaccessible Product Displays: Mr. Quiñones has noticed that many products within the store are displayed at heights beyond his reach from a seated position in his wheelchair. This arrangement prevents him from viewing or selecting items without assistance, limiting his shopping experience and autonomy.
- 13.4. Narrow Aisles Between Displays: Mr. Quiñones is aware that certain areas within the store have narrow aisles between product displays, restricting his ability to maneuver his wheelchair safely and comfortably. The limited space increases the risk of colliding with displays or other customers, making navigation challenging.
- 13.5. High Display Counters Without Front Access: Mr. Quiñones has observed that the display counters on the right side of the store are elevated and lack front access, preventing him from approaching them closely in his wheelchair. This design inhibits his ability to view or interact with the displayed items effectively.
- 13.6. Excessively High Payment Counter Without Front Access: Mr. Quiñones knows that the payment counter is set at a height that is too tall for him to reach comfortably from his wheelchair and lacks the necessary clearance underneath for front access. This configuration forces him to stretch uncomfortably or rely on assistance to complete transactions, compromising his independence.
- 13.7. To ensure accessibility, the entrance door should be lightweight or automatic to allow independent access for wheelchair users. The unsecured entrance mat must be properly affixed or removed, and the raised cable conduit should be adjusted to create a smooth and stable surface. Inside, aisles need to be widened to provide enough space for comfortable wheelchair navigation, and product displays should be arranged at an accessible height. Display counters should include a lower

section with front access to allow close interaction with merchandise. Additionally, the payment counter must have a section at a compliant height with sufficient knee clearance, ensuring that transactions can be completed comfortably and without difficulty. With these improvements, Mr. Quiñones will finally be encouraged to visit and experience the store fully, shop comfortably, and enjoy the collectibles and merchandise without facing unnecessary obstacles.

Responsibility of Plaza Carolina Mall, L.P. and Caribe Pharmacy Management LLC
Farmacia Caridad

14. Mr. Rafael Quiñones has been interested in visiting Farmacia Caridad, known for its wide selection of medications, health products, and personalized customer service. Whenever he visits Prime Outlet, he looks forward to stopping by the pharmacy, for their affordable prescription prices and efficient service, which make it a preferred choice for many in the area. However, since December 2024, Mr. Quiñones has been aware of several architectural barriers that make access to the pharmacy difficult. Despite his need for affordable medications and his interest in continuing to visit, these barriers have created significant challenges, as they hinder his ability to navigate the space under equal conditions. These barriers include the following:

- 14.1. Blocked Entry and Product Displays Across Aisles: Mr. Quiñones knows that various product displays are positioned across the aisles, including one placed directly at the entrance, obstructing his ability to enter and move comfortably. These barriers make his access to the pharmacy unnecessarily complicated, forcing him to maneuver around obstacles that restrict his mobility. Instead of being able to move through the store without hindrance, he must carefully navigate through a layout that does not accommodate wheelchair users.

- 14.2. Obstructed and Narrow Aisles: Mr. Rafael Quiñones is aware that the aisles in Farmacia Caridad are narrow and further obstructed by boxes of merchandise, making it difficult for him to move freely in his wheelchair. The lack of clear pathways forces him to navigate through tight spaces, requiring him to make frequent adjustments to avoid bumping into objects. This setup limits his ability to shop independently and increases the difficulty of accessing different areas of the store.
- 14.3. Inaccessible Product Placement: Mr. Quiñones is also aware that many products are arranged on high shelves and out of his reach from a seated position. This prevents him from selecting items on his own, requiring him to ask for assistance for something as basic as picking up an item from the shelf. The disorganized placement of merchandise makes his shopping experience more difficult and limits his ability to make independent choices.
- 14.4. Excessively High Counters Without Front Access: Mr. Quiñones is also aware that the counters at the pharmacy, the perfume section, and the main checkout area are too high for him to reach comfortably from his wheelchair. The lack of a lowered section with front access prevents him from approaching the counter properly, forcing him to stretch uncomfortably or depend on store staff to complete purchases or ask for information. This setup creates an unnecessary barrier that limits his independence and makes the shopping experience less accessible for him.
- 14.5. To ensure that Mr. Rafael Quiñones can navigate Farmacia Caridad safely and independently, the aisles must be kept clear of obstacles, providing enough space

for his wheelchair to move freely. Product displays should be arranged at accessible heights so that he can browse and select items without needing assistance. Additionally, the pharmacy, perfumery, and checkout counters must include a lowered section with front access, allowing him to engage with staff and complete transactions comfortably. Implementing these changes would remove unnecessary barriers and encourage Mr. Quiñones to visit the pharmacy with confidence.

Responsibility of Plaza Carolina Mall, L.P. and Gap (Puerto Rico Inc.)
Gap Factory Store

15. Mr. Rafael Quiñones has been interested in visiting Gap Factory Store, known for its wide selection of stylish and affordable clothing, including classic denim, versatile tops, and comfortable activewear. The store's reputation for quality apparel at reasonable prices makes it a popular shopping destination for those looking for fashionable yet practical options. Mr. Quiñones was particularly drawn to their seasonal sales and variety of inclusive sizes, which cater to different style preferences. However, since December 2024, he has been aware of several architectural barriers that prevent him from accessing the store safely and independently. Despite his interest in shopping there, the following barriers have discouraged him from visiting:

- 15.1. Heavy and Outward-Opening Main Door Obstructed by a Loose Rug: Mr. Rafael Quiñones is aware that the main entrance of Gap Factory has a heavy door that opens outward and is further obstructed by a loose rug, making it challenging for him to access the store independently. This setup requires significant effort to maneuver his wheelchair while simultaneously handling the door and avoiding the rug, hindering his ability to enter the store safely.

- 15.2. Narrow Aisles Due to Shelf Arrangement: Mr. Quiñones knows that the store's aisles are narrow because of the current arrangement of shelves and displays. This limited space restricts his wheelchair mobility, making it difficult for him to navigate through the store and browse products comfortably.
- 15.3. High Checkout Counters: Mr. Quiñones has learned that the checkout counters at Gap Factory are elevated and lack a lowered section for wheelchair users. This design prevents him from engaging comfortably during transactions, as he cannot reach the counter surface from his seated position, leading to a less inclusive shopping experience.
- 15.4. To address these accessibility barriers at Gap Factory, several practical solutions can be implemented. The heavy, outward-opening main door should be equipped with an automatic door opener or, at a minimum, a more accessible handle, while the loose rug should be removed or securely affixed to prevent obstruction. To improve wheelchair maneuverability, the store can reorganize its shelving and displays to widen the aisles, ensuring compliance with accessibility standards that allow sufficient space for easy navigation. Additionally, the checkout area should include a lowered counter section to accommodate wheelchair users, allowing for a more inclusive and comfortable shopping experience. These adjustments would significantly enhance accessibility, ensuring that all customers, including Mr. Quiñones, can shop independently and without unnecessary obstacles.

Responsibility of Plaza Carolina Mall, L.P and Guess ? Retail, Inc.
Guess Factory

16. Mr. Rafael is aware that Guess Factory offers a wide variety of products, including clothing, shoes, accessories, wallets, handbags, hats, sandals, and watches. He also knows

that, depending on the season, the store offers great discounts, making the wide selection of items even more appealing to him. All of this creates a special interest in visiting the store. However, since he became aware of the architectural barriers in the establishment in January 2025, he has felt discouraged and dissuaded from going. Although he has wanted to visit in February and March 2025, knowing about these barriers discourages him and makes him prefer not to go, as he wants to avoid a discriminatory situation due to his wheelchair use and health conditions. The barriers that Mr. Rafael is aware of at Guess Factory are as follows:

- 16.1. Lack Of Signage For An Accessible Entrance: Mr. Rafael is aware that the main entrance door of Guess Factory lacks signage indicating the location of a truly accessible entrance. Since he uses a wheelchair to move around, the absence of this information forces him to approach an entrance that does not accommodate his mobility needs, creating uncertainty and frustration. Without clear guidance, he must exert additional physical effort to navigate around the establishment, searching for an accessible route. This not only wastes his time but also increases his physical strain, as excessive maneuvering in his wheelchair causes fatigue and discomfort, particularly in his upper body, which he relies on entirely for mobility.
- 16.2. Heavy Entrance Door: Mr. Rafael is aware that the entrance door to Guess Factory is heavy, making it difficult to open and access. Since he uses a wheelchair to move around, he lacks the lower body strength to stabilize himself while pushing or pulling a heavy door. The excessive resistance of the door forces him to exert significant effort with his upper body, placing undue strain on his arms and shoulders. Given his condition, this repetitive strain leads to muscle

fatigue, joint pain, and increased difficulty in maneuvering his wheelchair effectively. If he is unable to open the door independently, he is left waiting for assistance, which diminishes his autonomy and exposes him to the risk of being unable to enter the establishment at all.

16.3. Carpet That Makes Passage Difficult: Mr. Rafael is aware that inside Guess Factory, there is a white carpet with black dots that makes it difficult to move around in a wheelchair. The uneven surface of the carpet creates friction against the wheelchair's wheels, requiring him to exert more force to propel himself forward. This increased resistance forces his arms and shoulders to work harder than usual, leading to quicker fatigue, potential muscle strain, and discomfort. Additionally, if the wheels get stuck or slowed down by the carpet's texture, he risks losing control of his movement, which results in an unsafe and frustrating experience. Since he cannot rely on his legs to stabilize himself, any difficulty in moving his wheelchair significantly hinders his ability to navigate the establishment independently.

16.4. Shelves That Are Too Close Together: Mr. Rafael is aware that the product shelves inside Guess Factory are too close together, obstructing passage and making it difficult for him to navigate with his wheelchair. The lack of adequate space forces him to make sharp turns and maneuver with great precision, which requires additional physical effort and places strain on his upper body. The risk of his wheelchair getting caught between shelves or knocking over items is high, adding to his frustration and making the experience stressful. Since he must continuously adjust his positioning to avoid obstacles, this results in excessive

arm fatigue and discomfort. The limited space also restricts his ability to reach certain products, further impacting his independence and making it difficult for him to shop like any other customer.

- 16.5. To ensure accessibility for Mr. Rafael and other individuals with mobility impairments, Guess Factory should implement several key improvements. First, clear signage must be installed at the main entrance indicating the location of an accessible entryway to prevent confusion and unnecessary physical strain. The entrance door should be equipped with an automatic opener or replaced with a lighter, easy-to-operate door to allow independent access. Inside the establishment, the white carpet with black dots should be removed or replaced with a smooth, firm surface that does not create resistance for wheelchair users. Additionally, shelves must be rearranged to create wider aisles that allow free and unobstructed movement for individuals using mobility devices. Finally, the sidewalks in front of the property should be properly maintained, ensuring that they are even, free of obstructions, and equipped with curb ramps to facilitate safe and independent access to the store.

Responsibility of Plaza Carolina Mall, L.P. and Hot Topic, Inc.
Hot Topic

17. Mr. Rafael is aware that Hot Topic offers a wide variety of merchandise, including items from his favorite movies and series, superhero-themed products, wrestling shirts, and collectibles, among many other things. He knows that the store always has new and diverse merchandise, making its catalog very appealing to him. Additionally, he is aware that the prices are very good and that the store offers a wide selection of products, which creates a strong interest in visiting it. However, since he became aware of the

architectural barriers in the establishment, specifically since the end of January 2025, he feels dissuaded from going, knowing that his mobility will be limited inside the store. Although he has wanted to visit in February and March 2025, knowing about these barriers discourages him, as he does not want to face obstacles that compromise his autonomy and his right to a shopping experience without difficulties. The barriers that Mr. Rafael is aware of at Hot Topic are as follows:

- 17.1. Lack Of Signage For An Accessible Entrance: Mr. Rafael is aware that Hot Topic does not have signage indicating an accessible entrance. Due to his reduced mobility, he needs to quickly identify whether there is a suitable entrance without barriers. The lack of signage forces him to remain outside the store without knowing how to enter, creating stress and frustration. Additionally, his hydrocephalus affects his ability to maintain uncomfortable postures for long periods, and the uncertainty of not finding an accessible entrance causes him anxiety and physical discomfort, making his experience difficult from the start.
- 17.2. Heavy Entrance Door: Mr. Rafael is aware that the entrance door at Hot Topic is particularly heavy, making it difficult to open while maneuvering his wheelchair. The weight of the door requires significant effort to push, making it challenging to hold it open and move through the doorway at the same time. This struggle forces him to make multiple attempts, resulting in discomfort and fatigue in his arms and shoulders, turning what should be a simple entry into a frustrating and exhausting experience.
- 17.3. Narrow Interior Space: Mr. Rafael is aware that the interior space at Hot Topic is narrow due to the presence of obstacles and the arrangement of shelving. Since he

uses a wheelchair, he cannot move freely between the aisles, preventing him from maneuvering without hitting shelves or products. The lack of space forces him to make strained movements with his arms and torso to adjust to the confined area, causing muscle tension and back pain. Additionally, the restricted mobility within the store leaves him in an uncomfortable and exhausting position, affecting his stability and making him feel trapped without being able to move easily.

- 17.4. Floor With Large Cracks: Mr. Rafael is aware that the floor at Hot Topic has large cracks that create instability for his wheelchair. The small front wheels get stuck in the cracks, interrupting his movement and forcing him to exert additional effort to continue moving. This strain causes immediate pain and fatigue in his arms and shoulders. Furthermore, the uneven surface affects his wheelchair's balance, increasing the risk of slipping or unintentional tilting, making him feel unsafe and limiting his ability to navigate the store without difficulty.
- 17.5. To ensure accessibility for Mr. Rafael and other individuals with mobility disabilities, Hot Topic should implement several modifications. The entrance door should be replaced with an automatic or lighter door to eliminate the need for excessive force when opening it. Clear signage indicating an accessible entrance should be installed to provide immediate guidance on barrier-free entry. Inside the store, the layout should be adjusted by widening aisles and reorganizing shelving to create enough space for wheelchair users to navigate comfortably. Additionally, the floor should be repaired to eliminate large cracks that cause instability and safety hazards. Outside the property, the sidewalks should be maintained in good condition, ensuring they are smooth and free of obstructions that impede

wheelchair mobility. These modifications are essential to provide equal access and a safe shopping experience for Mr. Rafael and other individuals with disabilities.

**Responsibility of Plaza Carolina Mall, L.P. and Metropol San Juan, Inc.
Metropol Restaurant-Barceloneta.**

18. Mr. Rafael Quiñones is a passionate enthusiast of Caribbean cuisine, particularly Cuban and Puerto Rican food, appreciating its rich flavors and cultural significance. Within Puerto Rico's culinary scene, Metropol Restaurant - Barceloneta is widely recognized as one of the most prestigious and highly rated establishments, consistently praised for its exceptional dining experience. The restaurant is known for its diverse menu of traditional Caribbean dishes, including its renowned churrasco, a specialty that aligns with Mr. Quiñones' tastes and preferences. Given his appreciation for Caribbean cuisine, he has a strong interest in experiencing the restaurant's offerings. However, since December 2024, he is aware of the accessibility barriers present at the establishment, he has felt discouraged, as these obstacles would make it difficult for him to enjoy the dining experience on equal terms with other customers. The following barriers have posed significant challenges to accessibility:

- 18.1. Inaccessible Service Counters and Bar: Mr. Rafael Quiñones is aware that the public service counters and bar at Metropol Restaurant - Barceloneta are excessively high, making them inaccessible to individuals who use wheelchairs. Due to their height, he is unable to conduct personal transactions independently, as he cannot comfortably reach the surface to make payments, sign receipts, or receive items directly from staff. This barrier limits his ability to interact with the restaurant's employees without assistance and prevents him from fully

participating in the dining experience, including sitting at the bar, which is an integral part of the restaurant's atmosphere. Since he cannot stand to reach elevated surfaces, this restriction significantly impacts his autonomy and ability to access services on equal terms with other patrons.

18.2. **Elevated Tables and Chairs Without an Accessible Option:** The dining area at Metropol Restaurant - Barceloneta is primarily furnished with high-top tables and elevated chairs with support bars at the bottom, making it impossible for a person in a wheelchair to slide underneath them comfortably. Due to their height and design, Mr. Quiñones is unable to position himself properly at these tables, making it difficult for him to enjoy a meal independently. Since he cannot transfer to a high chair without assistance, this setup creates an exclusionary dining experience, forcing him to rely on others for help or limiting his ability to dine at the restaurant altogether. The lack of accessible seating prevents him from fully participating in the restaurant's atmosphere, making what should be an enjoyable experience frustrating and restrictive.

18.3. **Carpeting That Impedes Wheelchair Mobility and Traction:** The restaurant's floor is largely covered with thick carpeting, which makes it significantly harder for Mr. Quiñones to move around in his wheelchair. The dense texture creates friction against the wheels, requiring extra physical effort to maneuver and making navigation difficult. This added resistance leads to quicker fatigue and reduces his ability to move freely within the space. Since he relies entirely on his wheelchair for mobility, surfaces that are not smooth and stable create unnecessary obstacles that make the dining experience more challenging. The presence of this carpeting

raises concerns about his ability to navigate the restaurant safely and comfortably, discouraging him from visiting.

- 18.4. To ensure that Metropol Restaurant - Barceloneta complies with ADA accessibility standards, several modifications must be implemented. First, the service counters and bar must be adjusted to a height of 36 inches or less, with a designated accessible section for wheelchair users. Additionally, accessible tables must be installed in the dining area, meeting ADA specifications to allow wheelchair users to position themselves comfortably without obstructions. Lastly, the carpeting must be removed or replaced with a firm, stable, and slip-resistant flooring material to facilitate safe movement for individuals with mobility disabilities. Implementing these solutions will not only ensure compliance with federal accessibility laws but will also guarantee that Mr. Quiñones and other individuals with disabilities can enjoy the restaurant's services with dignity, autonomy, and equal access.

**Responsibility of Plaza Carolina Mall, L.P. and Restaurants Operators, Inc.
Olive Garden Barceloneta.**

19. Mr. Rafael Quiñones has a deep appreciation for Italian cuisine, enjoying the rich diversity of flavors that define its dishes. His enthusiasm for this type of food comes from the variety of pasta dishes with well-crafted sauces, hearty and creamy soups, and refreshing beverages that perfectly complement each meal. For him, dining at an Italian restaurant is more than just a meal—it is an opportunity to savor one of his favorite cuisines in a welcoming setting with a thoughtfully designed menu. Olive Garden – Barceloneta is a highly regarded establishment known for its excellent customer service, extensive selection of dishes, and commitment to quality in every preparation. Many

patrons praise the restaurant for its authentic flavors and inviting atmosphere, making it a popular destination for Italian food lovers. However, since December 2024, Mr. Quiñones has become aware of several accessibility barriers at the restaurant. These limitations make it difficult for him to access and move around the establishment comfortably, leaving him feeling dissuaded. The following barriers have presented significant challenges:

- 19.1. Lack of an Accessible Ramp at the Main Entrance: While the exterior design of Olive Garden – Barceloneta is visually appealing, it lacks an accessible ramp, making it difficult for individuals with mobility impairments to enter safely. Without a properly graded and navigable pathway, Mr. Quiñones, who relies on his wheelchair for mobility, faces significant challenges accessing the restaurant independently. The absence of a ramp forces him to seek alternative routes or rely on assistance, limiting his autonomy and placing him at a disadvantage compared to other diners. Additionally, any uneven surface or step at the entrance further complicates his ability to maneuver, making entry both inconvenient and unsafe.
- 19.2. Difficulty Opening the Main Entrance Door: Another major barrier Mr. Quiñones encounters when trying to enter the restaurant is the excessively heavy main entrance door, which makes it difficult for him to open it with ease. The weight of the door prevents him from entering independently, forcing him to rely on others for assistance. For a person with reduced mobility, the extra effort required to operate a heavy door creates unnecessary discomfort and fatigue, making access to the establishment more challenging. This obstacle not only limits his autonomy

but also contributes to an exclusionary experience, as it restricts his ability to enter the restaurant comfortably and on equal terms with other diners.

- 19.3. **Tables with Structural Elements Preventing Use by Wheelchair Users:** Inside the restaurant, the design of the tables presents another significant accessibility challenge. Many tables have support bars and structural elements that obstruct the space underneath, preventing a wheelchair user from comfortably approaching and positioning themselves. Due to this limitation, Mr. Quiñones is unable to sit close enough to the table to dine comfortably, making the experience inconvenient and restrictive. The lack of proper table accommodations excludes him from a dignified and enjoyable dining experience, placing him at a disadvantage compared to other customers and limiting his ability to fully enjoy the restaurant like any other guest.
- 19.4. **Excessive Height of Chairs and Bar:** Another accessibility challenge at the restaurant is the height of the chairs and service bar, which makes them unusable for a wheelchair user. The lack of a lower, accessible section at the bar prevents Mr. Quiñones from comfortably using this space, limiting his ability to fully enjoy the restaurant and engage in social interactions. Without an inclusive design, he is unable to participate in the same dining experience as other customers, restricting his options within the establishment.
- 19.5. **Inaccessible Service Counters and Checkout Area:** The service counters and checkout area at Olive Garden – Barceloneta are too high and lack proper front access, making it difficult for a wheelchair user to comfortably approach and conduct transactions. Due to their height and design, Mr. Quiñones is unable to

reach the counter to pay for his meal or request assistance independently. This barrier not only complicates access to restaurant services but also places him in a position of dependence, requiring him to ask for help with basic tasks that other customers can complete effortlessly.

- 19.6. For Olive Garden – Barceloneta to comply with the accessibility standards required by the ADA, several modifications must be made to its infrastructure. The entrance must include an accessible ramp to facilitate entry for individuals with reduced mobility, as well as an automatic door or mechanical assistance to reduce the force needed to open it. Inside, it is essential to replace the inaccessible tables with models that provide sufficient clearance underneath, allowing wheelchair users to approach them comfortably. Additionally, the restaurant's bar area must feature an accessible section with a maximum height of 34 inches, ensuring that wheelchair users can enjoy the bar area without restrictions. Furthermore, the service counters and checkout area must be adjusted to a maximum height of 36 inches, with a clear front space to ensure easy access. Implementing these solutions will not only guarantee compliance with the ADA, but will also ensure that Mr. Quiñones and other customers with disabilities can enjoy the restaurant with autonomy, safety, and dignity, eliminating unnecessary barriers that restrict their access and overall experience at the establishment.

Responsibility of Plaza Carolina Mall, L.P. and Perry Ellis Menswear Puerto Rico, LLC
Perry Ellis.

20. Mr. Rafael Quiñones values high-quality and elegant clothing, particularly when it is designed to fit well and provide comfort for any occasion. Perry Ellis – Premium Outlets is a renowned retailer specializing in high-end men's fashion, offering everything from

tailored suits and formal attire to casual wear and accessories, all crafted with sophisticated design and premium materials. Beyond its esteemed reputation in the fashion industry, the brand is also known for its competitive prices, wide selection of products, and exceptional customer service, making it an ideal destination for Mr. Quiñones. Since December 2024, Mr. Quiñones has been aware of several accessibility barriers at the store that make navigating the space and completing purchases independently more challenging. These obstacles create unnecessary difficulties, placing him at a disadvantage compared to other customers and discouraging him from fully enjoying the shopping experience. The following barriers have posed significant challenges:

- 20.1. Heavy Entrance Door with an Inaccessible Handle: Mr. Rafael Quiñones is aware that accessing Perry Ellis – Premium Outlets is challenging due to the excessively heavy entrance door and a handle that is difficult to grip and operate. The combination of the door's weight and its impractical design makes it difficult for him to open while also maneuvering his wheelchair, requiring excessive effort. This creates discomfort and fatigue, making independent entry more difficult. Without an accessible entrance, he must rely on assistance for a basic action like opening the door, which limits his autonomy and makes his shopping experience unnecessarily challenging.
- 20.2. Entrance Mat That Impedes Mobility: Mr. Rafael Quiñones is aware that the mat or carpet placed at the entrance of Perry Ellis – Premium Outlets presents an additional challenge for wheelchair users. The mat reduces the traction of his wheelchair, creating resistance and making it difficult for him to maneuver when

entering or exiting the store. Additionally, mats like these can shift or fold, increasing the risk of accidents for individuals with mobility impairments. This obstacle adds unnecessary difficulty to accessibility, making his shopping experience more challenging compared to other customers who do not face these mobility restrictions.

- 20.3. Narrow Aisles Creating Mobility Challenges: Mr. Rafael Quiñones is aware that the narrow aisles inside Perry Ellis – Premium Outlets make navigation difficult for wheelchair users. The limited space between clothing racks and displays restricts his ability to move freely, forcing him to make sharp turns and adjust his positioning frequently, which requires additional physical effort. This lack of adequate space not only makes browsing uncomfortable but also increases the risk of his wheelchair getting caught or knocking over items. The restricted layout creates unnecessary challenges, making it difficult for him to shop comfortably and independently, unlike other customers who can move through the store without obstacles.
- 20.4. To improve accessibility at Perry Ellis – Premium Outlets, it is essential for the store to implement modifications that eliminate the identified barriers. First, the heavy entrance door should be replaced with an automatic system or adjusted to reduce its resistance, ensuring that customers can open it with ease. Additionally, the handle should be replaced with a more accessible design, such as a horizontal bar, making it easier for individuals with mobility impairments to grip and maneuver independently. The entrance mat should also be removed or replaced with a firm, level, and slip-resistant surface to ensure a safe and accessible

entryway for wheelchair users and individuals with limited mobility. Furthermore, the store should widen its aisles by adjusting the placement of clothing racks and displays to provide sufficient space for wheelchair users to navigate comfortably. This would prevent unnecessary physical strain, reduce the risk of getting stuck or knocking over items, and allow customers like Mr. Quiñones to shop with the same ease as others. Implementing these solutions will not only improve accessibility but will also ensure that all customers, regardless of their mobility needs, can enjoy a comfortable and independent shopping experience.

**Responsibility of Plaza Carolina Mall, L.P. and The New 5-7-9 and Beyond, Inc. -
Rainbow Shops**

21. The Rainbow Shops, located at Puerto Rico Premium Outlets, is an impressive place that offers a wide variety of fashionable clothing at affordable prices, making it an ideal shopping destination for those seeking quality and style without compromising their budget. Its product selection is excellent, with options ranging from casual wear to more formal dresses, making it unique and highly attractive. For these reasons, Mr. Rafael Quiñones wants to visit the store, but he has been discouraged from doing so since December 2024 due to the architectural barriers present at the location, which present a significant obstacle for him. Although the store itself is a great place to shop, the physical limitations of the infrastructure prevent Mr. Quiñones from enjoying a comfortable and accessible shopping experience. The barriers are as follows:

- 21.1. Narrow Aisles: Mr. Rafael Quiñones is aware that the aisles in Rainbow Shops are too narrow due to the arrangement of the shelves. This significantly hinders his mobility, as, using a wheelchair, he is forced to carefully maneuver to avoid getting stuck between the shelves. This barrier prevents him from moving freely

around the store, creating an uncomfortable experience, and due to the difficulty in navigating, it discourages him from visiting the store, as he cannot shop comfortably or independently.

- 21.2. Products Out of Reach: Mr. Rafael Quiñones knows that the arrangement of products in Rainbow Shops is not designed to be accessible for people with reduced mobility. The height of the shelves limits the reach of those who, like him, rely on a wheelchair for movement. Due to this barrier, Mr. Quiñones cannot access certain products without assistance, which makes the shopping experience frustrating. This lack of accessibility discourages him from visiting the store, as it is difficult for him to explore products and make purchases without constant help.
- 21.3. To address the barriers faced by Mr. Rafael Quiñones at Rainbow Shops, it is necessary to widen the aisles or redesign the shelf layout to ensure there is enough space for wheelchair circulation, allowing Mr. Rafael to move freely around the store. Regarding the out-of-reach products, the height of the shelves could be adjusted, ensuring that the most popular or in-demand items are within reach for all customers, regardless of their mobility, by implementing lower shelving units or adjustable shelves that are accessible. These modifications would not only improve accessibility but also promote inclusion, allowing Mr. Quiñones to enjoy a more comfortable and independent shopping experience.
- 21.4. If these solutions are implemented, Mr. Rafael Quiñones will visit the store, as he will be able to move easily through the wide aisles and access the products without difficulty, allowing him to shop comfortably and independently. The improved accessibility and product arrangement within his reach will provide him

with a smoother, obstacle-free shopping experience, motivating him to visit the store without the need for constant assistance.

Responsibility of Plaza Carolina Mall, L.P. and Soft & Creamy, Inc.
Soft & Creamy

22. Mr. Rafael Quiñones is a true ice cream lover, and one of his favorite places to enjoy a delicious dessert is Soft and Creamy, located at Puerto Rico Premium Outlets. This place is known for selling the best ice cream, and among its most tempting options, Mr. Quiñones is eager to try a Warm Churro Sundae, a treat he has heard wonderful things about and loves to taste. However, since January 2025, he has been discouraged from visiting Soft and Creamy due to the accessibility barriers he knows exist at the location. While his desire to try that delicious sundae remains, the difficulties in accessing the shop and the physical limitations of the store have prevented him from enjoying the experience, leaving him frustrated and unable to access an excellent ice cream without facing this obstacles:

22.1. Inaccessible Tables: Mr. Rafael Quiñones is aware that the tables at Soft & Creamy are not accessible due to the support bar at the bottom, which prevents frontal access. Since Mr. Quiñones uses a wheelchair to move, this barrier makes it difficult for him to sit comfortably and directly at the tables. In his situation, having to maneuver the wheelchair to find a way to sit or use a table becomes a challenge. The layout of the tables does not allow him to enjoy his ice cream comfortably or independently, which discourages him from visiting the place.

22.2. Too High Chairs: Furthermore, he knows that the chairs are too high for him to access. This barrier prevents him from using the chairs effectively, as, due to his wheelchair use, he cannot sit in them without additional effort or an

uncomfortable position. This difficulty makes Mr. Quiñones feel frustrated and discourages him from visiting the place, as he cannot access the seats properly, which affects his overall experience at the establishment.

22.3. Inadequate Counters: Mr. Rafael Quiñones is aware, too, that the counters at Soft & Creamy are not designed for people with reduced mobility, which poses a significant obstacle for him. On one side, the counters lack depth, preventing frontal access, which is especially problematic for Mr. Quiñones, who uses a wheelchair. On the other side, the counters are obstructed by items such as topping storage and other objects, making it even harder for him to access what he needs. This barrier forces him to position his wheelchair sideways in an uncomfortable manner, requiring additional physical effort to reach what he wants. Moreover, having to make these awkward maneuvers with obstacles in the way is not only physically demanding but also creates a frustrating and exhausting experience. This difficulty in obtaining what he wants independently not only affects his comfort but also discourages him from visiting the place, as he feels excluded from an experience that should be accessible to all customers.

22.4. One way to resolve the barriers Mr. Rafael Quiñones faces at Soft & Creamy is by redesigning the tables to eliminate the support bar at the bottom, allowing frontal access for Mr. Rafael. The tables could also be adjusted to an accessible height to make it easier for him to sit comfortably. Additionally, the chairs should be replaced with lower models or adjustable seats to ensure they are accessible for Mr. Rafael. Regarding the counters, they could be modified to have greater depth and eliminate obstacles such as the topping storage, designating an appropriate

display where toppings are not stored right in the customer-staff interaction area, allowing for frontal access without the need to make uncomfortable maneuvers. These modifications would significantly improve accessibility and provide a more inclusive experience, enabling Mr. Quiñones to enjoy his visit to Soft & Creamy comfortably and independently.

- 22.5. Once the barriers at Soft & Creamy are addressed, Mr. Rafael Quiñones will gladly visit the place, as he will be able to enjoy his shopping experience and his favorite ice cream without facing obstacles. With the tables redesigned to allow frontal access and the chairs adjusted to an accessible height, he will be able to sit comfortably and enjoy his Warm Churro Sundae without any inconvenience. Additionally, with the counters modified to improve access and eliminate obstacles, he will be able to interact independently and without additional effort, making his visit much more enjoyable and comfortable. This will allow him to enjoy his time at Soft & Creamy freely and without restrictions, encouraging him to return and enjoy the experience without the need for constant assistance.

Responsibility of Plaza Carolina Mall, L.P. and G.A.C. Food Inc.
The Taco Maker

23. Tacos have become extremely popular in Puerto Rico, and those who live there know that the best ones are from Taco Maker. These tacos are famous not only for their flavor but also for the quality of their ingredients and the variety of options they offer, from the traditional to the more innovative, all prepared with unmatched freshness. The combination of flavors, the crispy texture of the tortillas, and the fresh ingredients make Taco Maker tacos a unique culinary experience that Mr. Rafael Quiñones has been

longing for. Since January 2025, he has wanted to visit to try their famous taco, but the following architectural barriers at the location have discouraged him from going:

- 23.1. High Counter: Mr. Rafael Quiñones is aware that the counter at The Taco Maker is high, which presents a significant barrier for his interaction with the staff. Because Mr. Quiñones uses a wheelchair, this height prevents him from having direct and comfortable access to the counter. He is forced to exert extra effort to reach an appropriate level to communicate with the staff, making it difficult for him to place his order efficiently and without discomfort. This creates a frustrating experience and discourages him from visiting the establishment, as he cannot interact smoothly or enjoy the comfort he seeks in his dining experience.
- 23.2. Lack of Depth in the Counter: In addition to the height, Mr. Rafael Quiñones is also aware that the counters lack depth, which further aggravates the situation. This lack of space to interact properly limits his ability to access the products or maintain a conversation without having to make uncomfortable maneuvers with his wheelchair. Mr. Quiñones must position his wheelchair uncomfortably to get close enough to the counter, which increases the physical effort required and creates a sense of exclusion. This accessibility barrier discourages him from visiting The Taco Maker, as he feels hindered in his ability to enjoy the service and experience independently.
- 23.3. The double barrier that Mr. Rafael Quiñones faces at Taco Maker could be resolved by implementing the following adjustments: To address the high counter barrier, the current counter could be replaced with one that features an accessible service area, specifically designed for wheelchair users. This area could be lower

and adapted to allow for unobstructed interaction, ensuring that Mr. Rafael can place his order efficiently and comfortably. However, the real solution lies in addressing the lack of depth at the counter, which represents an even more serious problem. Mr. Rafael Quiñones is forced to maneuver his wheelchair awkwardly and uncomfortably, trying to find a suitable position to access the counter and place his order. This lack of space not only causes physical discomfort but also forces him to make unnecessary and painful movements, increasing the effort and frustration for Mr. Quiñones. The insufficient depth of the counter interferes with his ability to interact naturally and independently, creating a negative shopping experience. Expanding the counter depth would allow Mr. Rafael to approach without difficulty, significantly improving his ability to interact efficiently and without barriers.

- 23.4. Once these barriers are addressed, Mr. Rafael Quiñones will be able to visit Taco Maker with ease and confidence. With an accessible counter height and the added depth for smoother maneuvering, he will no longer face physical discomfort or struggle to interact with the staff. This will allow him to enjoy the experience independently and comfortably, without the need for unnecessary adjustments or assistance. Mr. Quiñones is eager to visit Taco Maker to finally enjoy their famous tacos, which he has been craving for so long. With these changes, he will be able to fully enjoy his meal without the frustrations he currently faces, making it a more positive and welcoming experience for him.

**Responsibility of Plaza Carolina Mall, L.P. and Fast Food Management, Inc.
The Hot Potato - Prime Outlet - Barceloneta.**

24. Mr. Rafael Quiñones wants to visit The Hot Potato - Prime Outlet - Barceloneta, a restaurant that has earned an excellent reputation in Puerto Rico for its unique and delicious food. The Hot Potato stands out because of its innovative concept of offering stuffed potatoes with a wide variety of fresh and flavorful ingredients, making it a special place that isn't easily found in other restaurants. The star dish, the "Royal," is one of the most popular and sought-after options, with a combination of flavors that make it irresistible. Since December 2024, Mr. Rafael has wanted to go enjoy this delicious dish, but the architectural barriers present at the location have discouraged him from doing so. These barriers make access and enjoying his visit difficult, which has left him feeling frustrated and limited in his ability to experience what is an excellent dining experience:

24.1. Inaccessible Counter Height: Mr. Rafael Quiñones is aware that at The Hot Potato - Prime Outlet - Barceloneta, the service counter is too high, creating a significant barrier for him. Because he uses a wheelchair, he cannot comfortably reach the counter to complete transactions or interact with the staff. The excessive height prevents him from accessing the counter independently, making the shopping experience more difficult and discouraging him from visiting the store.

24.2. Limited Counter Space for Accessibility: In addition to the height issue, Mr. Rafael Quiñones is aware that the counter at The Hot Potato lacks sufficient depth, preventing him from getting close enough to interact comfortably with the staff. The limited space forces him to maneuver his wheelchair into awkward positions, increasing physical effort and making the experience more inconvenient. A more accessible design with adequate space would allow him to

approach the counter without difficulty, ensuring a more comfortable and inclusive shopping experience.

24.3. To address these barriers at The Hot Potato - Prime Outlet - Barceloneta, the counter could be redesigned to be fully accessible to individuals with mobility impairments. For the issue of the high counter, it should be lowered to a height of no more than 36 inches, in line with ADA guidelines, to allow Mr. Rafael to access the counter directly and comfortably. Additionally, to resolve the issue of limited counter space, the counter should be extended in depth to provide ample room for wheelchair users to approach it without obstruction. This would allow Mr. Rafael to interact with the staff comfortably and without requiring awkward or uncomfortable maneuvers with his wheelchair. These adjustments would ensure full compliance with ADA regulations and offer Mr. Rafael an accessible, comfortable, and independent experience when visiting the store.

24.4. When these solutions are implemented at The Hot Potato - Prime Outlet - Barceloneta, Mr. Rafael Quiñones will be able to enjoy an accessible and comfortable experience. This will allow him to place his order independently and without additional physical effort, significantly improving his shopping experience. By resolving these architectural barriers, Mr. Rafael will feel more included, which will encourage him to visit the store and enjoy its products without the frustration of not being able to access the counter properly.

Responsibility of Plaza Carolina Mall, L.P. and Clearsea Corp.
Wetzel's Pretzels

25. Wetzel's Pretzels, located at the Puerto Rico Premium Outlet, is a chain known for its delicious fresh pretzels, a variety of tasty options, and a relaxed atmosphere that attracts

those looking for a quick and flavorful snack. Among its products, one of the most notable is the Original Pretzel, which, with its unique flavor and soft texture, has become a favorite for many. In addition, the Pretzel Dog and pretzel options with toppings like cheese or cinnamon are also very popular. For these reasons, Mr. Rafael has a particular interest in visiting this store and trying the Pretzel Dog. Nonetheless, since February of this year, Mr. Rafael has decided not to visit this establishment due to the architectural barriers he has identified at the location. As someone who may have certain accessibility needs, these barriers pose a significant obstacle to enjoying a comfortable and safe experience at the store.

- 25.1. Threshold at the Entrance: Mr. Rafael Quiñones is aware of the barrier at the main entrance of Wetzel's Pretzels, where there is a raised threshold that obstructs smooth access to the establishment. This barrier is particularly problematic for Mr. Rafael, who uses a wheelchair to move due to his condition of spina bifida. The raised edge at the door represents an obstacle that requires considerable effort to overcome, as the wheelchair cannot cross it without assistance. This not only makes it difficult for him to access the store, but it also causes discomfort and a feeling of exclusion, as he cannot enter the business independently. As a result, Mr. Rafael is discouraged from visiting Wetzel's Pretzels.
- 25.2. Counter: Mr. Rafael Quiñones has also identified an important barrier in the interior design of the store: the counters, which are too high and lack the necessary front depth for someone in a wheelchair to approach properly. Due to his condition of hydrocephalus, which affects his mobility and motor control, along with his constant use of a wheelchair due to spina bifida, Mr. Rafael is

unable to interact with the counters comfortably and independently. The high counters prevent him from seeing or reaching the products he wishes to purchase without having to ask others for help, compromising his independence. This lack of accessibility in the furniture makes him feel uncomfortable and prevents him from enjoying a barrier-free shopping experience. Due to these physical obstacles, Mr. Rafael is discouraged from visiting the establishment, as the architectural barriers directly affect him, preventing him from fully enjoying the business in an accessible manner.

- 25.3. To improve accessibility at Wetzel's Pretzels, several solutions could be implemented. First, the entrance door could be modified to eliminate the threshold by installing a ramp or a barrier-free threshold, allowing Mr. Rafael, who uses a wheelchair, to have direct and smooth access, thus ensuring independent entry. As for the counters, they could be redesigned to include a lower section with greater front depth, allowing Mr. Rafael to approach comfortably and make purchases without assistance. These modifications would not only improve the accessibility of the establishment but also foster a more inclusive experience, allowing all customers, regardless of their mobility conditions, to enjoy the products autonomously and without obstacles.
- 25.4. Once these barriers are resolved, Mr. Rafael Quiñones will gladly visit Wetzel's Pretzels. Despite the current obstacles, his interest in the store remains intact, especially because of the quality of the products it offers, such as the famous Pretzel Dog, which attracts him due to its unique flavor and the variety of available options. Additionally, the store's relaxed atmosphere provides a pleasant

and comfortable experience, and being able to enjoy these products without physical barriers will allow him to make the most of his visit independently, something he values greatly.

D. The ADA and Its Implementing Regulations

26. On July 26, 1990, President George H.W. Bush signed into law the ADA, a comprehensive civil rights law prohibiting discrimination on the basis of disability.
27. The ADA broadly protects the rights of individuals with disabilities in employment, access to State and local government services, places of public accommodation, transportation, and other important areas of American life.
28. Title III of the ADA prohibits discrimination in the activities of places of public accommodation and requires places of public accommodation to comply with ADA standards and to be readily accessible to, and independently usable by, individuals with disabilities. 42 U.S.C. § 12181-89.
29. Defendant is required to remove existing architectural barriers when such removal is readily achievable for places of public accommodation that existed prior to January 26, 1992, 28 CFR 36.304(a) and 42 U.S.C. Section 12182(b)(2)(A)(iv); in the alternative, if there has been an alteration to Defendant's places of public accommodation since January 26, 1992, the Defendant is required to ensure to the maximum extent feasible, that the altered portions of the facilities are readily accessible to and useable by individuals with disabilities, including individuals who use wheelchairs, 28 CFR 36.402; and finally, if the Defendant's facilities were designed and constructed for first occupancy subsequent to January 26, 1993, as defined in 28 CFR 36.401, then the Defendant's facilities must be readily accessible to and useable by individuals with disabilities as defined by the ADA.

30. Defendant's facilities are not fully accessible to, and independently usable by individuals who use wheelchairs.
31. While Defendant has a centralized approach to the design, construction, and maintenance of its facilities, it systematically and inadequately maintains architectural barriers at its counters. As a result, Defendant's facilities remain inaccessible and cannot be independently used by Plaintiff with a mobility disability.
32. The defendant is urged to implement the necessary adjustments to the counters of the establishment to comply with ADA accessibility standards for individuals with mobility disabilities. Adhering to these standards is crucial to ensure equal access and comfort for Plaintiff, thereby preventing discrimination against them.

E. Substantive Violation

33. The allegations contained in the previous paragraphs are incorporated by reference.
34. Defendant's facilities were altered, designed, or constructed, after the effective date of the ADA.
35. Defendant's facilities were required to be altered, designed, and constructed so that they are readily accessible to and usable by individuals who use wheelchairs. 42 U.S.C. § 12183(a)(1).
36. The architectural barriers described above demonstrate that Defendant's facilities were not altered, designed, or constructed in a manner that makes them readily accessible to and usable by individuals with mobility disabilities.
37. The architectural barriers described above demonstrate that Defendant has failed to remove barriers, as required by 42 U.S.C. Section 12182(b)(2)(A)(iv).

38. Defendant's facilities are required to comply with the Department of Justice's 2010 Standards for Accessible Design, or in some cases the 1991 Standards 42 U.S.C. § 12183(a)(1); 28 C.F.R. § 36.406; 28 C.F.R., pt. 36, app. A.
39. Defendant is required to provide individuals with mobility disabilities full and equal enjoyment of its facilities. 42 U.S.C. § 12182(a).
40. Defendant has failed, and continues to, fail, to provide individuals who use wheelchairs with full and equal enjoyment of its facilities.
41. Defendant has discriminated against Plaintiff by failing to make its facilities fully accessible to and independently usable by individuals with mobility disabilities, in violation of 42 U.S.C. § 12182(a), as described above.
42. Defendant's conduct is ongoing, and Plaintiff has been harmed by Defendant's conduct.
43. Given that Defendant has failed to comply with the ADA's requirements to make its facilities fully accessible to and independently usable by individuals with mobility disabilities, Plaintiff invokes his statutory right to declaratory and injunctive relief, as well as costs and attorneys' fees.

F. Discriminatory Practices at Puerto Rico Premium Outlets: Use of High and Shallow Counters in Its Stores

44. Violation of the ADA: Title III of the Americans with Disabilities Act (ADA) prohibits disability-based discrimination in places of public accommodation, including retail stores, restaurants, and entertainment venues such as those located within Puerto Rico Premium Outlets. The excessive height of transaction and customer service counters—exceeding 36 inches—along with the lack of sufficient depth, create architectural barriers that prevent or significantly hinder individuals with mobility impairments, such as the plaintiff Rafael Quiñones, from effectively accessing them.

Additionally, the lack of accessible pathways, improperly designed ramps, heavy doors without automatic mechanisms, and obstructed seating areas further restrict his ability to shop, dine, and navigate these establishments independently. These conditions violate the principles of equal opportunity and access guaranteed by the ADA, depriving the plaintiff of his right to a barrier-free environment and equal participation in public accommodations.

45. Noncompliance with Accessibility Guidelines: The ADA Accessibility Guidelines (ADAAG) establish specific requirements to ensure that individuals with disabilities can access facilities and services without barriers. One of these requirements is a maximum counter height of 36 inches. Additionally, the absence of lowered sections with sufficient depth further restricts access for individuals with mobility impairments, preventing them from conducting transactions, placing orders, or receiving services independently. To comply with ADA standards, retail stores, restaurants, entertainment venues, and public accommodations—such as those within Puerto Rico Premium Outlets—must provide accessible counters with appropriate height, adequate depth, knee clearance, and an unobstructed approach area. However, by failing to incorporate these measures, the defendants continue to deny equal access to individuals with disabilities, directly violating federal accessibility laws. Furthermore, by permitting and tolerating the systematic installation of inaccessible counters, narrow pathways, heavy entrance doors, improperly designed ramps, and obstructed seating areas, as well as failing to establish clear procedures for their modification or removal, the defendants continue to perpetuate barriers to accessibility. This ongoing noncompliance prevents plaintiff Rafael Quiñones from fully and independently accessing these businesses, reinforcing a pattern of

systemic discrimination against individuals with mobility impairments in clear violation of the Americans with Disabilities Act (ADA).

46. **Disability Discrimination:** The installation and continued use of inaccessible counters constitute a form of disability discrimination. By failing to provide an accessible means for the plaintiff, Rafael Quiñones, to interact with and utilize the transaction and service counters at Puerto Rico Premium Outlets and its tenant businesses, the defendants are denying him equal access and fair treatment. This creates unjust barriers, preventing him from fully and effectively engaging in retail and dining transactions on an equal basis with other patrons. The persistent failure to lower counter heights, provide sufficient depth, and ensure accessibility reinforces systemic exclusion, depriving individuals with mobility impairments of their fundamental right to access public accommodations as guaranteed under the Americans with Disabilities Act (ADA).
47. **Defendants' Deliberate Noncompliance:** The defendants, Puerto Rico Premium Outlets and its tenant businesses, regularly modify and maintain their transaction and service counters to ensure their functionality and operability. However, in these modifications, the defendants knowingly and deliberately omit their obligation to ensure that counters meet the ADA-mandated height requirement of 36 inches or lower. By failing to implement accessible counter designs, the defendants continue to deny individuals with mobility impairments, including plaintiff Rafael Quiñones, their right to equal access to retail and dining services, in clear violation of federal disability laws.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Rafael Quiñones respectfully requests that this Honorable Court grant the following legal remedies against the defendants:

A. Relief Against Plaza Carolina Mall, L.P. (Owner and Operator of Puerto Rico Premium Outlets)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Plaza Carolina Mall, L.P. to:

1. Common Area Accessibility Modifications:

- i. Install, within 90 days, properly designed and marked accessible routes throughout the mall with appropriate signage, connecting accessible parking spaces to all main entrances.
- ii. Repair and maintain, within 60 days, all accessible parking spaces to ensure proper size (minimum 96 inches wide with 60-inch access aisles), proper signage (both ground markings and vertical signs), and stable, slip-resistant surfaces free of cracks and deterioration.
- iii. Modify all existing ramps within 120 days to ensure proper slope (maximum 1:12 ratio), stable surfaces, and appropriate handrails where required by ADA standards.
- iv. Relocate any accessibility ramps currently situated far from main entrances to provide direct and convenient access within 120 days.
- v. Reduce, within 90 days, the travel distance between accessible parking and business entrances by creating direct, obstacle-free pathways.
- vi. Install accessible ramps in all areas with level changes within 120 days where no such ramps currently exist.

2. Policy Modifications:

- i. Develop and implement, within 30 days, a comprehensive written accessibility policy for Puerto Rico Premium Outlets.
- ii. Conduct accessibility training for all staff members within 60 days.
- iii. Establish a procedure for addressing accessibility complaints within 30 days.

- iv. Develop and implement, within 60 days, a regular inspection and maintenance program specifically for accessibility features.

3. Lease Agreement Modifications:

- i. Modify lease agreements with tenants, upon renewal or within 180 days, whichever comes first, to include specific provisions regarding ADA compliance responsibilities.
- ii. Develop and implement, within 45 days, a procedure for regular verification of tenant compliance with accessibility requirements.

B. Relief Against Individual Business Defendants

1. Asian Food & Bistro LLC (Owner/Operator of Asian & Bistro)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Asian Food & Bistro LLC to:

- i. Lower service counters to a maximum height of 36 inches, with at least one section having a 36-inch width, within 60 days.
- ii. Replace or modify tables to eliminate lower support bars that prevent wheelchair access, providing at least 5% accessible tables (but no fewer than one), within 90 days.
- iii. Rearrange interior layout to provide adequate circulation space with at least 36-inch width aisles throughout the restaurant within 60 days.
- iv. Implement staff training on proper service techniques for customers with disabilities within 30 days.

2. Hot Topic, Inc. (Owner/Operator of BoxLunch and Hot Topic)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Hot Topic, Inc. to:

- i. Create an accessible entrance route to both BoxLunch and Hot Topic stores within 60 days.

- ii. Install an automatic door opener or replace entrance doors with lighter doors (requiring less than 5 pounds of force to operate) within 90 days.
- iii. Lower service counters to a maximum height of 36 inches and provide adequate knee clearance within 60 days.
- iv. Reconfigure product shelving to ensure that essential merchandise is placed at accessible heights within 45 days.
- v. Widen aisles to a minimum of 36 inches between displays within 45 days.
- vi. Repair floor surfaces to eliminate cracks and uneven areas within 30 days.
- vii. Train staff on accessible customer service practices within 30 days.

3. Barceloneta Cinema Corp. (Owner/Operator of Caribbean Cinemas)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Barceloneta Cinema Corp. to:

- i. Create a clearly marked accessible route from the parking lot to the cinema entrance with horizontal pavement markings within 60 days.
- ii. Repair and maintain the ramp surface, eliminating worn paint, cracks, and potholes within 30 days.
- iii. Remove all bars and rugs obstructing the entrance pathway within 15 days.
- iv. Lower the ticket booth counter to a maximum height of 36 inches and provide adequate depth for wheelchair approach within 60 days.
- v. Relocate promotional movie advertisements to ensure clear pathways with minimum 36-inch width within 15 days.
- vi. Widen queue lanes to a minimum of 36 inches within 45 days.

vii. Lower concession counters to a maximum height of 36 inches with adequate knee clearance within 60 days.

viii. Train staff on accessible customer service practices within 30 days.

4. Elbardi International PR Premium L.L.C. (Owner/Operator of Charley's Philly Steaks)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Elbardi International PR Premium L.L.C. to:

- i. Lower the ordering and payment counter to a maximum height of 36 inches and provide adequate depth for wheelchair approach within 60 days.
- ii. Replace or modify tables to eliminate the low support bar underneath, providing at least 5% accessible tables (but no fewer than one), within 90 days.
- iii. Train staff on accessible customer service practices within 30 days.

5. International Restaurant Services, Inc. (Owner/Operator of Chili's Grill & Bar)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering International Restaurant Services, Inc. to:

- i. Install an automatic door opener or replace the heavy main entrance door with a lighter door requiring less than 5 pounds of force to operate within 90 days.
- ii. Reconfigure the interior layout to provide clear pathways with minimum 36-inch width throughout the restaurant within 60 days.
- iii. Replace or modify tables to provide at least 5% accessible tables (but no fewer than one) without support bars that prevent wheelchair access within 90 days.
- iv. Lower service counters to a maximum height of 36 inches and provide adequate knee clearance within 60 days.

- v. Remove obstructions from the payment counter area and ensure it is accessible from a wheelchair within 30 days.
- vi. Train staff on accessible customer service practices within 30 days.

6. Dream Team Collectibles LLC (Owner/Operator of Dream Team Collectibles)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Dream Team Collectibles LLC to:

- i. Install an automatic door opener or replace the heavy entrance door with a lighter door requiring less than 5 pounds of force to operate within 90 days.
- ii. Remove or secure the unsecured entrance mat and eliminate the raised cable cover within 15 days.
- iii. Rearrange product displays to ensure essential merchandise is placed at accessible heights within 45 days.
- iv. Widen aisles between displays to a minimum of 36 inches within 45 days.
- v. Modify display counters to provide front access and lower height (maximum 36 inches) within 60 days.
- vi. Lower payment counter to a maximum height of 36 inches and provide adequate knee clearance within 60 days.
- vii. Train staff on accessible customer service practices within 30 days.

7. Caribe Pharmacy Management LLC (Owner/Operator of Farmacia Caridad)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Caribe Pharmacy Management LLC to:

- i. Remove product displays obstructing the entrance and aisles within 15 days.

- ii. Widen and clear aisles to a minimum of 36 inches, removing boxes and other merchandise from pathways within 30 days.
- iii. Rearrange product placement to ensure essential items are within accessible reach ranges within 45 days.
- iv. Lower service counters at the pharmacy, perfume section, and main checkout area to a maximum height of 36 inches and provide adequate knee clearance within 60 days.
- v. Train staff on accessible customer service practices within 30 days.

8. Gap (Puerto Rico Inc.) (Owner/Operator of Gap Factory Store)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Gap (Puerto Rico Inc.) to:

- i. Install an automatic door opener or replace the heavy, outward-opening main door with a lighter door requiring less than 5 pounds of force to operate within 90 days.
- ii. Remove or secure the loose rug at the entrance within 15 days.
- iii. Rearrange shelves and displays to create aisles with a minimum width of 36 inches within 45 days.
- iv. Lower checkout counters to a maximum height of 36 inches and provide adequate knee clearance within 60 days.
- v. Train staff on accessible customer service practices within 30 days.

9. Guess ? Retail, Inc. (Owner/Operator of Guess Factory)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Guess ? Retail, Inc. to:

- i. Install clear signage indicating the location of accessible entrances within 30 days.

- ii. Install an automatic door opener or replace the heavy entrance door with a lighter door requiring less than 5 pounds of force to operate within 90 days.
- iii. Remove or replace the white carpet with black dots with a firm, stable, and slip-resistant surface within 60 days.
- iv. Rearrange product shelves to create aisles with a minimum width of 36 inches within 45 days.
- v. Train staff on accessible customer service practices within 30 days.

10. Metropol San Juan, Inc. (Owner/Operator of Metropol Restaurant-Barceloneta)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Metropol San Juan, Inc. to:

- i. Lower service counters and bar to a maximum height of 36 inches, with at least one section having a 36-inch width, within 60 days.
- ii. Provide accessible tables without support bars that prevent wheelchair access, ensuring at least 5% of seating (but no fewer than one table) is accessible, within 90 days.
- iii. Remove carpeting or replace with a firm, stable, and slip-resistant surface within the pathways and accessible seating areas within 60 days.
- iv. Train staff on accessible customer service practices within 30 days.

11. Restaurants Operators, Inc. (Owner/Operator of Olive Garden Barceloneta)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Restaurants Operators, Inc. to:

- i. Install an accessible ramp at the main entrance complying with ADA slope requirements (maximum 1:12 ratio) within 90 days.

- ii. Install an automatic door opener or replace the heavy main entrance door with a lighter door requiring less than 5 pounds of force to operate within 90 days.
- iii. Replace or modify tables to eliminate structural elements preventing wheelchair access, ensuring at least 5% of seating (but no fewer than one table) is accessible, within 90 days.
- iv. Lower chairs and bar to an accessible height within 60 days.
- v. Lower service counters and checkout area to a maximum height of 36 inches and provide adequate knee clearance within 60 days.
- vi. Train staff on accessible customer service practices within 30 days.

12. Perry Ellis Menswear Puerto Rico, LLC (Owner/Operator of Perry Ellis)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Perry Ellis Menswear Puerto Rico, LLC to:

- i. Install an automatic door opener or replace the heavy entrance door with a lighter door requiring less than 5 pounds of force to operate within 90 days.
- ii. Replace the inaccessible door handle with a lever-type handle that does not require tight grasping or twisting within 60 days.
- iii. Remove or secure the entrance mat within 15 days.
- iv. Widen aisles between clothing racks and displays to a minimum of 36 inches within 45 days.
- v. Train staff on accessible customer service practices within 30 days.

13. The New 5-7-9 And Beyond, Inc. (Owner/Operator of Rainbow Shops)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering The New 5-7-9 And Beyond, Inc. to:

- i. Rearrange shelves to create aisles with a minimum width of 36 inches within 45 days.

- ii. Rearrange product displays to ensure essential merchandise is placed at accessible heights within 45 days.
- iii. Train staff on accessible customer service practices within 30 days.

14. Soft & Creamy, Inc. (Owner/Operator of Soft & Creamy)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Soft & Creamy, Inc. to:

- i. Replace or modify tables to eliminate the support bar at the bottom that prevents frontal access within 90 days.
- ii. Provide accessible seating options at an appropriate height for wheelchair users within 60 days.
- iii. Redesign counters to provide greater depth and remove obstacles, ensuring a maximum height of 36 inches and adequate knee clearance within 60 days.
- iv. Train staff on accessible customer service practices within 30 days.

15. O. G.A.C. Food Inc. (Owner/Operator of The Taco Maker)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering G.A.C. Food Inc. to:

- i. Lower the counter to a maximum height of 36 inches within 60 days.
- ii. Extend the counter depth to provide adequate space for wheelchair approach within 60 days.
- iii. Train staff on accessible customer service practices within 30 days.

16. Fast Food Management, Inc. (Owner/Operator of The Hot Potato)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Fast Food Management, Inc. to:

- i. Lower the service counter to a maximum height of 36 inches within 60 days.
- ii. Extend the counter depth to provide adequate space for wheelchair approach within 60 days.
- iii. Train staff on accessible customer service practices within 30 days.

17. Clearsea Corp. (Owner/Operator of Wetzel's Pretzels)

Issue a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) ordering Clearsea Corp. to:

- i. Eliminate the threshold at the entrance by installing a compliant threshold or ramp within 60 days.
- ii. Lower the counter to a maximum height of 36 inches within 60 days.
- iii. Extend the counter depth to provide adequate space for wheelchair approach within 60 days.
- iv. Train staff on accessible customer service practices within 30 days.

III. Monitoring and Verification

1. Order all defendants to submit written verification of compliance with all Court-ordered modifications within 30 days of each respective deadline; develop and implement a comprehensive written ADA compliance policy within 30 days addressing accessibility requirements, customer assistance procedures, complaint protocols, and maintenance guidelines.
2. Order all defendants to permit the plaintiff or his representative to inspect the premises after modifications have been completed to verify compliance.
3. Order the Court to retain jurisdiction over this matter for a period of one year to ensure continued compliance with the Court's orders.

IV. Additional Relief

1. Award the plaintiff dignitary damages in the amount of one dollar from each defendant, acknowledging that his dignity has been aggrieved by the defendants' discriminatory conditions.
2. Award the plaintiff reasonable attorney's fees, costs, and expenses of litigation pursuant to 42 U.S.C. § 12205, as the prevailing party in this action.
3. Grant such additional or alternative relief as may be just, proper, and equitable.

Dated: March 14, 2025.

VELEZ LAW GROUP LLC
Civil Rights Division

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