

From: Jim Gibbon [mailto:Jim.Gibbon@safeway.com]
Sent: Thursday, April 07, 2011 4:00 PM
To: Davis, Stephanie
Subject: RE: CCDA Administration Committee Meeting

Stephanie,

I will not be able to attend the meeting but would like to add a comment to be read into the record at the public comment time (item #2) at the meeting.

Thank you,

Jim Gibbon

RE: 30 or 60 Day Prior Written Notification Requirement

I am working on ADA legal issues for Safeway that are coming more frequently since the 2010 ADA has come into effect. We are attempting to comply with these new ADA standards and California ADA building codes changes. We are planning to retrofit our stores in a systematic way to comply with these new changes.

My question to you has to do with the lawsuits filed against us by ADA lawyers in both California and in federal court. We would like to have a chance to remedy the issues in these lawsuits before they are filed with the court.

This is where the idea of a 'prior written notification' comes into play. In California there is a new law called SB1608. It allows for notification of ADA access issues and a remedy process for corrections. It still does not require prior notification, only allows for correction prior going to court. By the time of filing we are not able to do anything.

Is there away to create a 'prior written notification' process? This would not help companies who will not comply but it will help companies like Safeway who try to comply.

For Safeway these lawsuits could be resolved in a short amount of time if we knew there was a problem. These lawsuits come out of thin air and can only be handled economically by paying the lawyer/plaintiff off. We pay the lawyer/plaintiff an average of \$5,000 for each lawsuit which is less expensive than fighting the suits in court. These suits can cost as much as \$100,000.00 to process. Most of the claims contain only small insignificant issues that could be corrected in a two months if not sooner.

Is there away to get this Prior Notice idea in the regulations as part of the process required by SB 1608? It would be a small but significant addition to the compliance process. Can you think of a way?

Thank you,

Jim Gibbon
Safeway Corporate ADA Compliance Officer