

Center (“GTC”), at Detroit Metro Airport (“DTW”), in alleged violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (“ADA”) and Section 504 of the Rehabilitation Act.

2. After participating and assisting Michael Harris and Karla Hudson in their lawsuit against the Defendant for violations of Title II and Title V of the Americans with Disabilities Act in the case of *Harris et al v. Wayne County Airport Authority*, 2:14-cv-13630 (E.D. Mich.), the Plaintiffs were immediately and severely retaliated against by the Defendant, in blatant violation of the anti-retaliation provisions of the ADA.
3. In retaliating against the Plaintiffs, the Defendant systematically and relentlessly interfered, disrupted, and undermined their existing businesses as private companies providing public transportation at DTW, an airport operated by the Defendant.
4. The retaliation in question occurred only after the Plaintiffs supported and participated in proceedings involving a lawsuit brought by their disabled ridership against the Defendant, and said retaliation is the direct result of their participation.
5. Therefore, Plaintiffs seek declaratory relief stating the Defendant’s retaliatory conduct violates the ADA, and injunctive relief preventing Defendant from further retaliating against the Plaintiffs in their business operations at the Defendant’s Airport.

Additionally, the Plaintiffs seek recovery of damages for the unlawful disruption of their businesses.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, because Plaintiff’s claims arise under federal statutes, specifically the ADA. In addition, this Court has jurisdiction over Plaintiff’s claims for declaratory relief, pursuant to 28



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U.S.C. §§ 2201-02, and jurisdiction over Plaintiff's claims for injunctive relief pursuant to 15 U.S.C. § 1116.

7. Venue is proper in the Eastern District of Michigan, Southern Division, because the Defendant is situated within the district pursuant to 28 U.S.C. § 1391, and because the events, acts, and omissions giving rise to Plaintiffs' claims occurred in this district.

PARTIES

8. Plaintiff Michigan Flyer, LLC is a Michigan Limited Liability Company, organized under the laws of the State of Michigan, engaged in providing public transportation to the Defendant's Airport.
9. Plaintiff Indian Trails, Inc. is the parent company of Michigan Flyer, LLC, and is the private partner in the public-private partnership between the Ann Arbor Area Transportation Authority ("AAATA"), which contracts with Indian Trails, Inc. through its subsidiary Michigan Flyer, LLC to provide scheduled public bus service to the Defendant's Airport.
10. Plaintiffs have standing to bring the present cause of action.
 - a. Plaintiffs are companies engaged in providing public transportation to Defendant's Airport, and are subject to the requirements of the ADA to provide equal access to their services.
 - b. In support of their legal obligation to provide accessible transportation to their customers, the Plaintiffs participated in proceedings brought by two disabled individuals against the Defendant for allegedly illegally relocating public transportation to an inaccessible location at Defendant's Airport.



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- c. The Plaintiffs involvement in support of their disabled ridership included, but was not limited to: attending court proceedings, assisting in providing information to expert witnesses, assisting in providing information to counsel for the disabled riders, attending and participating in settlement discussions involving reconfiguration of the public transportation loading area in question, supporting the disabled riders in interviews and in a published press release, supporting the disabled riders in online newsletters and mass e-mails, providing financial support to sustain the litigation against the Defendant, and ultimately signing onto a release of liability in which the Plaintiffs accepted the disabled rider's settlement with the Defendant as a resolution to the relocation of public transportation at the Airport, and agreed to not themselves bring suit for said relocation.
- d. At all times relevant to this action, the Defendant was aware of the Plaintiffs participation on behalf of the disabled riders, and once this participation began, the Defendant systematically and relentlessly retaliated against the Plaintiff's businesses of providing public transportation to the Defendant's Airport.

11. Wayne County Airport Authority is a public, government entity within the meaning and definition of the ADA, as it was chartered by the Michigan Legislature in 2002.



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FACTUAL ALLEGATIONS

12. Plaintiffs incorporate by reference all allegations set forth in paragraphs 1 through 11, inclusive.
13. The Wayne County Airport Authority is the government chartered entity that oversees Detroit Metro Airport.

14. Plaintiffs are private companies engaged in providing public transportation to the Defendant's Airport, and are legally required to provide access to persons with disabilities.
15. On September 19, 2014, two individuals with disabilities, Michael Harris and Karla Hudson, sued the Defendant for violations of Titles II and V of the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act, arguing, *inter alia*, that Defendant's planned relocation of public transportation from curbside at the International Arrivals level of the McNamara Terminal to the distant south-end of the Ground Transportation Center across the street, violated the disabled riders federally protected rights to equal access as persons with disabilities.
16. In providing material support to the disabled riders, and in participating in numerous aspects of the prior litigation, the Plaintiffs joined the Governor of Michigan, the State Transportation Commission Chair, the Director of the Michigan Department of Transportation, and ultimately the Attorney General of Michigan in voicing concern for the Airport's blatant disregard and neglect to their most vulnerable customers.
17. The Plaintiffs publicly and unequivocally supported the cause of their disabled ridership, vehemently and forcefully advocating for their position sought in the prior litigation. In turn, the Defendant publicly and unequivocally opposed both the individuals with disabilities suing them, as well as the current Plaintiffs for supporting their cause.
18. Plaintiff's support and participation in proceedings in the previous action included, but was not limited to: attending court proceedings, assisting in providing information to experts, assisting in providing information to counsel for the disabled riders, attending



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and participating in settlement discussions involving reconfiguration of the public transportation loading area in question, supporting the disabled riders in interviews and in a published press release, supporting the disabled riders in online newsletters and mass e-mails, providing financial support to sustain the litigation against the Defendant, and ultimately signing onto a release of liability in which the Plaintiffs accepted the disabled rider's settlement with the Defendant as a resolution to the relocation of public transportation at the airport, and agreed to not themselves bring suit for said relocation.

19. Following the previous litigation, the Defendant chose to immediately and forcefully retaliate against the Plaintiffs for their role in supporting the cause of the disabled riders in their suit against the Defendant. The precise retaliatory acts include the following:
 - a. Soon after the prior litigation ended, the Defendant reduced the Plaintiffs "dwell time," which is the amount of time a bus may remain at the curb to safely load and unload passengers. Following the relocation of public transportation from International Arrivals to the GTC, which constituted a substantial *increase* in distance, the Defendant unreasonably *decreased* the Plaintiffs dwell time, by as much as eighty percent, thus preventing the safe and orderly loading and unloading of passengers, and unnecessarily causing passengers departing the Airport to miss their scheduled buses.
 - b. Soon after the prior litigation ended, the Defendant needlessly and relentlessly began forcing arriving buses operated by the Plaintiffs to circle the Airport, at times denying them access even when empty spaces designated for such buses in the GTC were available, causing the buses to arrive after their scheduled



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arrival times, and consequently causing the Plaintiff's customers to unsafely rush to make their departing flights, or miss them entirely.

- c. Soon after the prior litigation ended, the Defendant began forcing buses operated by the Plaintiffs to depart minutes *prior* to their scheduled published departure times, forcing Plaintiff's customers to wait extended periods of time, up to several hours, for another bus with available seats, because their reserved bus left too early, without them, at the direction of the Defendant.
- d. Soon after the prior litigation ended, the Defendant began prohibiting the Plaintiffs from unloading passengers at the Departures Level of the McNamara Terminal, an area designated by signage for "Motor Coach Unloading," and previously used by the Plaintiffs as an alternate accessible location when a passenger with a disability was onboard and needed immediate curbside assistance upon arrival at the Airport. The Defendant went so far as to utilize its own private police force to prevent Plaintiff's buses from reaching this area, and then immediately reprinted the existing signage to read "unscheduled charter buses only," – an invented term in the transportation industry that has no recognized meaning and was crafted solely to exclude the Plaintiffs.
- e. Soon after the prior litigation ended, the Defendant began giving competitors of the Plaintiffs preferential access to closer drop-off and pick-up locations, including allowing competitors to operate in illegal no-parking zones, while denying the Plaintiffs similar access, even when they were transporting passengers with disabilities.



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- f. Soon after the prior litigation ended, the Defendant began stationing airport personnel, in a climate-controlled booth, in direct proximity to the drop-off and pick-up location for the Plaintiff's operations, and began having said personnel interrogate bus passengers arriving at the Airport, questioning them about the route the Plaintiffs took to the Airport and what cities the bus had stopped in along the way. Such questioning has been unnerving to passengers, and has undermined the integrity and legitimacy of the Plaintiff's business operations at the Defendant's Airport.
- g. Soon after the prior litigation ended, the Defendant pursued frivolous misdemeanor criminal charges against Plaintiff Michigan Flyer, LLC for displaying signage they were contractually permitted to display. Additionally, the Defendant has temporarily, in their own words, decided to "stand down" on said prosecution, but has repeatedly threatened to once again employ the use of criminal process to coerce the Plaintiffs should they not act in the manner desired by the Defendant.
- h. Soon after the prior litigation ended, and subsequent to the Defendant pursuing frivolous misdemeanor charges, the Defendant compelled Plaintiff Michigan Flyer, LLC to file a "permit application" to display the signage they were already contractually permitted to display as part of the Settlement in the prior litigation. Defendant then selectively denied their permit, for among other things, their request to display a "blade sign," which is an overhead sign that is able to be seen from a distance, and is the type of sign used extensively throughout the Airport, but yet inexplicably denied to the Plaintiffs.



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i. And finally, soon after the litigation ended, and in writing, the Defendant retaliated against the Plaintiffs by suggesting that the Ann Arbor Area Transportation Authority, a public entity known by the Defendant to be a contractual partner with the Plaintiffs for their airport bus service, should contract with a different vendor rather than continue to do business with the Plaintiffs.

20. In short, the Defendant has utilized its position as the Operator of the Detroit Metro Airport to act with animus towards the Plaintiffs in viciously and relentlessly retaliating against them for standing up for their disabled riders and opposing actions taken by the Defendant that were so outrageous they drew the criticism of the Governor, Attorney General, MDOT Director, State Transportation Commission Chair, and hundreds of disabled and non-disabled riders who wrote to the Defendant in protest of their degradation of access to public transportation. In retaliating against the Plaintiffs for supporting persons with disabilities, the defendant has once again run afoul of federal law, and is endangering the safety of all persons at the Airport by forcing unsafe practices for the operation of Plaintiff's transportation businesses.

COUNT I
VIOLATION OF TITLE V OF THE ADA.

21. Plaintiffs incorporate by reference all allegations set forth in paragraphs 1 through 20, inclusive.

22. In enacting the ADA, Congress expressly determined that society tends to isolate and segregate people with disabilities; that individuals with disabilities continually encounter prejudice and discrimination, including outright exclusion and the failure to eliminate exclusionary criteria; that this nation should assure equality of opportunity for



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all participation, independent living, and economic self-sufficiency to individuals with disabilities; and that continuing discrimination impedes them from competing on an equal basis and pursuing opportunities available to other citizens. 42 U.S.C. § 12101(a).

23. The express purpose of the ADA is “to provide a clear and comprehensive national mandate for eliminating discrimination against individuals with disabilities; to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; and to ensure that the federal government plays a central role in enforcing the standards established in the Act on behalf of individuals with disabilities.” 42 U.S.C. § 12101(b).
24. Responding to the enormity of the task before the United States in “eliminating discrimination against individuals with disabilities,” Congress made certain to offer statutory protections not just for the disabled themselves, but also for those who would support the cause of ensuring equal access to the disabled, providing them legal protections when faced with retaliation.
25. Title V of the Americans with Disabilities Act states, in pertinent part, under the heading of “Retaliation,” that “[n]o person shall discriminate against any individual because such individual has **opposed any act or practice** made unlawful by this chapter **or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.**” 42 U.S.C. 12203(a). (Emphasis added).



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26. Through the actions alleged herein, the Defendants have unlawfully retaliated against Plaintiffs for “assisting” and “participating” in an earlier proceeding brought by persons with disabilities under Titles II and V of the Americans with Disabilities Act.
27. The Plaintiffs, as Congress so intended, rose in support of their customer’s deprivation of rights afforded to them under the ADA, seeking to advance the stated intent of the law in “eliminating discrimination against individuals with disabilities,” and in doing so, they are afforded protections and remedies against the Defendant’s retaliatory and unlawful response.
28. As a direct and proximate result of the Defendant’s prior and current retaliation, the Plaintiff’s business operations have been severely undermined and damaged. Damages to the Plaintiff’s businesses include, but are not limited to, customers refusing to ride the Plaintiff’s service due to the mistreatment by the Defendant, damage to their business image of providing efficient and comfortable public transportation, an inability to reasonably operate their businesses at the Airport, as well as frequent unnecessary operational disruptions, the need to give refunds to customers who were disgruntled by actions taken by the Defendant against Plaintiffs, increased expenses in labor costs to cope with the demands of operating a bus service in such a hostile environment, and expected future consequences to the long-term viability of what have been successful businesses, but are now seeing diminished growth.
29. Without declaratory and injunctive relief, Plaintiff’s businesses will continue to be irreparably harmed by the retaliation brought on by the Defendant.

WHEREFORE, Plaintiffs request the relief set forth below.



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PRAYER FOR RELIEF

Plaintiffs pray for the following relief:

30. A declaration that Defendant Wayne County Airport Authority has unlawfully retaliated against the Plaintiffs in violation of the Americans with Disabilities Act.
31. A permanent injunction preventing Defendant from further retaliating against the Plaintiffs.
32. All monetary damages consistent with those provided in the Americans with Disabilities Act for the victims of retaliation under Title V, as will be proven at trial.
33. Reasonable Attorney's fees and costs for the prosecution of this matter.
34. All other relief that this Court deems just and proper.

Respectfully submitted,

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