

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

A.L., by and through D.L., as Next  
Friend, Parent and Natural Guardian,  
and D.L., Individually,

Plaintiffs,

Case No. 6:14-cv-1544-ACC-GJK

v.

WALT DISNEY PARKS AND RESORTS  
US, INC.

Defendant.

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**PLAINTIFF A.L.'S MEMORANDUM OF AUTHORITIES IN SUPPORT OF  
PLAINTIFF A.L.'S MOTION FOR SUMMARY JUDGMENT OR  
ALTERNATIVELY FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff A.L. by and through D.L. as Next Friend, Parent and Natural Guardian, through undersigned counsel and pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, file this memorandum of authorities in support of Plaintiff A.L.'s Motion for Summary Judgment or Alternatively for Partial Summary Judgment.

**I. SUMMARY JUDGMENT STANDARD**

As this Court has stated:

Summary judgment is appropriate when the moving party demonstrates “that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed.R.Civ.P. 56(a). The movant must satisfy this initial burden by “identifying those portions of the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, which it believes demonstrate the absence of a genuine issue of material fact.” *Norfolk S. Ry. Co. v. Groves*, 586 F.3d 1273, 1277 (11th Cir.2009) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S.Ct. 2548, 2553, 91 L.Ed.2d 265 (1986)). In response, “a party opposing a properly supported motion for summary judgment may not rest upon the mere allegations or denials of his pleading, but ... must set forth specific facts showing that there is a genuine issue for trial.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S.Ct. 2505, 2510, 91 L.Ed.2d 202 (1986) (citation and quotation marks omitted).

Alternatively, the movant is entitled to summary judgment where “the nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.” *Celotex*, 477 U.S. at 323. When it conflicts, the court presumes the nonmoving party's evidence to be true and will draw all reasonable inferences in its favor. *Shotz v. City of Plantation, Fla.*, 344 F.3d 1161, 1164 (11th Cir. 2003) (citation omitted). Ultimately, the standard for summary judgment is “whether reasonable jurors could find by a preponderance of the evidence that the plaintiff is entitled to a verdict.” *Anderson*, 477 U.S. at 252. However, “[c]redibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.” *Id.* at 255.

*Federal Trade Commission v. HES Merchant Services Co., Inc.*, 2014 WL 6863506, \*4 (M.D. Fla. 2014).

## **II. FACTS AND BACKGROUND**

### **A. Disney’s Accommodations of Park Guests Prior to October 9, 2013**

For decades, with few exceptions, Disney’s accommodation of disabled persons, particularly persons with developmental disorders such as autism, was the finest in the country. Disney’s policy went by several names over the years, most recently the Disney “Guest Assistance Card” (GAC) in the 1990s and 2000s. During these years, until late 2013, Disney generally accommodated persons with disabilities by allowing them access to Disney’s “Fastpass” lines. Fastpass lines are reserved for guests who make appointments to visit the attractions. The ability to make Fastpass line appointments typically expires early on any given day of a Disney park visit, because the number of appointments is limited and guests consume the available appointment times at the beginning of the day. The Fastpass lines do not permit *immediate* access to the attractions, because even guests who make appointments must usually wait a few minutes to enter an attraction at the appointment time.<sup>1</sup>

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<sup>1</sup> Disney’s disability programs historically provided other limited or ride-specific accommodations, such as access through an alternate entry. Alternate-entry access and other limited or ride-specific accommodations were more common at Disneyland than at Walt Disney World, as many of the California attractions were built long before the Florida attractions.



██████████”; Ex.6: “our future vision of plan your day”; Ex.7: “I would think we would use the same manual process at both sites initially and then see how well my magic plus fulfills the same service level at WDW before deciding to eliminate it at WDW and rely solely on my magic plus.”

Disney touted its system as a fair one because it called for a “virtual wait.” Under the Disability Access Service (“DAS”), as the “dance card” system came to be known, guests would be given a time to visit the ride that was approximately equal to the time which would be required if the guest was, at that moment, standing in line.

The concept is backward. While ADA calls for equalization of Disney’s “goods, services, facilities, privileges, advantages, or accommodations,” Disney’s wait times are none of these. Disney guests do not visit the parks for the wait time; the wait time is a negative aspect of the experience. Even so, the DAS was launched with a stated goal of “equal wait time for all Guests” and “to address the accessibility issues while not granting preferential wait time. Equal wait time for all Guests.” Ex. 2, 1016077. The concept is akin to a retail store giving equal access to the products in the store but requiring persons with autism to wait as long as non-disabled persons to check out of the store, even if an express checkout lane is available.

For many years, Disney had a department devoted to services and accessibility for Disney’s guests with disabilities. Even so, the DAS committee was chaired by personnel in Disney’s industrial engineering department, and not by persons in Disney’s disabilities group. Disney’s suggestion that guests with autism, while waiting perhaps an hour or more to visit an attraction, can go shopping, or snacking, or sightseeing, or just wandering aimlessly, is bizarrely inconsistent with reality. Most persons with autism and similar disorders have a need (not a desire) for routine. They cannot “kill time.” In Plaintiffs’ family, as in most autism families, there is no browsing, or idly passing time awaiting the next experience. D.L. Aff. ¶19. Disney

knew this and for more than a year after the DAS committee was formed, Disney's disabilities personnel expressly voiced their concern that the "dance card" system, while it might work for most disabled persons, would not accommodate, and would uniquely prejudice, one group of disabled persons: persons with cognitive impairments, including autism. Ex.8 ("Compendium of Disney Disability Executives' Voices Ignored"), at AL1003954, AL1015954, AL1034721. They pointed out to Disney's statistics-driven engineers that autistic persons, at least excepting those on the highest-functioning end of the autism spectrum, cannot comprehend the concept of time. Their issue is not that they cannot tolerate waiting in lines – it is that they cannot tolerate waiting, beyond a few minutes, the number of tolerable minutes varying from guest to guest, depending upon the nature and severity of the disability. Most persons with autism cannot appreciate that they are offered or given an appointment to experience something later in exchange for waiting now. *Id.*

Although Disney's disabilities personnel voiced precisely this concern to the DAS committee, Disney's industrial engineers would not hear it. They consistently suggested that Disney could accommodate all disabled persons in one consistent way: by eliminating the need to wait in line as a precondition of experiencing Disney's attractions; by equalizing wait times for all, rather than accommodating wait time challenges for some. Ex.9. Ultimately, the DAS committee deliberately ignored the pleas of Disney's disabilities personnel and released the DAS in its present form. Ex.25 (changing proposed DAS language from "Intended for Guests who are unable to tolerate extended wait times" to "...unable to tolerate extended waits in our standard queues.")

Disney expressly proposes that its current DAS is a one-size-fits-all disabilities accommodation policy; that the DAS can accommodate each and every guest and each and every

disability, without modification. In response to an administrative complaint made by a similar-situated claimant with a materially indistinguishable discrimination claim, Disney said:

DAS... offers the opportunity to completely avoid waiting in line throughout the day to *all* persons with autism or other cognitive disabilities. It does not matter how severe or mild the autism is because a DAS holder has the right to not wait in *any* traditional queue, which all other guests must do on every ride. The fact that this right is also provided to guests with mild forms of [autism] does not mean that a different accommodation is required for persons with more severe impairments. Like the wheelchair ramp or the video captioning device, one solution has been found in DAS that completely eliminates waiting at an attraction for *all* guests with [autism] regardless of how severe or mild their disability is. When the opportunity for access offered by an accommodation is *complete*, there is no need to differentiate between persons with different degrees of impairment.

*K.S., A.S. v. Disney*, FCHR case no. 201500097, Disney response, March 19, 2015 (Ex.10). A clearer statement by Disney that it proposes to have created a one-size-fits-all accommodation system cannot exist. Nor can a clearer statement exist to demonstrate Disney’s continuing refusal to acknowledge a distinction between attraction wait times and order of attraction visits on the one hand, and waiting *in line* on the other. Riggs Dep. 93:2-6 (“The idea of DAS was for current guests with disabilities who can’t wait in a traditional line”); Hale Dep. 28:15-22 (DAS design “was more directed at making sure we had a process that served the needs of guests who could not wait in traditional lines. And that’s what it was designed for.”); Riggs Dep. 58:5-14 (“person who is autistic has a challenge waiting in queues... [DAS] gives them an alternative instead of waiting in line”).<sup>3</sup>

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<sup>3</sup> Disney has been repeatedly advised by others, in addition to its guests and its own in-house disabilities-specific personnel, that the challenge faced by persons with moderate to severe autism is the inability to appreciate the concept of *time* – i.e., waiting while time idly passes – not an ability to tolerate waiting *in lines*. See, e.g. (Ex.11), letter from Association of Regional Center Agencies to Disney following survey of Disneyland visitors:

A bit more than 1,500 completed surveys have shown a strong tendency towards profound concern, fear, and unhappiness. There have certainly been positive responses, but the majority trend is negative... Underlying this is the fact that, for some families with a member with a developmental disability, the issue is not waiting *in a line*, but simply *waiting*. Individuals with either autism or certain other developmental disabilities are both fundamentally attached to routine and not always able to understand waiting. It is not a matter of learning. It can be the case that the very nature of the disability makes waiting an impossibility... “Virtually” waiting is cold comfort.

On at least five occasions involving similarly-situated guests with discrimination claims that are materially indistinguishable from A.L.'s, the State of Florida Commission on Human Relations has found that Disney's DAS is discriminatory because it is a blanket policy which does not address the particular needs of individual guests. In all five decisions, the Commission's "Summary of Investigative Findings" states as follows:

Complainant alleged that her son was denied the full enjoyment of the public accommodation and the findings of this investigation support that allegation. While an accommodation was offered, it was a blanket accommodation that did not take into account the nuances between various disabilities or the fact that Complainant's son's disability required more assistance than other cognitive disabilities. The accommodations offered would not allow him to enjoy the park as it was intended to be enjoyed by all other patrons. In addition, there was no effort by Respondent to determine a suitable accommodation for her son which would allow him to fully enjoy the park.

*J.W.B., N.F.B., V.J.B. adv. Disney*, FCHR complaint no. 201401404, February 13, 2015.<sup>4</sup>

### C. The Disney Theme Parks are Public Accommodations

The Americans with Disabilities Act expressly provides that Disney's theme parks are "public accommodations" under ADA:

*The following private entities are considered public accommodations for purposes of this subchapter, if the operations of such entities affect commerce—*

\* \* \*

(I) a park, zoo, amusement park, or other place of recreation;

42 U.S.C. §12181(7)(B) (emphasis added). Several courts have addressed Disney's theme parks in context as public accommodations under ADA. *Ault v. Walt Disney World Co.*, 692 F.3d 1212, 1215 (11th Cir. 2012) (DOJ regulation in relation to ADA and mobility devices "requires a public accommodation, such as Disney Resorts, to 'make reasonable modifications in its

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(Emphasis original.)

<sup>4</sup> The other complaints in which FCHR reached precisely the same conclusion regarding a complainant with autism are: *R.J.R.G., G.M.G., J.M.G. adv. Disney*, FCHR case no. 201401540, February 13, 2015; *H.K.H., M.W.P., K.J.L. adv. Disney*, FCHR case no. 201401438, February 13, 2015; *J.L.B., C.M.B., H.M.B. adv. Disney*, FCHR case no. 201401469, February 13, 2015; *A.J.M., O.M.M., L.M.M., M.M. adv. Disney*, FCHR case no. 201401312, February 13, 2015. Copies of the FCHR determinations are attached as Ex.12.

policies”); *Baughman v. Walt Disney World Co.*, 685 F.3d 1131, 1135 (9th Cir. 2012); *Shields v. Walt Disney Parks & Resorts US, Inc.*, 279 F.R.D. 529, 548 (C.D. Cal. 2011).

**D. Plaintiff is a Person with a Disability**

There can be no doubt that A.L. is a person with a disability under ADA. 42 U.S.C. §12102(1)(A) provides in pertinent part: “The term “disability” means, with respect to an individual – a physical or mental impairment that substantially limits one or more major life activities of such individual.” 42 U.S.C. §12102(2)(A) defines “major life activities” thus:

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Many courts have determined that persons with autism are persons with disabilities under ADA. See, e.g., *Shankar v. United States Dep't of Homeland Sec.*, 2014 WL 523960, \*7 (N.D. Cal. 2014); *Jakubowski v. Christ Hosp.*, 2009 WL 2407766, \*8 (S.D. Ohio 2009) aff'd sub nom., 627 F.3d 195 (6th Cir. 2010); *Morgenthal v. AT & T*, 1999 WL 187055 (S.D. N.Y. 1999); *Glaser v. Gap Inc.*, 994 F. Supp. 2d 569, 575 (S.D. N.Y. 2014). Similar rulings abound under the Fair Housing Act, the Individuals with Disabilities Education Act, and the Rehabilitation Act, each of which applies a similar definition. See, e.g., *Rodriguez v. Vill. Green Realty, Inc.*, 788 F.3d 31, 35 (2d Cir. 2015) (FHA); *Mark H. v. Hamamoto*, 620 F.3d 1090, 1097 (9th Cir. 2010) (Rehabilitation Act).

The Americans with Disabilities Act is implemented and enforced through regulations enacted by the Department of Justice. 42 U.S.C. §12134. For Title III of the ADA which relates to public accommodations, such regulations are codified at 28 C.F.R. §§36.101 *et seq.* The Department of Justice’s implementing regulations are entitled to great weight and deference before the Court. *Bragdon v. Abbott*, 524 U.S. 624, 646, 118 S. Ct. 2196, 2208 (1998); *Kornblau*

*v. Dade County*, 86 F.3d 193, 194 (11th Cir. 1996); *Alboniga v. Sch. Bd. of Broward County Fla.*, 2015 WL 541751, \*12-13 (S.D. Fla. 2015); *Larsen v. Carnival Corp.*, 2002 WL 31345612, \*4 (S.D. Fla. 2002). Citing other federal regulations regarding autism, one district court has stated:

There are varying degrees of severity for individuals afflicted with autism which can be categorized with three main types: High functioning autism, mild autism and severe autism. “Federal regulations define autism as a ‘developmental disability significantly effecting verbal and non-verbal communication and social interaction, generally evident before age 3, that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.’” *Parents League for Effective Autism Services v. Jones–Kelly*, 339 Fed. Appx. 542 (6th Cir. 2009) (quoting 34 C.F.R. § 300.8(C)(1)(i)). There are various treatments that may help ease the symptoms of severe autism, including Applied Behavior Analysis (“ABA”), speech therapy, physical therapy and play therapy.

*Young v. Ohio*, 2013 WL 146365, \*1 (S.D. Ohio 2013).

Plaintiff A.L. has severe autism. His treating neurologist, in support of A.L.’s need for a “reduced ride wait time,” advises that A.L. suffers substantial impairment of at least the following major life activities: “Caring for One’s Self”; “Learning”; “Performing Manual Tasks”; “Speaking”; “Walking” and, in the category of “Other” major life activities, he advises: “[A.L.] does not have the capability to understand wait times, going to an attraction without going on the attraction, & has difficulty transitioning & moving out of a routine. The accommodations requested would allow him to participate & allow for enjoyment.”

A.L.’s condition is such that he must experience activities in a certain order or sequence. Disruption of an established routine will subject him to the risk of a sensory meltdown. He does not want or prefer to go in a certain order: “it’s more than a preference, actually. It is a biologically driven mechanism there around not being able to change and the need to stay with a consistent routine.” James Dep. 111:12-16. He is incapable of killing or biding time waiting for

one experience by doing something outside of his established routine: “In autism it's not a preference. It's a disorder... It's not willful. It's a brain-based driven need for sameness.” James Dep. 165: 11-12, 22-23.

**E. Plaintiffs' Visit to the Magic Kingdom – December 19, 2013**

Plaintiff A.L. visited Walt Disney World with his mother D.L. and, as required by Disney, began the day by reporting to Disney's Guest Relations location. At Guest Relations A.L.'s mother told the Disney employee that her son has autism and that his disability prevents him from experiencing the park in the same fashion as other guests. A.L.'s disability prevents him from being able to “browse” or idly kill time. Consequently, instead of browsing the park in an unrehearsed and adventurous manner, his disability requires him to experience only certain Disney attractions, and only in a precise order. The Disney employee ignored everything A.L.'s mother tried to explain, and ignored all facts and science relating to persons with severe autism. Though D.L. had raised her then-21-year-old son since birth, the Disney employee insisted that D.L.'s knowledge of her own son's special needs was simply wrong, and insisted on trying to give D.L. a lesson in how to re-organize A.L.'s routine and day.<sup>5</sup>

The employee then outlined the DAS and how it operates. D.L. specifically explained that the DAS will not accommodate her son's special need, and explained why. She was concerned about the order or sequence in which A.L. could experience the park attractions. After extensive complaints and efforts to make Disney's Guest Relations personnel understand that the DAS would not work for her son, she was given four additional “re-admit” passes to allow access to the parks' Fastpass lines. D.L. Aff. ¶22.

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<sup>5</sup> Disney employees, even those in Guest Relations who are charged with doling out DASs, are not trained in the needs of families with autism. This may explain their preposterous efforts to engage autism families in discussions of “itinerary planning,” as if they can suddenly educate an autism parent as to how to change an autistic child's unchangeable routine. Riggs Dep. 59:12-60:14.

### **III. ARGUMENT**

#### **A. ADA Does Not Permit One-Size-Fits-All Blanket Accommodation Systems**

##### **1. Individualized Assessments**

The DAS purports to be something that, by definition, cannot exist: a one-size-fits-all disability accommodation policy. Disney unequivocally insists that the DAS admirably accommodates each and every disabled person, including Plaintiff and those like him, without any modification.

It has become axiomatic that when a disabled person proposes that his or her special need is not adequately accommodated by a facility's accommodations policy, the facility must perform an individualized assessment of the disabled person's special need and make any reasonable modification of the policy which will reasonably accommodate the disabled person.

As the Supreme Court recently made clear in *PGA Tour, Inc. v. Martin*, in considering a Title III claim, "an individualized inquiry must be made to determine whether a specific modification for a particular person's disability would be reasonable under the circumstances as well as necessary for that person, and at the same time not work a fundamental alteration" to Defendant's business. *See PGA Tour, Inc. v. Martin*, 532 U.S. 661, 688, 121 S.Ct. 1879, 149 L.Ed.2d 904 (2001). *See also Staron v. McDonald's Corp.*, 51 F.3d 353, 356 (2d Cir.1995) ("Whether a particular modification is 'reasonable' involves a fact-specific, case-by-case inquiry that considers, among other factors, the effectiveness of the modification in light of the nature of the disability in question and the cost to the organization to implement it.").

*Larsen v. Carnival Corp.*, 2002 WL 31345612, at \*5 (S.D. Fla. 2002). Accord, *Concerned Parents To Save Dreher Park Ctr. v. City of W. Palm Beach*, 884 F. Supp. 487, 488-89 (S.D. Fla. 1994) ("Any finding of an ADA violation requires proof as to each individual claimant. In addition, the relief afforded to each claimant would require an individualized assessment of what measures the City must take in order to comply with the ADA on a case-by-case basis"); *Ass'n for Disabled Americans, Inc. v. Integra Resort Mgmt., Inc.*, 385 F. Supp. 2d 1272, 1278 (M.D. Fla. 2005) ("Title III requires a public accommodation to make an individualized inquiry as to

whether a specific modification for a particular person's disability would be reasonable and necessary for that person, and yet not work a fundamental alteration,” citing *PGA Tour v. Martin*, 532 U.S. at 688)); *D'Amico v. New York State Bd. of Law Examiners*, 813 F. Supp. 217, 221 (W.D. N.Y. 1993) (“An individual analysis must be made with every request for accommodations and the determination of reasonableness must be made on a case by case basis”).

As the Second Circuit has stated:

Although neither the ADA nor the courts have defined the precise contours of the test for reasonableness, it is clear that the determination of whether a particular modification is “reasonable” involves a fact-specific, case-by-case inquiry that considers, among other factors, the effectiveness of the modification in light of the nature of the disability in question and the cost to the organization that would implement it. *See D'Amico*, 813 F.Supp. at 221-22 (holding that allowing a law student with a vision disorder four days to take the bar exam was a reasonable accommodation); *cf. Vande Zande*, 44 F.3d at 542 (stating that, to be “reasonable,” the cost of an accommodation should not be disproportionate to the benefit); *Tuck v. HCA Health Servs. of Tennessee, Inc.*, 7 F.3d 465, 471 (6th Cir. 1993) (“Issues involving ... reasonable accommodation [under the Rehabilitation Act] are primarily factual issues.”).

*Staron v. McDonald's Corp.*, 51 F.3d 353, 356 (2d Cir.1995).

Applying all these principles, the Southern District outlined the parties’ burdens in a reasonable modification case. The plaintiff must initially show that he or she requested a modification that was necessary for full and equal enjoyment and that the modification was reasonable. The burden then shifts to the defendant to show that the requested modification is unreasonable.

As part of this reasonableness inquiry, federal courts have considered the effectiveness or feasibility of the proposed modification and whether it imposes undue costs or administrative burdens on the defendant. *DeBord v. Board of Educ. of the Ferguson–Florissant Sch. Dist.*, 126 F.3d 1102, 1106 (8th Cir.1997); *Staron v. McDonald's Corp.*, 51 F.3d 353, 356 (2d Cir.1995).

At all times, however, plaintiff bears the ultimate burden of persuasion on the issue of reasonableness. *Johnson*, 116 F.3d at 1059. If, and only if, plaintiff meets

this burden, defendant bears the burden of proving that under the particular circumstances, the requested modification would fundamentally alter the nature of the goods or services being offered. *Id.*

*Larsen v. Carnival Corp.*, 242 F. Supp. 2d 1333, 1342-43 (S.D. Fla. 2003).

No different or lesser standard exists for disabilities in the nature of developmental disorders. That is, a person with a developmental disorder such as autism is entitled to the same individualized assessment as are other persons with disabilities. *Alumni Cruises, LLC v. Carnival Corp.*, 987 F. Supp. 2d 1290, 1307 (S.D. Fla. 2013) (plaintiff organization, d/b/a “Autism on the Seas,” provides cruise experiences for persons with developmental disorders; “[plaintiffs’] requests are specific enough to allow Carnival to be able to assess the proposed modifications, the difficulty of accomplishing them, the cost of implementation, and the effect of the proposed modifications on the economic operation of Carnival”).

Disney’s suggestion that it can unilaterally implement a one-size-fits-all disability policy, one for which Disney need not consider or recognize any modifications, is simply contrary to law and logic. Disney is required to make individualized assessments, and to consider and implement individualized modifications that are reasonable. One court, considering an autistic plaintiff’s reasonable modification claim, put it thus:

“Reasonableness is not a constant.” *Wynne v. Tufts Univ. Sch. of Med.*, 976 F.2d 791, 795 (1st Cir.1992). Therefore, the issue here is what is reasonable given the specific facts of Mr. Hahn's circumstances. The issue is not what would be reasonable in a general sense, but what would be reasonable given the individualized facts before the court. *Zukle v. Regents of the Univ. of California*, 166 F.3d 1041, 1048 (9th Cir.1999).

*Hahn ex rel. Barta v. Linn County, IA*, 130 F. Supp. 2d 1036, 1052 (N.D. Iowa 2001).

## **2. Disney is Not Performing Bona Fide Individualized Assessments**

On April 16, 2015, Mr. Riggs, Area Manager for Magic Kingdom Guest Relations, spelled out the entire DAS issuance process as follows:

The current DAS process is the same as it has been since it was rolled out in October 2013...

Below are the steps involved in the issuance of a DAS card:

- Guest visits Guest Relations declaring they have a challenge waiting in attraction queue lines
- GR Cast Members explains options which may include renting and utilizing a Wheelchair
- If Guest explains that challenge is not mobility in nature but cognitive or anxiety related, a DAS card is offered
- Guest are informed that the DAS card offers them a virtual wait that is comparable in time to what other Guests would be waiting
- GR Cast Member instructs the Guest utilizing a DAS card on how to use it
  - Guest selects the attraction they wish to visit
  - Guest shows DAS card to attraction's greeter
  - The attraction's greeter will write the attraction's name on the card, the current wait time and the time for the Guest to return, and then initials the card (the return time will be minus 10 minutes from the actual wait time)<sup>6</sup>
  - Any party member may visit an attraction and obtain a return time (Guest for whom the DAS card was issued must be present at the return time for the Guest and their party to enter the attraction)
- A picture is taken of the Guest for whom the DAS card is for and the picture is printed on the DAS card to be issued
- GR Cast Member reviews the terms and conditions of the card, has the Guest sign the card, and then gives the Guest their card
- If a Guest being issued a DAS card expresses concerns over if the DAS card will meet all their needs the GR Cast Member will look for other options to assist the Guest. These options may include itinerary planning for the Guest, writing in the first attraction to be visited on the DAS card, issuing attraction re-ads, and thoroughly explaining the FastPass+ system.

Ex.13. Unless a guest complains, they are sent on their way before the final step is ever reached, and after at least once being told, as D.L. was told, that the DAS is “all Disney can offer” to a guest like her son. D.L. Aff. ¶21. In the early stages Disney tracked that 95 percent of disabled guests received the DAS and nothing else. Ex.14. Since that time, Disney believes the figure has increased and that about 60 percent of DAS holders also receive up to three re-admit passes. Disney Corp. Dep. 125:16-126:7. This trend is consistent with directives from Disney management:

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<sup>6</sup>This 10-minute buffer was added as part of the DAS after the date of A.L.’s visit to the Magic Kingdom.

Effective as of [01/24/2014), if, while speaking to a Guest regarding the DAS process, you decide that you would like or there is a need to provide them with something, please feel free to provide up to 3 FastPasses or Re-Ads for their first park visit only. This offering is meant to assist Guests in making up some of the time they will be spending in Guest Relations to through the process of obtaining a DAS card.

Ex.15 (emphasis original). Clearly, the additional FastPasses and/or re-admit passes are not being extended as a disability accommodation, and no flexibility at all exists to do anything other than offer the DAS, along with up to 3 re-admit passes to guests who complain. Ex.16 (over variety of potential cognitive issues which guests might raise, “script” for responses is identical, including reluctant last step of extending up to 3 re-admit passes); Ex. 8, AL1008396: “[Guest Relations is] supposed to stick to the DAS as it is designed to work. She mentioned many issues with other Guests trying to get more FastPasses. They are telling them they may not be able to continue giving them the FP moving forward.”

When a guest with a disability initially arrives at a Disney park, he or she is required to first visit Disney’s Guest Relations in order to obtain a DAS. At that time the guest is advised that Disney’s policy for accommodating persons with disabilities is the DAS, and the Guest Relations employee customarily explains how the DAS works. Ex.13. For a guest with moderate to severe autism, what happens next is anything but accommodating.

Parents of the disabled guest commonly express concern or grief that the DAS will not accommodate their child, because they know the child will not be able to process or handle the rejection of being sent away from a ride or being unable to experience the attractions in the hard-wired predetermined sequence.

When a guest pushes back even more, Disney personnel frequently award to the guest one or more “re-admit” passes, which are passes that allow use of the Fastpass lines. Re-admit passes are not given to guests as a disability accommodation or as a modification of the DAS to

accommodate a guest's special need. Rather, re-admit passes are always given merely as a "recovery tool" with which Disney employees can help someone having a bad experience recover from their bad time and hopefully have a good one. Disney Corp. Dep. 116:6-15; Riggs Dep. 73:5-76:8 (Magic File is a recovery file; FastPasses and re-admits once granted are "never automatic" on a repeat visit; the guest must go through the same process on each visit). When a guest is given a re-admit pass in an effort to recover the guest's favor, the Disney Guest Relations personnel typically advise the guest that the re-admit passes are a "one-time only" accommodation. Riggs Dep. 76:9-77:1; Ex. 8, AL1008394 ("Can you tell me if we will still be able to provide Guests with the FastPasses moving forward? There is some info being communicated to Guests who really have needs that it is a one-time courtesy."); Ex.8, AL0000470 ("another example of where Guests are being told the FastPasses are one time exceptions. And see the note about riding multiple times – I think we talked (sic) this, but it's not being operationalized.") That is, even though the guest's disability is permanent, the recovery tool is not – the guest will need to go through the same process on his or her next visit. Consistent with this policy, each award of re-admit passes in Guest Relations is recorded in each guest's "Magic File," but it is recorded as a one-time recovery tool, not as an entitlement that will be available on any future visit, and not as a disability accommodation. Riggs Dep. 73:5-77:1; Disney Corp. Dep. 68:5-15 (re-admit pass is tool to potentially recover or assist a disabled guest, though it is "not specifically for a guest with disabilities"; Disney has no tool to help reduce wait time for a guest); 126:21-127 (re-admits are not an entitlement beyond DAS); Ex.17 ("our time should be spent developing a strong service recovery approach, and apply it when necessary regardless of the individual's needs") (emphasis added); Ex.27 ("I have concerns on developing a special process for Autism. We should really try to develop this process so it

addresses the needs of the majority of our guest (sic) including those who have autism. Our goal will be to meet this requirement.”)<sup>7</sup>

If Disney proposes that it is not performing meaningful individualized assessments because it is for some reason prohibited from having a detailed conversation, or asking meaningful questions, about a guest’s disability, the authority for such a stated or feigned position is unclear. *See Burriola v. Greater Toledo YMCA*, 133 F. Supp. 2d 1034, 1037 (N.D. Ohio 2001) (consideration of child with autism’s ability to succeed in YMCA programs with reasonable modifications required detailed discussion of child’s needs); *Mucci v. Rutgers*, 2011 WL 831967, \*22 (D. N.J. 2011) (Plaintiff delayed submitting information in response to college’s requests for medical information regarding disability, and ultimately submitted inadequate information to support reasonable modification); *United States adv. West End YMCA*, DOJ Complaint No. 202-12C0298 (DOJ action against YMCA which failed to make reasonable modifications to permit child with autism to participate; DOJ settlement permits YMCA, in response to future requests for reasonable modifications, to request “medical documentation relating to the child’s disability and any necessary modifications’). Ex.21. If the concern is that Disney’s staff is incapable of engaging in a cogent discussion about autism, the concern is unavailing; perhaps the staff needs autism-specific training. *See United States adv. Beginning Montessori Academy* (Title III enforcement action against educational facility for denial of access to autistic child without individualized assessment; DOJ settlement calls for autism-

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<sup>7</sup> Prudent and good faith practice in disabilities accommodation would call for Disney to note the existence of the disability in the “Magic File” along with an entitlement on future visits to whatever additional service may have assisted the guest during a particular visit. *See, e.g.*, DOJ guide: “Access To Medical Care For Individuals With Mobility Disabilities”, [http://www.ada.gov/medcare\\_mobility\\_ta/medcare\\_ta.htm](http://www.ada.gov/medcare_mobility_ta/medcare_ta.htm), \*3 (where medical facility accommodates exam table wait time for disabled patient, “[a]ccessibility needs should be noted in the patient’s chart so the provider is prepared to accommodate the patient on future visits as well.”)

specific training of staff).Ex.22. Disney employees in the parks and Guest Relations receive no training specific to persons with disabilities. Riggs Dep. 17-18.<sup>8</sup>; Jones Dep. 121: 13-21.<sup>9</sup>

### **3. The DAS is not a Bona Fide Disability Accessibility Program**

Disney touts its DAS as cleverly creating a “virtual” wait. Of course, there is nothing “virtual” about the wait – it is a genuine wait. At most, the DAS creates a “virtual line.” Disney continues to refuse to acknowledge that many guests with moderate to severe autism, including A.L., do not ask for a modification that relieves them of waiting *in line* – they ask for one that reduces the waiting *time*. Disney can achieve this accommodation by simply allowing access to Disney’s Fastpass lines for guests with developmental disorders.

The entire concept of Disney’s “virtual” wait and the DAS is that the disabled guest is required to wait just as long as non-disabled guests. However, what Disney has not publicly disclosed is that the posted “wait times” at each ride are deliberately posted by Disney in times which may or may not reflect the actual wait times. Ex.4 at AL0004778-4779 (“Actual Standby Wait Time” vs. “Posted Standby Wait Time”. *Disney posts false wait times to manipulate crowds as they move through the parks, deterring them from visiting certain attractions while steering them toward others.* This means a disabled guest who uses the DAS is given a virtual wait time which does not reflect the actual wait time; rather, it reflects an arbitrary wait time which Disney posts for the crowd, intending guests to rely upon it as genuine. See Ex.18 (Disney admission that actual standby wait times are inconsistent with posted times, that Disney’s “wait time model” is inaccurate, that more data is needed to “generate an accurate model,” and that only

<sup>8</sup> See also Jones Dep. 114:1 (Disney’s Manager of Services for Guests with Disabilities at Disneyland and Walt Disney World answers question with question: “Are autistic children disabled?”)

<sup>9</sup> It is especially unfortunate that Disney does not perform a genuine assessment in Guest Relations, because Disney communications personnel are trained not to give information to telephone callers around the country. They are specifically instructed to tell all callers they must drive all the way to Florida and visit Guest Relations in order to obtain any information about what will be done for them. They are not told that what will be done for them is the DAS, which is nothing, and, if they protest enough, one to three re-admit passes for the day. Ex.8, at 1040006; Ex 23: “effective immediately, we are not accommodating our Guests with FP, FP+, Re-Ads, PEPs, NOTHING pre-arrival” (emphasis original).

then will Disney be able to “post and (sic) accurate wait and thus put an appropriate time on DAS cards.”) Even more troubling is the fact that Disney is posting absurdly high wait times with knowledge that DAS users will be given the same false times. See Ex.19 (Disney control personnel are uncomfortable with being instructed to post “crazy high wait times” such as to post a 150-minute wait time at Peter Pan when the actual wait time was only 35 minutes (which is deemed “not acceptable no matter what”), to post an 80-minute wait time on Pirates of the Caribbean when the actual wait time was only 40 minutes, and to post absurd wait times whenever operations staff direct them to “post us at a stupid high wait time so people will stop getting in line.” There is no way to know whether a particular guest’s DAS wait time is the same as the actual wait time, and it appears DAS holders are actually waiting longer than non-disabled guests. [REDACTED].

Ex.4.

#### **4. The DAS Does Not Accommodate A.L.’s Disability**

When A.L. visited the Magic Kingdom on December 19, 2013, there was no way for D.L. to have any level of confidence or assurance that as they arrived at each attraction in the order prescribed by A.L.’s routine, they would be permitted to enter the attraction within a manageable amount of time. She was prepared to wait perhaps 10 or 15 minutes at any attraction, because doing so is not uncommon when using the Fastpass lines. She knew she and her son could visit a few more attractions using the “one-time only” re-admit passes that had been given to them to help recover their good time and not as a disability accommodation. But the only certainty was that within a short period of time they would exhaust those passes and A.L. would be in a meltdown situation at a time and location within the park that could not be predicted. D.L. Aff. ¶25-26, Ex.F. The DAS itself was useless because it might only be

meaningful on attractions with extended wait times, which A.L. would not be able to endure, whether in line or elsewhere.

Further, in addition to having no ability to predict any wait times in advance, and thus having no ability to foresee any challenges they would face, her past experience indicated that the actual wait times she would face would be substantially longer than 10 or 15 minutes. See Ex.4, at AL0004778 (average wait time of attractions 09/10-09/11<sup>10</sup>).

Disney has repeatedly advised that it has not made material changes to the DAS and has no plans to do so. Consequently, D.L. knows that A.L.'s and D.L.'s experience will be materially the same if they should visit the Magic Kingdom again in the future.

**5. Disney Did Not Perform a Bona Fide Individual Assessment of A.L.**

When D.L. and A.L. visited the Magic Kingdom and report to Guest Relations to obtain a DAS, Disney performed no bona fide individualized assessment of A.L.'s special need or of Disney's ability to reasonably modify the DAS to accommodate him.

**6. Disney Cannot Show that A.L.'s Requested Modification of Disney's Blanket Policy is Reasonable**

Disney will have the burden of establishing that the cost of implementing A.L.'s requested modification, of allowing him access to the Fastpass lines, will create undue cost. Disney cannot do so in light of a number of inescapable facts.

First, Disney admirably accommodated A.L. for the first twenty years of his life, by providing exactly the accommodation he requests here – access to the Fastpass lines. History proves the modification – which in the past was the principal accommodation, not a modification – is readily achievable. *See Burriola v. Greater Toledo YMCA*, 133 F. Supp. 2d 1034, 1037 (N.D. Ohio 2001) (court accepted as evidence that child with autism, if given reasonable

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<sup>10</sup>

modifications, could succeed in YMCA program, fact that YMCA had been able to accommodate him for over twenty months in the past, prior to failing to do so).

Surely there can be nothing unique about an amusement park. In addition to being specifically enumerated in the definitional list of public accommodations, the Department of Justice has issued the following opinion more than twenty years ago: “[Under ADA] an amusement park may be required to modify its policies to allow an individual with a disability to be admitted to an attraction without waiting in line, if delay would prevent the individual from participating in the service because of the nature of the disability.” DOJ letter III-4.2000 #65, May 14, 1993. Ex.20.

Disney cannot say whether a particular requested modification would accommodate guests such as A.L. because it has never studied the issue. Hale Dep. 35:24-36:2 (“Has Disney ever performed a study or analysis of how guests with developmental disorders, including autism, experience the parks? I’m not aware of a study like that, no.”); Jones Dep. 67:15-19 (unaware of any study of disparate impact of DAS on persons within the autism spectrum).

Nor can Disney say how much providing the requested modification would cost. Hale Dep. 36:3-21 (Disney has no data regarding the number of visitors who have developmental disorders, or the number of DAS cards which are issued to such persons); Jones Dep. 96:5 (Disney does not know or track how many disabled persons visit the parks each day); Disney Corp. Dep. 47-48 (Disney has never studied the monetary cost of continuing the GAC program); 49, 51 (Disney cannot answer extent to which providing GAC access to A.L., or to guests with cognitive impairments, would require fundamental alteration of services Disney provides); 49-50 (impossible for Disney to determine the cost of providing GAC access to A.L., or to any single person, or to guests with autism); 120:24-121:24 (impossible for Disney to know cost of giving one re-admit pass in addition to DAS; same for five readmit passes); 163:18-164:1 (Disney has

not studied percentage of guests who have autism, or developmental disorders, or cognitive impairments). Although Disney cannot know the cost of granting readmits to a guest for whom the DAS is inadequate, a Guest Relations employee would be scrutinized for promising a guest four re-admits, permanently, or for giving ten re-admits for a single day. Disney Corp. Dep. 161:11-162:20.<sup>11</sup> Disney's technological cost is insignificant, as it commonly adds re-admit passes to guests' Magic Files, and can easily do so even if the passes are deemed "entitlements". Ex.24 ("The last time we did this, we just gave them a MagicBand with 30 non-standard FastPass+ entitlements.").

Disney cannot say what GAC "abuse" was costing, especially since Disney never created a system for reporting "abuse." Riggs Dep. 30:22-31:15.

Disney cannot show that modifying its accessibility policy to accommodate A.L.'s special need – to simply use the Fastpass lines at Disney parks, just as he did for the first 20 years of his life – would entail a cost which is disproportionate to the benefit to be provided. Disney's affiliate, Disney Cruise Line, appears to have no problem accommodating A.L.'s need to be relieved of wait times. D.L. Aff. ¶31.

#### **IV. CONCLUSION, RELIEF REQUESTED**

In light of the foregoing arguments and authorities, Plaintiff A.L., by and through his mother, D.L., as his Next Friend, Parent and Natural Guardian, asks this Honorable Court to enter partial summary judgment in his favor, finding that Disney's past discrimination against Plaintiff, and Disney's present accessibility system along with its refusal to modify the system, establishes beyond question that, should Plaintiff return to Disney's facility, Disney will fail and refuse to reasonably and lawfully accommodate him in accordance with the Americans with

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<sup>11</sup> Notwithstanding this assertion, undersigned counsel has become aware of a number of guests who have been granted 10 or more re-admit passes per day.

Disabilities Act. The Court should order that Plaintiff is entitled to injunctive relief pursuant to the Americans with Disabilities Act, and should order Disney to provide access for A.L. to its attractions through Disney's Fastpass lines, or order Disney to provide an alternate system or mechanism acceptable to the Court which will provide A.L. with access to Disney's theme park attractions with a wait time not exceeding 10 to 15 minutes. The Court should order such other relief as the Court may find just and equitable, and should reserve jurisdiction to award attorneys' fees and costs.

Alternatively, should the Court find a fact question to exist about the appropriate remedy to satisfy A.L.'s special need, the Court should enter partial summary judgment finding that Plaintiff is entitled to injunctive relief under the Americans with Disabilities Act, and should convene an evidentiary hearing to adjudicate suitable and proper injunctive relief.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via Electronic Mail this 10th day of November, 2015 to:

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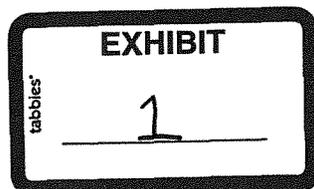
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**Sent:** Monday, April 16, 2012 2:56 PM  
**To:** Hale, Greg; Wahler, Jacquee M. (Polak); Bellavia, Deborah; Rosenfeld, Teri; Mertz, Carla; Martinez, Elisa; Giacalone, Margaret C; Muscaro, Kent; Morris, Julie  
**Cc:** Evans, Todd; Britton, Brian  
**Subject:** Attraction Access Working Team Membership

Hi Everyone,

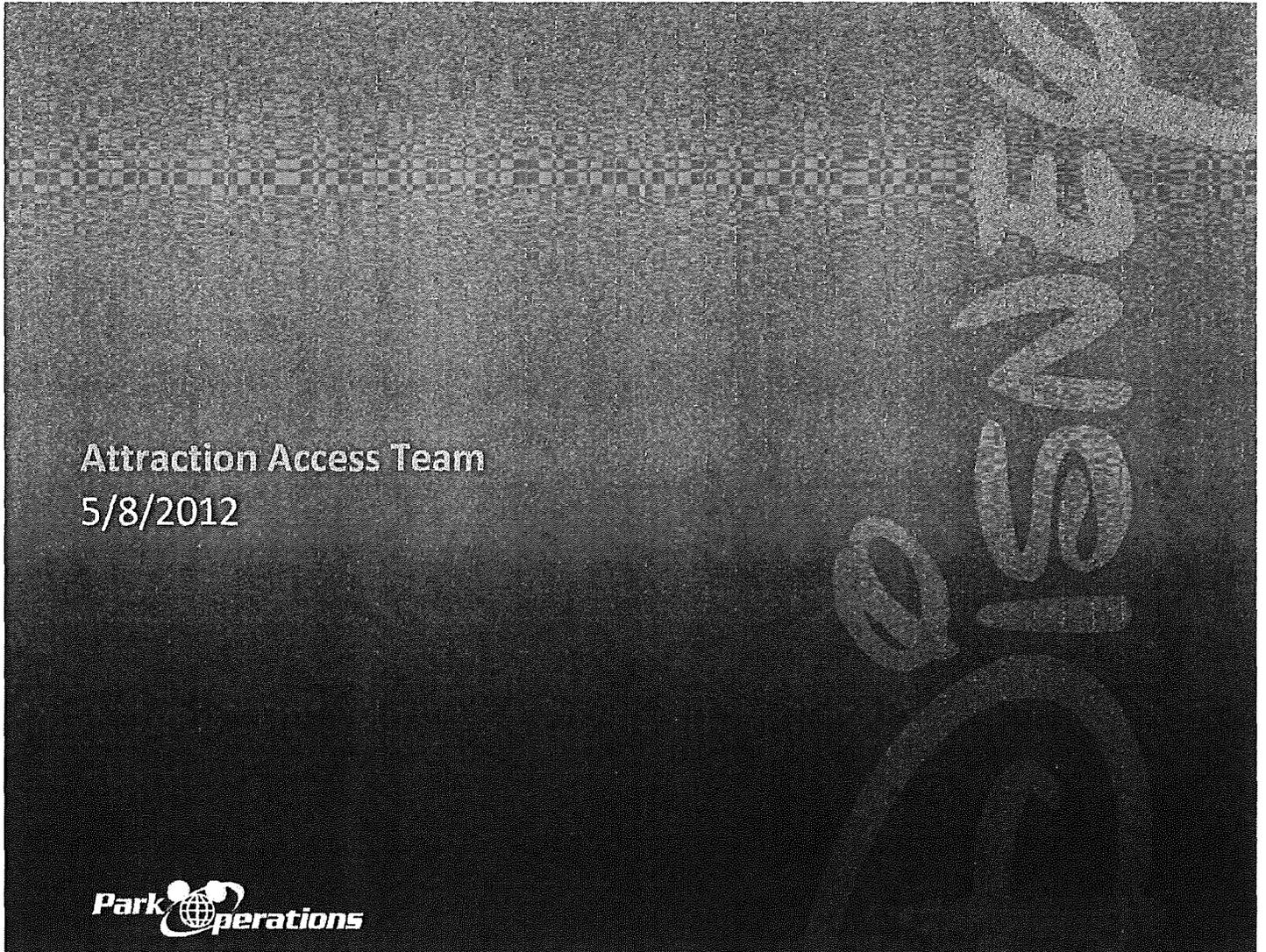
REDACTED

The Park Operations LOB will be leading an initiative to review and streamline our attraction access policies and tools for Guests with Disabilities for both US sites. This is a work stream generated by an ECV Strategy project which has recently been approved by senior leadership. Your departments have been identified as critical partners and we would like you to identify someone from your team to join our Attraction Access Working Team. This person should be able to represent you (ideally, leader of leader level) and have the authority to provide guidance related to their subject matter expertise. Their input would be vital in formulating our recommendations to be presented to the Steering Committees (recommendation target completion is in early Q4, with the hope of implementing in Q1 prior to NGE launch at WDW).

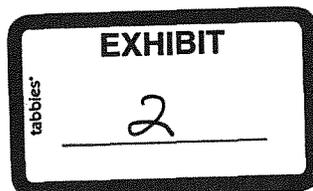
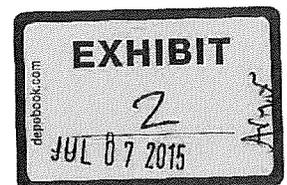
We anticipate this working team to be in existence for about 6 months as we move from recommendations to development and then implementation. Initially we will meet every other week and will adjust as necessary. Please let me know if you have any immediate questions and thank you in advance for your partnership and support!



Alison



Attraction Access Team  
5/8/2012

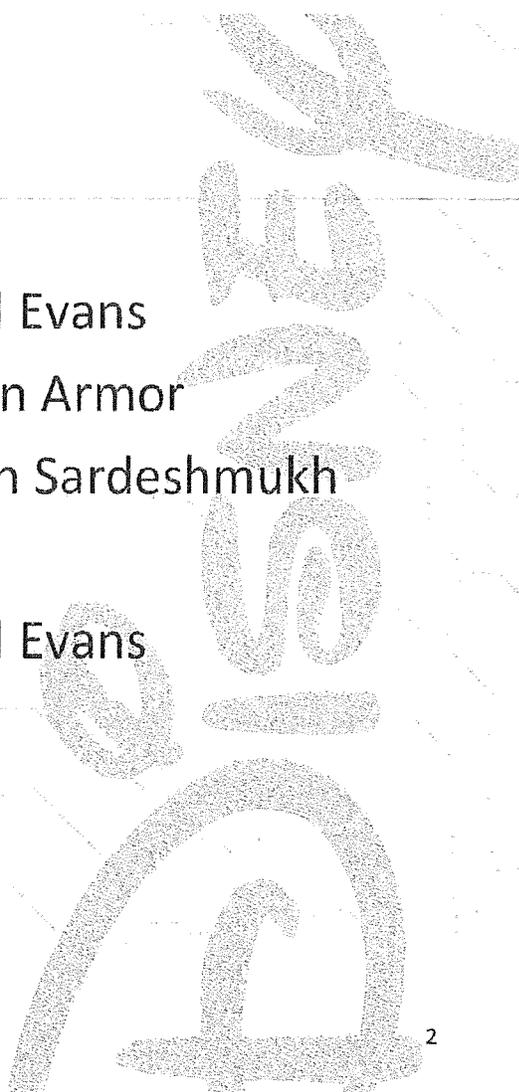


Highly Confidential

Disney-AL1016070

## Agenda

- Welcome/Introduction
- WDP&R ECV Project
- Current State of GAC & Attraction Access
- Attraction Access Process (Deliverables & Concept)
- Todd Evans
- Alison Armor
- Ketan Sardeshmukh
- Todd Evans



## Executive Summary

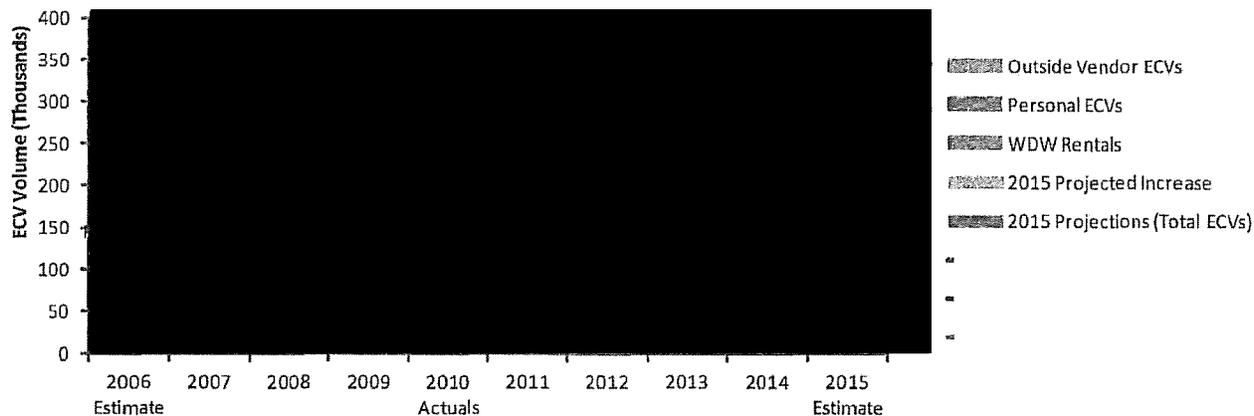
- **Background**
  - **ECV usage has increased significantly** over the past 5 years and projections show trends will **continue to grow**.
    - Increases are driven by many factors including an aging population, a higher percentage of aging and disabled Guests willing to travel and increasing social acceptance.
  - Research show that **██████ % of our Guests who use ECVs rent from outside vendors**.
    - Findings highlight opportunities to develop strategies based on Guest behavior and potentially shift Guest behavior/actions by making the right options available.
  - **The Americans with Disabilities Act (“ADA”) protects ECV usage by persons with disabilities**.
    - Strategies must be consistent with legal requirements.
  - **Industry benchmarks** with American Public Transportation Authority, Las Vegas and LYNX highlight **significant challenges** with growing number of mobility devices and lack of regulations to standardize devices.
- **ECV Strategies – domestic approach, starting with WDW**
  - Develop a holistic **Resorts and Park ECV** strategy to standardize devices, processes and Improve Guest service.
  - Continue **Transportation improvements** and implementation of securement devices to drive safety & efficiency.
  - Develop **Attractions access** plan to improve alignment of queue access with the Guests needs and equality of service levels.
- **Input needed from EC**
  - Input/gain support from partners on ECV approach.



### ECV Usage

- Domestic ECV usage increased an estimated [redacted] to [redacted] % between 2006 and 2010 causing significant challenges such as transportation and attraction inefficiencies, guest/cast injuries, negative guest feedback and lost ECV market share.
- ECV volume by 2015 is expected to increase by at least [redacted] % due to attendance growth and could reach up to [redacted] % if the usage rate continues at its current pace.
- According to a recent IE study, the total number of Guests using an ECV or other mobility aid is around [redacted] % of the overall attendance at WDW theme parks. On a peak day at MK ([redacted]) there are over [redacted] mobility aids.

WDW ECV Volume in Units



## Current State of GAC Usage

- According to recent data collection efforts focused on GAC distribution, approximately [REDACTED] % of the overall Attendance at WDW is issued GACs each day<sup>1</sup>
- The total number of Guest parties with GACs is likely higher, however, due to the length of time GACs are effective
  - Average Effective Duration: [REDACTED]
  - Average Party Size: [REDACTED]
- “Alternate Entry” and “Wheelchair” stamps tend to be applied most frequently, though practices on when to apply these stamps may differ across Parks
  - Current Queue accessibility varies across Parks
  - Experiences at Parks where GACs are issued can set the Guests’ expectations regarding their ability to have expedited attraction access
- Sampling of GAC usage during recent FP Return Time studies highlights that GAC impacts at specific attractions varies (even within a park). Additional data collection is required to better understand impacts at the attraction level

<sup>1</sup> Source: POLOB GAC Cards Issued by Guest Relations Database for February 28 – May 6, 2012.



## Propose Deliverables

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### CONTROLS

- Refine procedures
- Engage Advisory & Assurance, GBTS, NGE to create manual and system controls and processes

### GUEST

- Developing guest messaging
- Guest collateral
- FAQ's and reactionary messaging (Media)

### CAST

- Internal Communications
  - Operation Training
  - Global Documentation
- } •High guest contact areas.  
•Impacted cast (Guest Relation and Attract.)  
•Broader cast audience.



## Proposed Approvals

Impacted Areas	Key Stakeholders
DLR Ops Leadership	George Kalogridis; Jon Storbeck
WDW Ops Leadership	Jim MacPhee
Park Ops LOB	Brian Britton; Alison Armor
WDW Transportation	Sam Lau; Mark Natter
Executive Leadership	Erin Wallace
Global Documentation/Ops Training	Kris Theiler; Teri Rosenfeld; Carla Mertz
WSA	Greg Hale
Legal	Jeff Smith; Jeff Craigmile; David Ontko
Media Relations	Mike Griffin; Kim Prunty; Marylyn Waters
Community Relations	Brian Besanceney
Internal Communications	Jackie Wahler; Brian Crimmins; Beverly Kavanaugh
ORC	Bob Simmons
Resort Call Center/Guest Correspondence and Collateral	Deb Beliva
F&B, Merchandise, Lodging LOBs	Maribeth Bisienere; Mary Burns; Mark Rucker



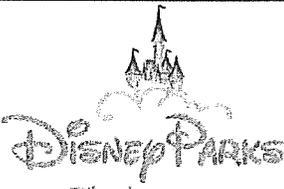
## Attraction Access Objectives

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- Readdress the current GAC Card process and how Guests traveling in Wheelchairs or Mobility Scooters are handled at all Attractions at the US Based Parks.
- Create a new Processes to address the accessibility issues while not granting preferential wait time. Equal wait time for all Guests.
- Where applicable leverage the FASTPASS® systems.



<p style="text-align: center;"><u>Current State</u></p> <p style="text-align: center;"><i>Guest Assistance Cards</i></p>	<p style="text-align: center;"><u>Proposed</u></p> <p style="text-align: center;"><i>Guest Assistance Card Attraction Access Process Stroller as Wheelchair Tags</i></p>
 <p>GUESTS SHOULD BE PROVIDED ANY ASSISTANCE NECESSARY TO EXPEDITE THEIR VISIT AT THE ATTRACTIONS.</p>	 <p>GUESTS SHOULD BE PROVIDED ANY ASSISTANCE NECESSARY TO EXPEDITE THEIR VISIT AT THE ATTRACTIONS.</p>
 <p>GUESTS MAY ENTER ATTRACTIONS THROUGH THE STANDARD WHEELCHAIR ENTRANCE.</p>  <p>GUESTS CAN USE AN ALTERNATE ATTRACTION ENTRANCE, WHERE AVAILABLE.</p>  <p>ALLOW GUESTS TO SIT IN THE FRONT ROW OF THEATERS OR RIDE VEHICLES WHERE APPLICABLE.</p>  <p>TO AVOID STAIRS, GUESTS CAN USE AN ALTERNATE ATTRACTION ENTRANCE OR PATH.</p>	<p style="text-align: center;"><b><u>New Attraction Access Process</u></b>                  Simulates standby wait times and equalizes the Guest Experience. (See next page)</p>
 <p>GUESTS CAN USE THEIR STROLLER AS A WHEELCHAIR.</p> 	 <p style="text-align: right;">9</p>



**Disney Parks**  
Where dreams come true  
Attractions Assistance Pass

Please present this card to alert our Cast about those Guests needing additional assistance to the first host or hostess you encounter to access each of our attractions throughout the park.

Additional waits may be incurred at certain attractions due to the need for a special vehicle or other operational concerns.

Name: \_\_\_\_\_ Dates Issued: \_\_\_\_\_  
Party Size: \_\_\_\_\_ Park Issued: \_\_\_\_\_

Date	Attraction	Current Time	Return Time	
4/5/12	"It's a small world"	1:00	1:45	<i>Handwritten initials</i>
4/5/12	Peter Pan's Flight	2:05	2:55	<i>Handwritten initials</i>
4/5/12	Mad Tea Party	3:00	3:30	TW
4/5/12	Snow White	3:40	4:15	<i>Handwritten initials</i>
4/5/12	Dumbo	4:35	5:00	TE
4/5/12	Winnie the Pooh			
4/5/12				

W33848

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- Potentially be park or site specific.
- May be multi-day or multi-park usage.
- Would create controls process to reduce Guest misuse.
- Future state

— [Redacted]  
[Redacted]  
[Redacted]

## Proposed Timeline

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- Kickoff Meeting May 8<sup>th</sup> 2012
- Development and Refinement of Process Q3 FY 12
- Approvals Q4 FY 12
- Communication Q1 FY13
- Integration prior to holiday Season Q1 of FY13



## Next Steps

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- Refine proposal
- Define Ownership of Action Items
- Seek Approvals
- Set Milestones/ Timeline
- Ongoing Team Meetings Bi Monthly



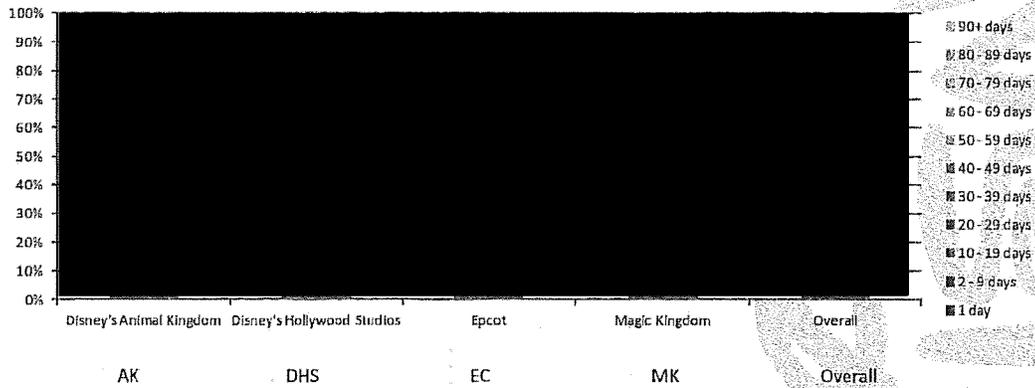
## Appendix



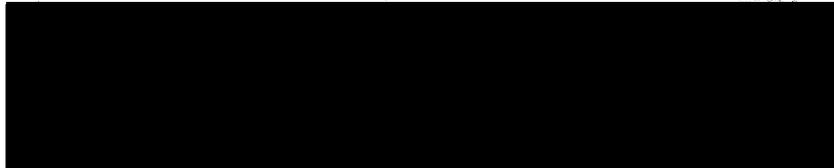
## GAC Effective Duration by WDW Theme Park

- Across the WDW Theme Parks, approximately 10% of GACs are effective for less than 10 days. Many GACs (80%) remain effective, however, for 60 days or more

Distribution of GAC Effective Duration by WDW Theme Park<sup>1</sup>  
February 28 - May 6, 2012



Avg. Eff. Duration  
Avg. Party Size  
% of Attend. Issued  
During Easter Peak  
Guests Issued GACs  
During Easter Peak



Actual number of Guests with GACs on site is higher due to GACs effective duration

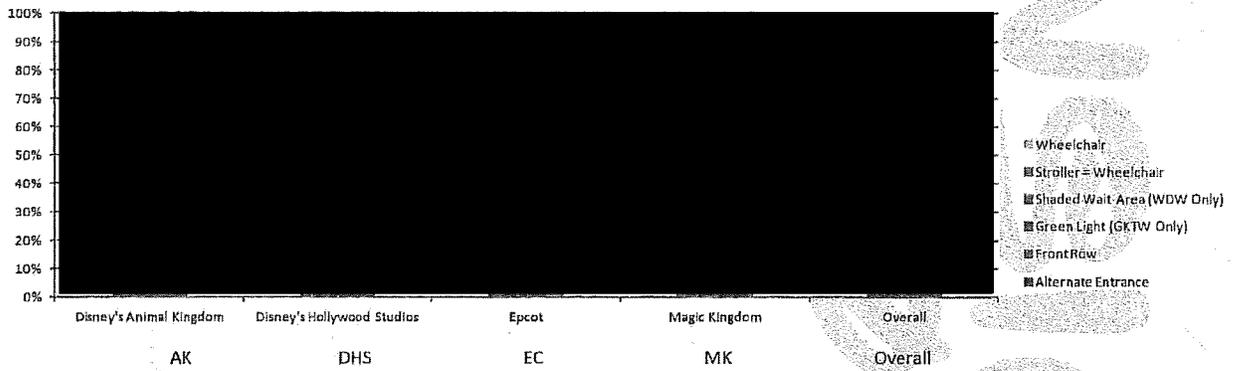


<sup>1</sup> Source: POLOB GAC Cards Issued by Guest Relations Database for February 28 – May 6, 2012.

## GAC Stamps Applied by WDW Theme Park

- Approximately █% of GACs contain the "Alternate Entrance" stamp at WDW Theme Parks, driven by high usage at MK (█%). Accordingly, "Wheelchair" stamps are not used frequently at MK relative to the other parks

Distribution of Stamps Applied on GACs by WDW Theme Park<sup>1</sup>  
February 28 - May 6, 2012



Wheelchair  
Stroller = Wheelchair  
Shaded Wait Area  
Green Light  
Front Row  
Alternate Entrance



Database records log up to █ stamps per GAC



<sup>1</sup> Source: POLOB GAC Cards Issued by Guest Relations Database for February 28 - May 6, 2012.

## Current Methodology for Queue Design and Configuration

Improvements have been made to our queue configurations over the years, resulting in queues having varying degrees of accessibility.

- **Full Mainstream Queues**
  - All Queues are accessible via W/C or ECV to the attraction vehicles.
- **Selected Main Stream Queue**
  - At least one Queue is accessible via W/C or ECV to the attraction Vehicles. (Typical the FASTPASS Queue)
- **Partial Main Stream Queue Access**
  - At least one or more Queues are accessible via W/C or ECV to a given point where then the guest moves to alternate entry point. This is due to physical limitations of facilities such as stairs.
- **Alternate Entrance**
  - Due to queues are not accessible and an alternate entrance (typically the exit area) is used to load guest. The Guest them by-passes the normal queues and sometime the wait time also.



## Current State Comparison

The majority of completely non-accessible queues exist at our two oldest parks, Disneyland Park and the Magic Kingdom. Experiences at these parks, however, can set the guests' expectations regarding their ability to have expedited attraction access.

	DLP	DCA	MK	EC	DHS	DAK
Full Mainstream						
Partial Mainstream Queue						
Selected Mainstream Queue						
Alternate Entrance						
Return Line Cards						





## WALT DISNEY Parks and Resorts Worldwide

Dear Friends,

Disney Parks holds a cherished place in the hearts of the millions of Guests who visit us each year. We know that is especially true for those of you who have a loved one with a disability. For many families, what would be impossible elsewhere is not only possible, but magical, at our parks and resorts. We are proud to play such an important role in so many of your lives.

Unfortunately, our current program for providing access to attractions for Guests with disabilities has been abused and exploited to such an extent that we are no longer able to effectively sustain it in its present form. After careful consideration, and with the needs of our Guests with disabilities as our foremost concern, we are modifying the current program so that we will be able to continue to serve those Guests for whom the program is intended.

Over the past few days, you have likely heard about these upcoming changes and how they might affect our Guests with disabilities. Our relationship with you is important to us, and we want to take the opportunity to clear up any confusion or misinterpretation.

Our commitment to providing an inclusive and welcoming environment for all our Guests has not changed. We have long recognized that people may have different needs, and we will continue to work individually with our Guests with disabilities to provide assistance that is responsive to their unique circumstances.

As with any change, there will be a period of adjustment, particularly for those families who have developed and refined their preferred ways of enjoying our parks with their loved ones over the years. I thank you in advance for your patience as we fine-tune our new program to mitigate the current abuse, while still providing the special experience our Guests have come to expect from Disney.

Most of all, thank you for entrusting your treasured time with those you love to Disney Parks.

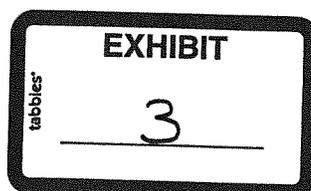
Sincerely,

A handwritten signature in black ink that reads "Meg Crofton". The signature is fluid and cursive.

Meg Crofton  
President, Walt Disney Parks and Resorts Operations, U.S. and France

500 South Buena Vista Street, Burbank, California 91521

© Disney



Disney-AL0000001

DR

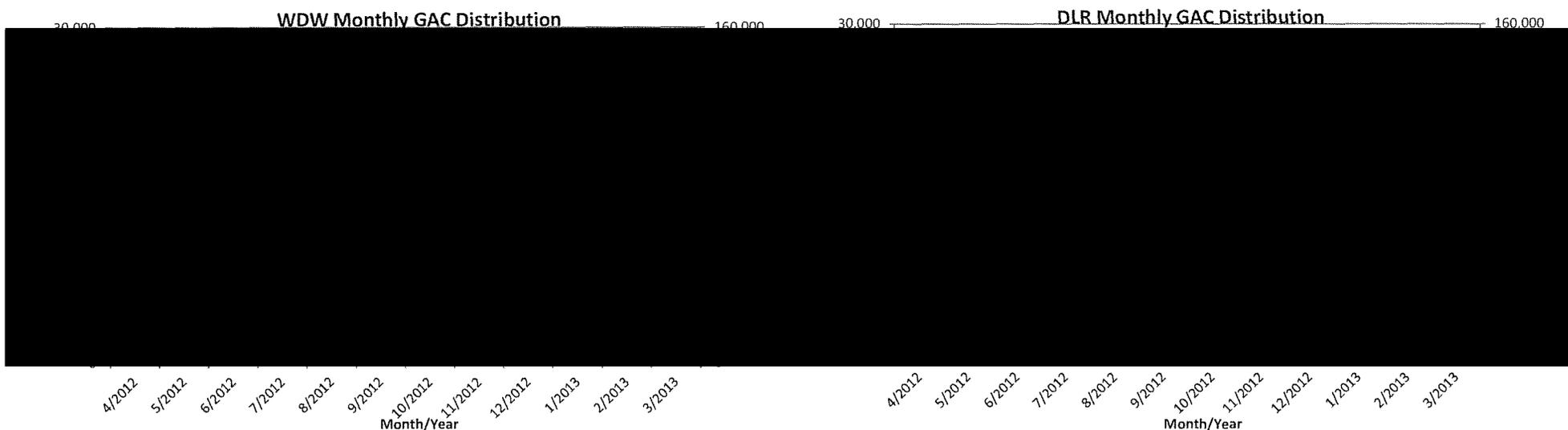
## WDW and DLR Guest Assistance Card (GAC) Distribution and Usage

### Background:

- Guest Relations tracks GAC distribution at WDW and DLR . This data was used to assess GAC issuance from April 2012 – March 2013.
- Operations and the Parks Support Team conducted ad-hoc studies throughout Spring Break to assess the volume of Guests using GACs at select WDW attractions. Analysis included limited hours (12:00 – 16:00) for the locations sampled (findings are on Page 2).

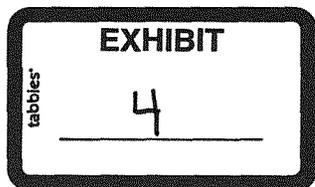
### GAC issuance:

- At WDW, the volume of GACs did not increase over the past year. Seasonality was a contributing factor, driving higher volume during Spring Break/Summer and reduced volume during lower attendance periods (Fall 2012).
  - On average, ~[redacted] GACs were distributed daily at WDW, ranging from [redacted] per day (AK) to [redacted] per day (MK). Decreases relative to the Summer 2012 assessment (in the Appendix) may be attributed to seasonality.
  - The lifetime of GACs at WDW has remained relatively flat over the past year. For example, the % of GACs distributed with greater than a 7 day life has remained flat. Overall, ~[redacted]% of GACs distributed were effective for one week or less.
- DLR issued more GACs than WDW. The opening of Cars Land in 6/2012 contributed to a higher volume of GACs distributed.



Document #: 215475  
 Source Doc #: 215478, 215477

**Highly Confidential**



WDP&R Industrial Engineering

Disney-AL0004769

## WDW and DLR Guest Assistance Card (GAC) Distribution and Usage

**DRAFT**

### Attractions Impacts:

- GAC Guests as a % of Total Ridership ranged from █% (Speedway) to █% (Mania) during WDW Spring Break GAC observations. As a % of FP Guests Carried, Mania experienced the highest volume with nearly █% of Guests coming through the FP queue having a GAC. More details are available in the table below.
- Total Ghost Riders (e.g. No Strings Attached, Re-Ads, Priority Entrance) represented a higher percentage of overall ridership and FP Guests Carried. At Mania, nearly █% of the FP Guests Carried were Ghost Riders.
- Various attractions have adopted policies to mitigate potential GAC abuse during high attendance periods. At DCA-Racers, GAC Guests are provided a card indicating a return time that aligns with the current Standby Wait Time. Several high affinity locations (e.g., ST-Mania) may reduce FP inventory due to high GAC demand.
  - Standard FP Templates range from █% to █%. Several factors contribute to this broad range, including attraction characteristics (e.g. long cycle times), parade/show dial downs, downtimes, no-shows, and Ghost Riders.
  - Buzz and Space have additional dial downs to account for higher Ghost Rider volume during peak attendance periods.

Park-Attraction	GAC: Average Hourly Impact		Total Ghost Riders: Average Hourly Impact		Standard FP Templates (FP % of GCT)
	% of Total Guests Carried	% of FP Guests Carried	% of Total Guests Carried	% of FP Guests Carried	
MK-Buzz					
MK-Space Mtn					
MK-Speedway					
MK-Splash					
ST-Coaster					
ST-Mania					
AK-Dinosaur					
AK-Kali					
AK-KSR					

**DRAFT**

## **Appendix**

Summer 2012 WDW and DLR Guest Assistance Card Distribution and Usage Summary

## WDW and DLR Guest Assistance Card Distribution and Usage

- Guest Relations recently started tracking Guest Assistance Card (GAC) distribution at WDW and DLR.
- Based on this information, approximately █% of the overall WDW Attendance and █% of the overall DLR Attendance is issued GACs each day<sup>1</sup>.
  - Attraction accessibility and the park of first visit impacts GAC distribution, likely driving higher distribution at Magic Kingdom and Disneyland.
- The total number of Guests with GACs is likely higher, due to the length of time GACs are effective (█ days on average). Research visitation data was applied to estimate the percentage of Attendance in possession of a GAC: █% at WDW and █% at DLR.

**Guest Assistance Card (GAC) Distribution and Usage by Park<sup>1</sup>**

	AK	ST	EC	MK	WDW	DCA	DL	DLR
Daily GAC Distribution	[REDACTED]							
Percentage of GACs Issued								
Daily GACs Issued								
Daily POG Issued GACs								
Daily Guests Issued GACs								
Issued GAC Party Size								
FY11 Average Party Size <sup>2</sup>								
Estimated Daily GAC Attendance								
Daily POG Possessing GACs								
Daily Guests Possessing GACs								
FY11 Park Percentage of Site Attendance								

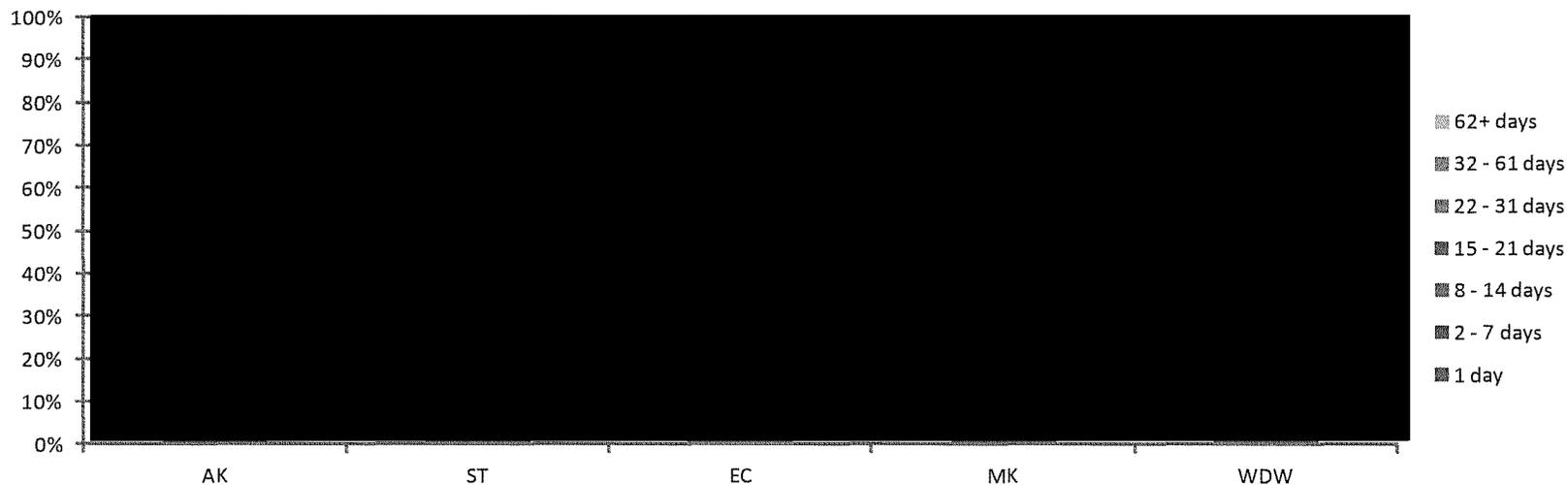
<sup>1</sup> Source: GACs issued by Guest Relations at WDW from March 25 – June 10, 2012 and DLR from December 1, 2011 – May 28, 2012.  
<sup>2</sup> Provided by Research. Includes all Guests, and not limited to Guests with GACs.

## WDW and DLR Guest Assistance Card Distribution and Usage

- Across the WDW Theme Parks the majority of GACs are effective for one week or less, approximately █%.  
█
- Guest Relations typically limits the maximum GAC duration to two months.

### Distribution of GAC Effective Duration by WDW Theme Park<sup>1</sup>

March 25 - June 10, 2012



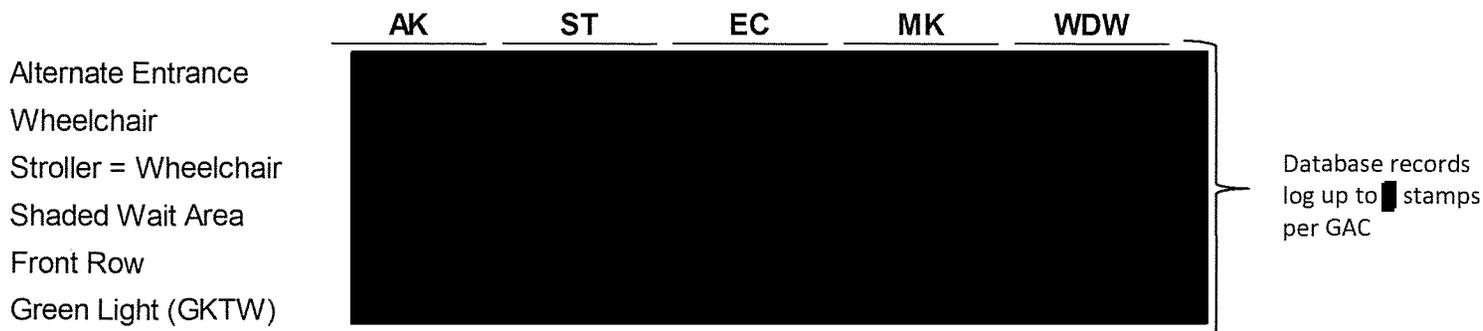
<sup>1</sup> Source: GACs issued by Guest Relations at WDW from March 25 – June 10, 2012. DLR does not track GAC durations.

## WDW and DLR Guest Assistance Card Distribution and Usage

- The following chart summarizes the percentage of GACs that contain each respective stamp. Each GAC can contain up to two stamps.
- Approximately █% of GACs contain the “Alternate Entrance” stamp at WDW Theme Parks, driven by high usage at Magic Kingdom (97%).
  - Current queue accessibility varies based roughly on the attraction age. Magic Kingdom has more attractions that are not fully mainstreamed. Accordingly, “Wheelchair” stamps are not used frequently at Magic Kingdom relative to the other parks.
  - Experiences at parks where GACs are issued can set the Guests’ expectations on their ability to have expedited attraction access.

### Distribution of GACs that Contain Each Stamp by WDW Theme Park<sup>1</sup>

March 25 - June 10, 2012



<sup>1</sup> Source: GACs issued by Guest Relations at WDW from March 25 – June 10, 2012. DLR does not track GAC stamps.

## WDW and DLR Guest Assistance Card Distribution and Usage

- Recent FP return studies at WDW and DLR were leveraged to estimate the impact of GAC usage through the FP queue. Based on these studies, ██████% of Total Guests Carried at a specific attraction utilize a GAC to enter through the FP queue.
  - The time of day studied varies across attractions and may impact GAC usage.
  - Not all GACs enter through the FP queue. These Guests may utilize the standby queue or an alternate entrance and are not included in the percentage of Total Guests Carried. Estimating this impact would require additional studies.
- Wheelchairs and ECVs are not required to have a GAC to utilize an alternate entrance if the standby queue is not accessible. These Guests are not included in the following table.

**Average Hourly GAC Impact at High Demand Attractions<sup>1</sup>**

Park	Attraction	Guests Utilizing FP Queue	% of FP Guests Carried	% of Total Guests Carried	Wheelchair / ECV Accessibility
EC	Test Track	[REDACTED]	[REDACTED]	[REDACTED]	Full Mainstream
DL	Star Tours				Full Mainstream
ST	Toy Story Midway Mania				Full Mainstream
EC	Soarin'				Full Mainstream
DL	Indiana Jones Adventure				Full Mainstream
AK	Expedition Everest				Full Mainstream
DCA	California Screamin'				Full Mainstream
MK	Space Mountain				FP Queue
MK	Peter Pan				Separate GWD Queue
MK	Splash Mountain				Accessible through Exit
DL	Space Mountain				Accessible through Exit

<sup>1</sup> Source: IE FP return studies conducted from March 8 – March 12, 2012 at WDW and May 13 – May 26, 2012 at DLR.

## WDW and DLR Guest Assistance Card Distribution and Usage

- WDW and DLR IE recently conducted studies at two non-FP attractions, MK Small World and DL Pirates, to capture the number of Guests demanding the alternate entrance.
- At MK Small World, all GACs, wheelchairs, and ECVs enter through an alternate entrance along the exit.
- At DL Pirates, all wheelchairs and ECVs enter through an alternate entrance. GACs without wheelchairs or ECVs are directed to the alternate entrance or standby queue depending on the alternate entrance wait time<sup>1</sup>.
  - At DL Pirates, the alternate entrance wait time averaged ~[REDACTED] minutes and was occasionally longer than the standby wait time.
- Alternate entrance Guests accounted for [REDACTED]% of the Total Guests Carried at MK Small World and [REDACTED]% at DL Pirates.
- The average MK Small World GAC party size is in line with MK Guest Relations GAC distribution ([REDACTED]). However, the average party size at DL Pirates ([REDACTED] Guests) is higher than DL Guest Relations GAC distribution ([REDACTED]).

### Average Hourly Alternate Entrance Impact at Non-FP Attractions<sup>2</sup>

	Guests Carried	% of Total Guests Carried	Party Size	# of Wheelchairs and ECVs
MK-Small World				
GAC Alternate Entrance Guests	[REDACTED]			
Non-GAC Alternate Entrance Guests				
All Alternate Entrance Guests				
DL-Pirates				
All Alternate Entrance Guests <sup>1</sup>	[REDACTED]			
GAC Standby/Main Entrance Guests				

<sup>1</sup> DL Pirates did not require Guests to show GACs to use the alternate entrance.

<sup>2</sup> Source: WDW IE study conducted on 7/31/12, and DLR IE study conducted on 7/26/12 (11:00 – 16:00 at both sites).

## **DLR Cars Land GAC Impact and Racers GAC Policy**

- Since Cars Land opened in June 2012, GAC distribution has directionally increased at both DLR parks. Approximately [REDACTED] % of overall DLR Attendance is issued GACs each day<sup>1</sup>. However, this is not expected to represent the steady state operation.
- Due to high GAC demand for the Radiator Springs Racers (Racers) FP queue, DLR Guest Relations implemented the following policy at Racers shortly after opening.
  - When GAC Guests arrive at the FP entrance, they are directed to a satellite Guest Relations location near the attraction entrance.
  - These Guests are given a FP and asked to return to the attraction at a specific time, which is written on the FP. This time is determined by the posted standby wait time, with a 30 minute reduction to account for the FP return wait time. Ex. if the posted standby wait time is 2 hours, Guests are asked to return in 1.5 hours.
  - When Guests return at their specified time, they are granted access through the FP queue.
  - Guest Relations does not limit the number of times Guests can utilize this process.
- GAC Guests entering through the FP queue account for approximately [REDACTED] % of Racers total Guests Carried<sup>2</sup>. This is also not expected to represent the steady state operation.

---

<sup>1</sup> Source: GACs issued by DLR Guest Relations from June 15 – July 4, 2012.

<sup>2</sup> Source: Racers GAC FPs issued by DLR Guest Relations from June 23 – July 11, 2012.

## WDW Attraction Wait Time Summary

- The following information has been used in the development of new attraction access procedures.

FY11 Standby and Posted Wait Time at WDW Attractions<sup>1</sup>

	% of Hours in Actual Standby Wait Time Range (FLIK Attractions)			% of Hours in Posted Standby Wait Time Range (FLIK Attractions)		
	0 - 9	10 - 19	≥ 20	0 - 9	10 - 19	≥ 20
<b>Disney's Animal Kingdom</b>	[REDACTED DATA]					
AK-Everest						
AK-Primeval						
AK-KSR						
AK-Kali <sup>2</sup>						
AK-Dinosaur						
AK-Bugs						
<b>Epcot</b>						
EC-Soarin						
EC-Track						
EC-MS Orange						
EC-Norway						
EC-MS Green						
EC-Nemo Ride						
EC-Land Boat						
<b>Magic Kingdom</b>						
MK-Pan						
MK-Space Mtn						
MK-Pooh						
MK-Astro						
MK-BTM						
MK-Speedway						
MK-Splash <sup>2</sup>						
MK-Town Princess						
MK-Buzz						
MK-Jungle						
MK-Mansion						
MK-Small						
MK-Barnstormer						
MK-Town Mickey						
MK-Monsters						
MK-Pirates						
MK-Philhar						
MK-Stitch						
<b>Disney's Hollywood Studios</b>						
ST-Mania						
ST-Coaster						
ST-Tower						
ST-Star Tours						
ST-Backlot						
ST-GMR						

1 Includes FY11 main gate operating hours with at least 95% uptime (85% for omnimovers). Wait time ranges are shown in minutes.

2 Kali and Splash wait time levels are significantly impacted by weather conditions.

## DLR Attraction Wait Time Summary

- The following information has been used in the development of new attraction access procedures.

FY11 Standby and Posted Wait Time at DLR Attractions<sup>1</sup>

	% of Hours in Actual Standby Wait Time Range (FLIK Attractions)			% of Hours in Posted Standby Wait Time Range <sup>2</sup> (High Wait Attractions)								
	0 - 9	10 - 19	≥ 20	0 - 9	10 - 19	≥ 20						
<b>Disneyland</b>	[Redacted Data]											
DL-Star Tours												
DL-Pixie Hollow												
DL-Peter Pan												
DL-Roger Rabbit												
DL-Space Mt.												
DL-Finding Nemo												
DL-Indy												
DL-Astro												
DL-Alice												
DL-Dumbo												
DL-Splash Mt.												
DL-Big Thunder												
DL-Autopia												
DL-Go Coaster												
DL-Pirates												
DL-Matterhorn												
DL-Mansion												
DL-Storybook												
DL-Buzz Lightyear												
DL-Mr. Toad												
DL-Meet Mickey												
DL-Small World												
DL-Canoes												
DL-Snow White												
<b>Disney's California Adventure</b>							[Redacted Data]					
DCA-Toy Story Midway Mania												
DCA-Goofy's Sky School												
DCA-Soarin'												
DCA-Fun Wheel												
DCA-Tower of Terror												
DCA-The Little Mermaid												
DCA-Screamin'												
DCA-Grizzly <sup>3</sup>												
DCA-Silly Symphony Swings												
DCA-Monsters Inc												
DCA-Tuck and Roll												

1 Includes FY11 main gate operating hours with at least 95% uptime. Wait time ranges are shown in minutes.

2 Operations uses wait time matrices to estimate wait times at non-FLIK locations, which are shown as posted standby wait times.

3 Grizzly wait time levels are significantly impacted by weather conditions.

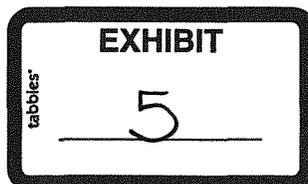
**To:** Riles, Sarah (Fisk)[Sarah.Riles@disney.com]; Ducker, Melissa A.[Melissa.A.Ducker@disney.com]  
**From:** Evans, Todd  
**Sent:** Thur 2/20/2014 12:59:07 PM  
**Importance:** Normal  
**Subject:** RE: Pre-populated DAS cards

My thoughts and concerns is this fundamentally changes the program by:

- Not equalize the wait time for all Guest which was a guiding principle
- This deck states all DAS Guests- which would be very impactful on Guest Relations transactions
- For Annual Passholders they would have to visit each day to Guest Relations location, today it's every 14 days and operations is asking that we length that to reduce labor concerns.
- Moving guests from FastPass or FP+ too the DAS card.
- [REDACTED]
- I'm not aware that FLIK or DOT has the capabilities today to preplan wait time at either site, so my thought is this would be a very manual process also driving up transaction times.
- If this is limited to certain type of Guests the challenge would come back to how to do a filter those guest which has always been a challenge.

Just my high level thoughts.

**From:** Riles, Sarah (Fisk)  
**Sent:** Thursday, February 20, 2014 12:40 PM  
**To:** Evans, Todd; Ducker, Melissa A.  
**Subject:** FW: Pre-populated DAS cards



**To:** Spurk, Peggy[Peggy.Spurk@disney.com]  
**From:** Armor, Alison  
**Sent:** Thur 12/18/2014 11:10:06 AM  
**Importance:** Normal  
**Subject:** RE: Request for Approval: Disability Access Service (DAS) Enhancements (████████)

Wonderful, thank you!

**From:** Spurk, Peggy  
**Sent:** Thursday, December 18, 2014 11:08 AM  
**To:** Armor, Alison  
**Subject:** FW: Request for Approval: Disability Access Service (DAS) Enhancements (████████)

**From:** Spurk, Peggy  
**Sent:** Tuesday, December 16, 2014 2:00 PM  
**To:** WDPR Capital Planning; Kassam, Shereen; Curby, Alex  
**Subject:** RE: Request for Approval: Disability Access Service (DAS) Enhancements (████████)

Approved.

Erin

**Peggy Spurk**

Office of Erin Wallace, EVP

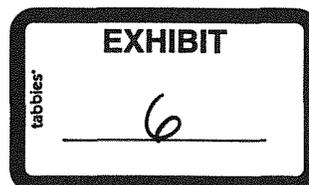
Operations Strategy/Planning & Revenue Management

Walt Disney Parks & Resorts

Phone: 407-560-1547

Fax: 407-560-1542

Disney Tie-line: 8-264-1547



**From:** WDPR Capital Planning  
**Sent:** Wednesday, December 10, 2014 12:43 PM  
**To:** Jones, Clark; Luttrell, Cindy; Banham, Lesz; Mandadi, Tilak; Sharma, Vivek; Wallace, Erin J.  
**Cc:** Webby, Richard; Willis, Tracy; #WDPR Capital Planning; Walsh, John; Stollenwerk, Jay; Schmidt, Eric W; Wobken, Gregg; Dickinson, Lawrence M.; Marlow, Annabelle; Brady, Peggy; WDPR Technology PMO; Roesch, Jay; Pippel, Melissa H.; Spurk, Peggy; Janik, Stephanie L.; Rucker, Mark  
**Subject:** Request for Approval: Disability Access Service (DAS) Enhancements (\$1.0M)

All,

Attached for your review and approval is the project memo Disability Access Service (DAS) Enhancements (██████████) project.

### Project Overview

The proposed project will enhance the current DAS process at WDW from a manual one to an automated one. This project will integrate DAS functionality into MyMagic+. Automation of the existing DAS process will provide DAS entitlement activation and redemption via the Guest's MyMagic+ media (i.e. Ticket or Band).

### Financial Summary

**NPC:**

(██████████)

**IRR:**

N/A

**OI Impact:**

(██████████)

**Write-off:**



**Requested/Expected Approval Timeline**

December 16<sup>th</sup>

Approval of this e-mail request

December 19<sup>th</sup>

Kevin review

**Action Item**

**You may reply to this email or use the voting buttons to approve this project. Please reply to this request with your approval or questions by Tuesday, December 16<sup>th</sup>.**

Thank you,

WDPR Capital Planning

**To:** Jones, Mark[Mark.Jones@disney.com]; Minnick, Bob[Bob.Minnick@disney.com]; Cardinali, Jay[Jay.Cardinali@disney.com]; Hogan, Maureen[Maureen.Hogan@disney.com]  
**From:** Hale, Greg  
**Sent:** Mon 7/1/2013 8:43:41 AM  
**Importance:** Normal  
**Subject:** RE: New GAC process- Thoughts??

This is along the lines I discussed with Brian. I would think we would use the same manual process at both sites initially and then see how well my magic plus fulfills the same service level at WDW before deciding to eliminate it at WDW and rely solely on my magic plus.

Greg

**From:** Jones, Mark  
**Sent:** Sunday, June 30, 2013 11:34 AM  
**To:** Hale, Greg; Minnick, Bob; Cardinali, Jay; Hogan, Maureen  
**Subject:** FW: New GAC process- Thoughts??

FYI for each of you on what Todd and POLOB is considering related to Autism/ASD and the new DAS process. Without knowing how the Park Ops leaders will respond (that is the audience in the email below), it certainly seems like a 'reasonable' approach in my opinion and now just seeking your thoughts on the finer details (should My Magic + be a replacement to this option... I don't think it should; is 2 hours in between attraction #2 and #3 the right number, etc.?).

Thanks,

Mark

**From:** Evans, Todd  
**Sent:** Friday, June 28, 2013 1:43 PM  
**To:** Sweetman, Jenny; Lake, James H.; Thorsen, Kappy; Zappitello, Dawn; Santelli, Frank; Jones, Mark  
**Subject:** New GAC process- Thoughts??

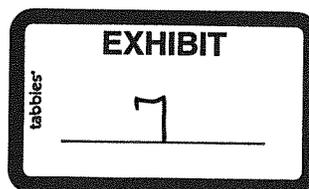
All,

Brian Britton and Greg Hale have been discussing the need for a backup plan for a Guest with Autism. Attached is our initial thoughts on this one with some questions too, we would like to get your get feedback before next Friday 5<sup>th</sup> if possible. We are meeting with Jon S and Phil H to discuss the entire program.

If you have questions please give me a call or shot me an email.

Thank you!

Todd



## COMPENDIUM OF DISNEY DISABILITY EXECUTIVES' VOICES IGNORED

Date	Designation	Bates Number	Sender	Text
05.15.2013	C	AL 1003954	Mark Jones	I certainly support many of the items/ideas we have discussed in our GAC strategy meetings over the past several months, however, the one concern I want to again raise related to the "no more GAC's" shift is the impact it will most definitely have on one of the major audiences GAC's were intended for... those with cognitive disabilities such as Autism... where the concept of "time" or "waiting" is an issue.
05.17.2013	C	AL1015954	Greg Hale	[Attached] is what our Services for Guest with team drafted to state their concerns/issues in a constructive way... Guests with Autism will be the most impacted group as the concept of "time" or "waiting" (even if done virtually via the "dance card") is challenging for many with this disability.
05.23.2013	C	AL 1052596	Bob Minnick	We feel strongly that we need an attraction by attraction analysis done that spells out how we will plan to deliver an equivalent (or better) service than we do today for our Guests with disabilities so that we don't risk reducing accessibility as we try and create "equal access" for everyone to our attractions. I don't know if anyone has started work on that front, but Jay, Mark and Maureen need to be part of the effort.
05.30.2012	C	AL1034721	Mark Jones	My biggest concern with the discussion going on about the "future" of the GAC is how a new policy/proce3ss/dance card will impact those who need the degree of service that

				some of the GAC stamps have traditionally offered (in particular, with Autism... when I say Autism, I mean those Guests who truly have no concept of time and "coming back later" to an attraction).
06.15.2013	C	AL1024573	Greg Hale	<p>We need to list specific significant directions that we don't agree with or have major concerns with.</p> <p>I see at least three</p> <ol style="list-style-type: none"> <li>1. We need to maintain an override process for any custom accommodation...</li> <li>2. We should consider having a Guest Relations manual process similar Kings Island and our FASTPASS plus process where guest with Autism that states they can't go to an attraction and then come back without a melt down could get 3 or 4 FASTPASS times pre scheduled.</li> <li>3. [REDACTED]</li> <li>4. We need a major dose of sensitivity training to roll out with these changes to make sure our cast don't take this as a mandate to "clamp down on abusers" and treat GWD in any inappropriate way as we will be extremely exposed on this and our GWD will take even hints of this as offensive.</li> </ol>
06.15.2013	C	AL 1024575	Mark Jones	-In addition to the DAS card, Guests visiting the parks with non-apparent disabilities (including Autism) would be encouraged to use the standard FastPass process and standby queues (there would be no other alternatives for these Guests)

06.15.2013	C	AL1024574	Mark Jones	<p>Alison and Todd... said they would be sending out and providing an 'official' summary of the meetings but I'm not sure if everything will be captured in those notes. Items of significance for each of you...</p> <p><u>WSA/SGD's Continued Concerns That Were Not Addressed</u> (Greg, these are the items that I definitely recommend you elevate):</p> <ul style="list-style-type: none"> <li>-Park Ops (Alison in particular) continues to state "there is no appetite to give any internal partners/individuals the ability to issue any kind of service or green light card beyond what has already been discussed". Bottom line ... if we (SGD), Guest Comm, Meg/George/Michael, or Legal, based on discussions with a particular Guest, felt offering a service beyond telling the Guest to use a DAS card, regular FastPass, or standby queue was necessary, we would have NOTHING to offer</li> <li>-How to handle Guests with certain types of Autism where waiting in line is not a reasonable on their disability and what our "fall back" plan might be if this becomes a bigger issue. I had even sent the Kings Island follow up piece to both Alison and Todd on Thursday evening with a note stating that it might be worth discussing for a bit in yesterday's session, however, it was not addressed at all.</li> </ul>
06.15.2013	C	AL1024577	Bob Minnick	I also agree with Mark about needing an additional tool for service recovery.
06.17.2013	C	AL1024572	Mark Jones	Erin Wallace stopped by... got me thinking... that she might also be someone else to

				reach out to if we feel our voice isn't being heard on some of these issues. Thoughts on this? I also thought we were possibly reaching out to Lori Georganna in Research to see if she feels the need to weigh in as probably the most senior executive with an actual connection to the Autism community. Has she been contacted by chance? I'm in the process of framing up some possible ideas for what our strategy might need to be if/when we find ourselves in a situation that requires us to modify our DAS card process for those on the Autism spectrum.
06.28.2013	C	AL1023836	Todd Evans	Brian Britton and Greg Hale have been discussing the need for a backup plan for a Guest with Autism.
07.04.2013	C	AL1044498	Betty Appleton	I think we agree it is not perfect and we have proposed our best suggestions and should let them run their organization as we are a client. They will only change after they personally experience the issues first hand.
07.04.2013	C	AL1044498	Mark Jones	My 2 cents everyone... Based on how this whole process has gone with Park Ops, I believe we all can agree that "feedback/comments/suggestions" are not really being considered with a whole lot of weight from anyone. Park Ops is also wanting this to be "their" project with all facets being their idea.
07.23.2014		AL 1006860	Alison Armor	This has already gone to Tom and the site Presidents to get approval for implementation, we will probably be giving updates on timeline and pertinent details, as

				appropriate
07.22.2013		AL 1006861	Mark Jones	Bob and I are on a monthly call with Greg Hale and Legal and the question came up as to when your team/ Brian is meeting again with the Executive Steering Committee to update them on Disability Access Service program?
09.24.2013	C	AL 1014664	Alison Armor	Got a VM from Bob Minnick with the Guests with Disabilities team. He voiced his considerable concern (and Greg's as well) that we are not going to be the industry leader in providing service above and beyond our competitors anymore. My sense is that they are primarily displeased that there will not be a formal exceptions process to pre-fill the card. I'm hoping you had a chance to connect with Greg. I'm getting the impression from them that they still think we can make "course corrections" (their choice of wording!) and do the exceptions process.
09.25.2013		AL 1039644	Lisa Haines	I am trying to pull together a call for a small group of us to discuss the changes to the GAC/DAS policy. As you all are well aware, we are hearing A LOT of concern from the autism community -which I know you all anticipated. To help manage these concerns, we want to better understand how we arrived at the new process
09.28.2013	C	AL 1038978	Greg Hale	There was a noon operations call today on DAS that Mark and Jay were included in. I briefed them ahead of time on the options discussed and they thought your recommendation of standing up a call center and letting guest that have booked know

				<p>what accommodations would be made was a great idea to both ease the angst of current guest concerns and to take some of the arrival processing load off of both the guest and guest relations. However, it sounds like the discussion was "shut down". I know there was push back and no consensus yesterday on the call center predetermining the specific accommodation but I thought there was general agreement to at least temporarily standing up a call center to reassure guest that have booked that we would take care of their specific needs.</p>
09.28.2013	C	AL 1038978	Mark Jones	<p>We brought up the call center/pre-validating idea (short or long term) and Alison immediately said "this is not the place to talk this, it was discussed yesterday amongst senior leadership, and there's not really an appetite for this." Not sure why, but this is the same broken record type response we've gotten for months when bringing up something.</p>
11.01.2013	HC	AL 1008395	Joan Manangu	<p>The week before DHS only gave him 2 Re-ads although my file for him stated 4. Today, he was told the re-entry passes were given once and they expired. I called Alison. She tells me it is a case by case basis and they are supposed to stick to the DAS as it is designed to work. She mentioned many issues with other Guests trying to get more FastPasses. They are telling them they may not be able to continue giving them the FP moving forward.</p>
11.05.2013	HC	AL 1008394	Mark Jones	<p>I believe your team and my team are under the same understanding that Park Ops needs</p>

				(and has agreed) to honor any and all information we enter in Magic including "ongoing provisions" of reads/ FP's for those who need it above and beyond the DAS card. Please copy Maureen and I on your note and I can then add to it as we'll ultimately need to engage Alison Armor from Park Ops and her new leader to remind them of our "agreement."
11.06.2013	HC	AL 1008394	Joan Manangu	Can you tell me if we will still be able to provide Guests with the FastPasses moving forward? There is some info being communicated to Guests who really have needs that it is a one-time courtesy.
11.06.2013		AL 0000470	Heather Havey	Alison/ Todd- another example of where Guests are being told the FastPasses are one time exceptions. And see the note about riding multiple times- I think we talked this, but it's not being appropriately operationalized.
01.09.2014	C	AL 1039047	Mark Jones	I think DAS is working for many of our Guests but, as you mentioned, there is a still that percentage of guests with autism and other disabilities who are potentially being undeserved. I am also aware that each site as well as each park in Florida has their own thoughts around re-ads and what is appropriate.
02.10.2014	HC	AL 1039821	Betty Lowry	Just a heads up, in the autism community, some conversation now is that unless you "know somebody who can pull strings" the new DAS is a nightmare and just to stay away. Jacob, I don't blame you for doing what you need to do for these folks. I just hope it works

				out for them. But I do think someone needs to admit the new system does not work for Autism families. All disabilities are not equal.
02.10.2014	HC	AL 1039825	Marilyn Waters	The last time we did this, we just gave them a MagicBand with 30 non-standard FastPass+ entitlements. That might be better?
02.10.2014	HC	AL 039820	Mark Jones	Thanks Betty. I hear you and am aware of the challenges the Autism community continues to face.
02.11.2014	HC	AL 1039818	Mark Jones	Thanks Betty. Are you sharing this with our Deb's team at Guest Correspondence or your senior leadership? I think it's beneficial for our senior leaders to know that calls/ comments continue to come in to us through avenues other than Guest Correspondence as they continue to look at the overall DAS process. Believe me, the executive team is well aware of the calls/ emails/ comments that I and my team receive on the issue (I share these regularly with my VP Greg Hale) but I think there would also be value for other areas to bubble up the kinds of calls/ comments they are receiving. Just a thought.
02.11.2014	C	AL 1038605	Greg Hale	Unfortunately you are it for the association interface. Maybe we can push back on individual guest though. I think Michael was receptive to adding a pre filled out option that would help a lot.
02.11.2014	C	AL 1038605	Mark Jones	Not sure how much you know about this one Greg but I will say that my continuing to be the "poster child" for our responses about an unfavorable service getting old.
02.18.2014	C	AL 1040006	Maureen Hogan	Were you aware Guest Comm is no longer able to set up Guests with Cognitive

				Disabilities with anything in advance? They are sending them to Guest Relations for assistance.
02.20.2014	HC	AL 1038285	Jay Cardinali	To all- I had a good conversation with Jon Storbek and he was supportive of exploring a pre-assigned DAS card even though Sara reported back at the last meeting that operations discussed the pros and cons and decided it was not a good idea. I assume none of you were included in those discussions with operations- correct?
02.26.2014	C	AL 1038089	Mark Jones	ABSOLUTELY agree Greg that we need a customized "Option 3" (Guests able to choose their own attractions and order) as I'm uncertain how many of those guests with Autism-related concerns are really going to benefit from a "locked in" set of 4 attractions. I'll see if I can find a few letters to support this in the next day. Option 1 states this service "would be used for Guests who need additional help planning their day" and one of the "advantages" listed for both options is "Allows Guests to plan their days" however, based on what we're hearing from our Autism families, this is NOT what they want if it means WE dictate the attractions/ order of the attractions they visit. Bottom line in my opinion...if this solution is being done mainly to serve the Autism Community, it falls short as written/ proposed and will not solve the issue at hand.
02.27.2014	C	AL1038088	Anthony Blitch	It is nice to see others starting to talk and think about pre-arrival.

**To:** Evans, Todd[Todd.Evans@disney.com]; Minnick, Bob[Bob.Minnick@disney.com]; Armor, Alison[Alison.Armor@disney.com]  
**Cc:** Hogan, Maureen[Maureen.Hogan@disney.com]; Cardinali, Jay[Jay.Cardinali@disney.com]  
**From:** Jones, Mark  
**Sent:** Wed 5/15/2013 5:56:16 PM  
**Importance:** Normal  
**Subject:** Re: Timely: Guest Assistance Card Response

Thanks as always Todd. I certainly support many of the items/ideas we have discussed in our GAC strategy meetings over the past several months, however, the one concern I want to again raise related to the "no more GAC's" shift is the impact it will most definitely have on one of the major audiences GAC's were intended for... those with cognitive disabilities such as Autism... where the concept of "time" or "waiting" is an issue. Was this, by chance, mentioned in the Monday Exec meeting or in any follow up that might have occurred? I realize the timing is right for us to move forward with some changes to the GAC/special assistance process, and just want to make sure we've not skipped over anything (or anyone) it impacts.

Mark Jones  
Svcs for Guests w/Disabilities,  
Disneyland & Walt Disney World

-this message composed on my BlackBerry-

**From:** Evans, Todd  
**Sent:** Wednesday, May 15, 2013 02:34 PM  
**To:** Jones, Mark; Minnick, Bob; Armor, Alison  
**Cc:** Hogan, Maureen; Cardinali, Jay  
**Subject:** RE: Timely: Guest Assistance Card Response

Mark, the current thought is that Guest Collateral team, Leslie Smith WDW and Britt Holmberg DLR would take the lead on the new product and program collateral development with your teams input, being a key partner. As the recommendation is coming down from Meg, George and Michael, the existing GAC cards would be discontinued and there would be no need for the stamps as we know them in the future state. We'd also need to introduce the Stroller as Wheelchair Tag to the DLR to align process.

Just high level thoughts at this point, please let us know your thoughts and concerns as this train is picking up speed every moment.

**To:** Britton, Brian[Brian.Britton@disney.com]; Armor, Alison[Alison.Armor@disney.com]  
**From:** Hale, Greg  
**Sent:** Fri 5/17/2013 3:06:01 PM  
**Importance:** Normal  
**Subject:** FW: Proposed Slide for Brian's deck  
GAC Mods-WSA Rec 5-13 Draft 2.pptx

Brain – This is what our Services for Guest with team drafted to state their concerns/issues in a constructive way – which could all be worked through with more time.

Greg

## Guest Assistance Card (GAC) Modifications:

**The implementation team recommends extending the timeline to <TBD?> in order to accomplish the following process steps:**

- Develop processes for those who, based on their disability, do not/are unable to benefit from the Attraction Return Service/“dance card” concept
- Implement a communication strategy to manage perception of “lowering Guest service for Guests with disabilities”
- Engage and educate impacted external organizations such as Autism Speaks & other key organizations to gain their perspective and support on proposed changes
  - Guests with Autism will be the most impacted group as the concept of “time” or “waiting” (even if done virtually via the “dance card”) is challenging for many with this disability
- Fully develop collateral, documentation, and communication plan
- Modify existing disability awareness training & properly train Cast Members on new procedures
- Audit to assure that the proposed changes meet the reasonable accommodation ADA guidelines as written in the Americans with Disabilities Act (ADA)
- Longer term align with NGE to enhance the Guest experience for our Guests with disabilities

Hi there Bob and got your and Greg's voice mails as well. Yes, a meeting request came to Jay, Maureen, and I late in the day yesterday from Todd Evans simply titled "Review Queue Accessibility" and no further information was given. I'm not sure if this will become a reoccurring meeting or not (I guess we'll find out today) and it's scheduled for an hour with several other members of the GPLOB team including the OG people. We'll update you and Greg afterwards, and we'll see if this is going to fulfill our desire to understand how the ARC (Attractions Return Card... I want credit it this becomes the accepted term by the way! ☺) will impact each attraction and disability group.

Thanks,

Mark

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**From:** Armor, Alison  
**Sent:** Thursday, May 23, 2013 6:26 AM  
**To:** Minnick, Bob  
**Cc:** Jones, Mark; Cardinali, Jay; Hogan, Maureen; Evans, Todd; Lake, James H.  
**Subject:** RE: Guest Assistance Card Response

Bob,

There is a meeting today with your team to work through this very topic (3pm).

Thanks!

Alison

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**From:** Minnick, Bob  
**Sent:** Thursday, May 23, 2013 9:03 AM  
**To:** Armor, Alison  
**Cc:** Jones, Mark; Cardinali, Jay; Hogan, Maureen  
**Subject:** RE: Guest Assistance Card Response

Alison;

I was only able to be on the call last night for about half the meeting. We'll be happy to work with Jacquee on the communication front. Mark is leading the effort on putting a guidebook together for Guests with cognitive disabilities that he will accelerate so that we rollout one for DLR and WDW in parallel with this effort.

We feel strongly that we need an attraction by attraction analysis done that spells out how we will plan to deliver an equivalent (or better) service than we do today for our Guests with disabilities so that we don't risk reducing accessibility as we try and create "equal access" for everyone to our attractions. I don't know if anyone has started work on that front, but Jay, Mark, and Maureen need to be part of the effort. Is that something we should partner with Jim Lake at DLR and Todd Evens at WDW to

accomplish?

Thanks.

Bob Minnick; PE, CSP  
Worldwide Facility and Accessibility  
Office 407-827-6853  
Mobile [REDACTED]

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**From:** Armor, Alison  
**Sent:** Thursday, May 23, 2013 8:45 AM  
**To:** Armor, Alison; Riles, Sarah (Fisk); Zappitello, Dawn; Evans, Todd; Cardinali, Jay; Holmberg, Britt; Pacula, Scott; Appleton, Betty; Martinez, Elisa; Hogan, Maureen; Wahler, Jacquee M. (Polak); Smith, Leslie; Ducker, Melissa A.; Gossett, Keith; Holbrook, Karlynn; Brown, Suzi; Prihoda, Kathleen; Minnick, Bob; Ritti, Frank; Leys, Susan; Reisdorf, Jaclyn K.; Villa, Desiree S.  
**Cc:** Somsy, Rich J.; Curry, Shelby D.; Jones, Mark; Severs, Pam; Barrett, Jason; Lake, James H.; Lane, Meagan M.; Ducker, Melissa A.  
**Subject:** RE: Guest Assistance Card Response

All,

Thanks for your time yesterday. Attached are the revised notes. Please let us know if you think of anything else that we should be addressing as we move forward with implementation.

Thanks,  
Alison

<< File: Attraction Access for Guests with Disabilities Project Update May 23.docx >>

-----Original Appointment-----

**From:** Wheeler, Leigh A **On Behalf Of** Armor, Alison  
**Sent:** Wednesday, May 15, 2013 8:52 AM  
**To:** Armor, Alison; Riles, Sarah (Fisk); Zappitello, Dawn; Evans, Todd; Cardinali, Jay; Holmberg, Britt; Pacula, Scott; Appleton, Betty; Martinez, Elisa; Hogan, Maureen; Wahler, Jacquee M. (Polak); Smith, Leslie; Ducker, Melissa A.; Gossett, Keith; Holbrook, Karlynn; Brown, Suzi; Prihoda, Kathleen; Minnick, Bob; Ritti, Frank; Leys, Susan; Reisdorf, Jaclyn K.; Villa, Desiree S.  
**Cc:** Somsy, Rich J.; Curry, Shelby D.; Jones, Mark; Severs, Pam; Barrett, Jason; Lake, James H.; Lane, Meagan M.  
**Subject:** Guest Assistance Card Response  
**When:** Wednesday, May 22, 2013 4:30 PM-5:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** FA: Mahalo FA 3316 or Dial in 1-877-290-0784 Code: 5602283407

5/22: Adding Melissa Ducker  
5/22: Adding Desiree Villa  
5/22: Adding Jaclyn Reisdorf and Susan Leys.  
5/17: Adding Frank Ritti

5/16: Rescheduled from 5/30 due to new project deadlines. Please try and attend. Thank you!

**To:** Armor, Alison[Alison.Armor@disney.com]; Evans, Todd[Todd.Evans@disney.com]  
**From:** Riles, Sarah (Fisk)  
**Sent:** Thur 5/31/2012 5:27:10 PM  
**Importance:** Normal  
**Subject:** Fwd: GAC's - What does your cast require?

See email chain below. Do the Main Entrance Ops mgrs know we are working on GAC?

Sent from my iPhone

Begin forwarded message:

**From:** "Carr, Eric" <Eric.Carr@disney.com>  
**Date:** May 31, 2012 4:34:49 PM EDT  
**To:** "Jones, Mark" <Mark.Jones@disney.com>, "Smith, Marvin" <Marvin.Smith@disney.com>, "Kidd, Dawn" <Dawn.N.Zappitello-Kidd@disney.com>, "Ildefonso, Nayra" <Nayra.Ildefonso@disney.com>, "Mitchell, Lynn" <Lynn.Mitchell@disney.com>, "Smith, Matthew C" <Matthew.C.Smith@disney.com>  
**Cc:** "Hogan, Maureen" <Maureen.Hogan@disney.com>, "Riles, Sarah (Fisk)" <Sarah.Riles@disney.com>  
**Subject:** RE: GAC's - What does your cast require?

I too appreciate the dialogue.

It was my intention to take on this topic and drive us to some consistency with this issue. However, in light of the recent announcement for Sarah Riles, I believe that this particular topic should be driven from that direction.

Thank you again for your passion.

Eric

**From:** Jones, Mark  
**Sent:** Wednesday, May 30, 2012 4:05 PM

**To:** Smith, Marvin; Carr, Eric; Kidd, Dawn; Ildefonso, Nayra; Mitchell, Lynn; Smith, Matthew C  
**Cc:** Hogan, Maureen  
**Subject:** RE: GAC's - What does your cast require?

Good afternoon WDW Guest Relations leaders and thanks for including me in this healthy discussion about GAC's. I believe we all can agree that the GAC has caused more than a few grey hairs for each of us over the years. As you might be aware, there is much discussion at the LOB level via Alison and Brian regarding the "future" of the GAC and how some of the service options traditionally offered on the GAC might be transitioned to a "checklist" distributed to Guests (the working name of this "checklist" is "dance card" in case you hear it in passing). In the interim, I certainly think all of the perspectives offered below have some validity. To add to Marvin's comments, my initial thoughts on the two issues...

- Requiring the "named" person on the GAC to be the one of the riders at a particular attraction is reasonable. Because an attraction/group of attractions may not bother to ensure the named person is present/riding is not a reason for other attractions to abandon this policy.

- I think it is reasonable to ask that the "named" person on the GAC be present when it's issued "if possible" (no way this should be an "absolute, no flexibility policy" though... if the Guest cannot come into the Lobby for whatever reason... it's a child with Autism and the mom is the one coming in to get the GAC... then we should have some degree of flexibility to help the Guest).

So each of you are aware, my biggest concern with the discussion going on about the "future" of the GAC is how a new policy/process/dance card will impact those who need the degree of service that some of the GAC stamps have traditionally offered (in particular, those with Autism... when I say Autism, I mean those Guests who truly have no concept of time and "coming back later" to an attraction). I'm hoping at some point your perspectives/experiences will be factored into the discussions as each of you have much more "hands on" engagement with our Guests with GAC's.

I appreciate it,

**Mark**

Manager, Domestic Services for Guests with Disabilities  
Disneyland Resort & Walt Disney World Resort

Office Location: Disneyland Resort TDA #205C  
CA Office: (714) 781-1384 [8-232]  
FL Office: (407) 827-5600 [8-293]  
Mobile: [REDACTED]

**From:** Smith, Marvin

**Sent:** Sunday, May 27, 2012 7:54 AM

**To:** Carr, Eric; Kidd, Dawn; Idefonso, Nayra; Mitchell, Lynn; Smith, Matthew  
C; Smith, Marvin

**Cc:** Jones, Mark

**Subject:** Re: GAC's - What does your cast require?

Just my thoughts...

1 – The guest does need to be riding the attraction to use the GAC as it is primarily intended for that person not other guests in the party.

2 – Talking out of the other side of my mouth, I don't feel good about requiring the guest with a disability to come into the lobby. If it is a child for example a parent may come inside to seek assistance with the GAC. Also the card is intended for Guest with a NON APPARENT disability. Having the cast "size up the guest" based on a visual inspection seems like we going backwards in the process and allowing the cast to decide if the disability is "good enough" to warrant a GAC. We've all heard cast tell guest they don't need a GAC for a particular issue. Or worse, when the cast doesn't feel the guest is being truthful and they issue a "wheelchair stamp" to punish the guest. We've all seen it...

**To:** Jones, Mark[Mark.Jones@disney.com]; Hale, Greg[Greg.Hale@disney.com]; Cardinali, Jay[Jay.Cardinali@disney.com]; Appleton, Betty[Betty.Appleton@disney.com]  
**Cc:** Hogan, Maureen[Maureen.Hogan@disney.com]  
**From:** Minnick, Bob  
**Sent:** Sat 6/15/2013 12:26:31 PM  
**Importance:** Normal  
**Subject:** RE: Recap: GAC/DAS Work Sessions for Park Ops

Greg;

My two cents. I would not photograph the Guest and have them sign a contract / waiver. I think that's onerous and we will likely get complaints from legitimate users that they are being unnecessarily picked upon because they have a disability.

I also agree with Mark about needing an additional tool for service recovery. Maybe rather than create a separate card, maybe we have the power to issue a Disney Wish card. For example, Maureen shared that she was contacted by a family from NY with a terminally ill child that she was able to provide a Green Light card. With the program below, we would have to send them to GTKW to get a Disney Wish card – a totally unnecessary step.

Bob Minnick; PE, CSP

Worldwide Facility and Accessibility

Office 407-827-6853

Mobile [REDACTED]

**From:** Jones, Mark  
**Sent:** Saturday, June 15, 2013 11:55 AM  
**To:** Hale, Greg; Cardinali, Jay; Minnick, Bob; Appleton, Betty  
**Cc:** Hogan, Maureen  
**Subject:** Re: Recap: GAC/DAS Work Sessions for Park Ops

Additional item I neglected to mention... Group was in support of requiring Guests obtaining a DAS card to sign a "contract" at GR that, amongst, other things, stated they were a person with a disability who needed this service.

**REDACTED**

Thanks,

Mark Jones  
Svcs for Guests w/Disabilities,  
Disneyland & Walt Disney World

-this message composed on my BlackBerry-

**From:** Jones, Mark  
**Sent:** Saturday, June 15, 2013 08:03 AM  
**To:** Hale, Greg; Cardinali, Jay; Minnick, Bob; Appleton, Betty  
**Cc:** Hogan, Maureen  
**Subject:** Recap: GAC/DAS Work Sessions for Park Ops

Good morning everyone. I wanted to provide this recap of the Park Operations meetings on Thursday and Friday of this week related to the GAC/DAS service. Overall, I felt the sessions were productive and having everyone in one room was definitely the way to go (versus phone calls or VTC). At the meetings, 5 of the 6 domestic Ops GM's were present (only one missing was Tim Sypko from DAK) along with representatives from Park Ops LOB and selected WDW & DLR area/operations managers including Jenny Sweetman and Kappy Thorsen from DLR. Alison and Todd were the moderators and said they would be sending out and providing an 'official' summary of the meetings but I'm not sure if everything will be captured in those notes. Items of significance for each of you...

-Name of the new program as decided by group: Disability Access Service (or "DAS")

-Name of the organization-specific (Give Kids the World and Make A Wish) cards providing "green light access": Disney Wishes

-DAS cards would only be issued by theme park Guest Relations to Guests with non-apparent disabilities who expressed a need for some type of service that allowed them to not physically wait in a lengthy line at attractions

-Guests with an apparent disability (wheelchair, ECV, cane, crutches, walker) would not be issued a DAS card unless they, in addition to their apparent disability, had a non-apparent one that did not allow them to physically wait in a lengthy line

-Disney Wishes cards (green light) would be issued as they are today (GKTW would issue cards from the Kids Village in Kissimmee; Make A Wish would have cards issued by DLR Guest Relations at the Wish Lounge at DL); these cards would be branded to these organizations (would have their organization's name on it) and these 2 organizations would be the ONLY ones with the ability to issue these cards

-In addition to the DAS card, Guests visiting the parks with non-apparent disabilities (including Autism) would be encouraged to use the standard FastPass process and standby queues (there would be no other alternatives for these Guests)

-“Stroller As Wheelchair” tags would be used at both sites for this type of accommodation

-Guests just needing front row seating at shows/attractions would be handled locally by the attractions (they would not have a card of any sort)

-The DAS program/cards would only be used at those locations which generally sustain an average of a 30 minute wait; impacted attractions and exactly when each day the DAS cards would begin being used (at start of day, only when standby wait hits 30 minutes, etc.) is still being debated and each site is being asked to work on figuring this out

-DAS will be about the size of a pamphlet (4 x 10ish) and should be able to be folded (much like a golf score card). Will include the following on it... color photo of Guest (lots of debate on this because it requires purchase of new printers for each location including GKTW), tracking item(s) of some sort (bar code, serial number, place to write in Magic #), Guest name, dates of visit (no more than 7 days), party size (group wants to keep it to 6 but are okay with larger sizes per leader approval at Guest Relations), a brief explanation of the card itself, and then approx 25-30 blank lines to be filled in by the attractions. If/when a Guest “fills up” a card, they would need to return to Guest Relations to get a new one. Most felt that 25-30 blank lines on the card would last the average Guest, based on conditions, at least 3-4 days

-Guests not wanting their photo on the DAS card would need to present photo ID at each attraction to validate who they are

-There is a plan to handle Guests who are unable to explain their service need (Autism, etc) or need a parent to be the one on the DAS card because they are under age. In these situations, the DAS card will be made out to the parent (photo of the parent also) and Guest name line will include a “on behalf of” mention.

-At each location using the DAS card (as mentioned, the when and where still being debated), Guests would show the card to the Cast Member at, likely, greeter or FP return, who would fill out the current time of day, the current wait time, and when the Guest should come back (posted wait time minus 10 minutes)

-Guests can only get a new line item/attraction added to their DAS card when the previous one has been fulfilled/crossed out (one can't get multiple DAS entries at once)

-At those locations where the queue is not accessible (23 at Disneyland Park, 8 at MK, and a few others at the other 4 parks), Guests with an apparent disability (i.e. in a wheelchair, etc.), since they generally would not have a DAS card, would be issued a “return card” that is attraction specific and would be filled out with the current time, posted wait time, and when the Guest should come back (posted wait time minus 10 minutes)

-Group definitely feels additional labor out in the areas will be needed (at least for the first few months) to make the DAS program work

-Group okay with the idea of mentioning/marketing the availability of the DAS service on the website and in collateral if the feeling is it will help us be more transparent

-Group is worried about the initial transaction time at Guest Relations (which includes explaining the new service, taking the Guest's picture, entering/scanning the information in the Magic system, and answering questions) and, at attractions, where Guests may decide to congregate while waiting for their return time

to arrive

-Many other nuances/unique circumstances/operational needs were also addressed/discussed

WSA/SGD's Continued Concerns That Were Not Addressed (Greg, these are the items that I definitely recommend you elevate):

-Park Ops (Alison in particular) continues to state "there is no appetite to give any internal partners/individuals the ability to issue any kind of service or green light card beyond what has already been discussed". Bottom line... if we (SGD), Guest Comm, Meg/George/Michael, or Legal, based on discussions with a particular Guest, felt offering a service beyond telling the Guest to use a DAS card, regular FastPass, or standby queue was necessary, we would have NOTHING to offer

-How to handle Guests with certain types of Autism where waiting in line is not a reasonable on their disability and what our "fall back" plan might be if this becomes a bigger issue. I had even sent the Kings Island follow up piece to both Alison and Todd on Thursday evening with a note stating that it might be worth discussing for a bit in yesterday's session, however, it was not addressed at all.

If you would like clarification on anything I've mentioned above or if you have a follow up question (obviously I didn't capture everything above), let me know.

Thanks!

*Mark*

Manager, Domestic Services for Guests with Disabilities  
Supporting the Disneyland Resort & Walt Disney World Resort

WALT DISNEY Parks & Resorts U.S.

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CA Office: (714) 781-1384 [8-232]  
FL Office: (407) 827-5600 [8-293]  
Mobile: [REDACTED]

**To:** Jones, Mark[Mark.Jones@disney.com]; Appleton, Betty[Betty.Appleton@disney.com]  
**Cc:** Cardinali, Jay[Jay.Cardinali@disney.com]; Minnick, Bob[Bob.Minnick@disney.com]; Hogan, Maureen[Maureen.Hogan@disney.com]  
**From:** Hale, Greg  
**Sent:** Mon 6/17/2013 7:20:18 AM  
**Importance:** Normal  
**Subject:** RE: Recap: GAC/DAS Work Sessions for Park Ops

Thanks Mark – I will see how it goes with Brian since he reports to Erin. I thought Bob was going to reach out to Lori to see how she may help us engage with the community.

Greg

**From:** Jones, Mark  
**Sent:** Monday, June 17, 2013 1:06 AM  
**To:** Appleton, Betty; Hale, Greg  
**Cc:** Cardinali, Jay; Minnick, Bob; Hogan, Maureen  
**Subject:** RE: Recap: GAC/DAS Work Sessions for Park Ops

I think you've captured the "major" concerns Greg that should probably be raised with Brian on Monday. Additional thought... Erin Wallace stopped by the meeting on Friday to just say "hi" to participants and got me thinking, since she was our Senior Executive Leadership champion for CastABLE for a time, that she might also be someone else to reach out to if we feel our voice isn't being heard on some of these issues. Thoughts on this? I also thought we were possibly reaching out to Lori Georganna in Research to see if she feels the need to weigh in as probably the most senior executive with an actual connection to the Autism community. Has she been contacted by chance?

I'm in the process of framing up some possible ideas for what our strategy might need to be if/when we find ourselves in a situation that requires us to modify our DAS card process for those on the Autism spectrum and will forward that off to each of you on Monday.

Thanks,

Mark

**From:** Appleton, Betty  
**Sent:** Sunday, June 16, 2013 8:28 AM  
**To:** Hale, Greg; Jones, Mark  
**Cc:** Cardinali, Jay; Minnick, Bob; Hogan, Maureen  
**Subject:** RE: Recap: GAC/DAS Work Sessions for Park Ops

All

REDACTED

REDACTED

Even though Cedar Fair is paving the way in the news, I do think this is a good thing that we are all following the same thinking, I would love IAPPA to get on board and embrace this as an Industry Standard. I like that Cedar Fair, even with the exception of the Plan Your Day pass, the guest still can't stack rides. But, instead can go to each attraction at a specific planned time that would allow a guest for example to see 3 prime attractions in 3 hours.

And last, I am assuming that whatever we decide will be able to work with our future vision of plan your day with NGE.

Good Luck.

Betty Appleton  
Director, DLR Risk Management Services  
phone: 714-781-1219 or 8232-1219  
fax: 818-973-7800

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**From:** Hale, Greg  
**Sent:** Saturday, June 15, 2013 9:26 AM  
**To:** Jones, Mark  
**Cc:** Cardinali, Jay; Minnick, Bob; Appleton, Betty; Hogan, Maureen  
**Subject:** Re: Recap: GAC/DAS Work Sessions for Park Ops

I have a call with Brian Monday. We need to list specific significant directions that we don't agree with or have have major concerns with.

I see at least three

1. We need to maintain an override process for any custom accommodation that could be issued from Betty, SGD or Legal that is part of the training to accept.
2. We should consider having a Guest Relations manual process similar Kings Island and our FASTPASS plus process where guest with Autism that states they cant go to an attraction and then come back without a melt down could get 3 or 4 FASTPASS times pre scheduled.

REDACTED

4. We need a major dose of sensitivity training to roll out with these changes to make sure our cast don't take this as a mandate to "clamp down on abusers" and treat GWD in any inappropriate way as we will be extremely exposed on this and our GWD will take even hints of this as offensive.

Am I close to capturing our major concerns?

Thanks,  
Greg

Sent from my iPhone

On Jun 15, 2013, at 11:04 AM, "Jones, Mark" <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)> wrote:

Good morning everyone. I wanted to provide this recap of the Park Operations meetings on Thursday and Friday of this week related to the GAC/DAS service. Overall, I felt the sessions were productive and having everyone in one room was definitely the way to go (versus phone calls or VTC). At the meetings, 5 of the 6 domestic Ops GM's were present (only one missing was Tim Sypko from DAK) along with representatives from Park Ops LOB and selected WDW & DLR area/operations managers including Jenny Sweetman and Kappy Thorsen from DLR. Alison and Todd were the moderators and said they would be sending out and providing an 'official' summary of the meetings but I'm not sure if everything will be captured in those notes. Items of significance for each of you...

-Name of the new program as decided by group: Disability Access Service (or "DAS")

-Name of the organization-specific (Give Kids the World and Make A Wish) cards providing "green light access": Disney Wishes

-DAS cards would only be issued by theme park Guest Relations to Guests with non-apparent disabilities who expressed a need for some type of service that allowed them to not physically wait in a lengthy line at attractions

-Guests with an apparent disability (wheelchair, ECV, cane, crutches, walker) would not be issued a DAS card unless they, in addition to their apparent disability, had a non-apparent one that did not allow them to physically wait in a lengthy line

-Disney Wishes cards (green light) would be issued as they are today (GKTW would issue cards from the Kids Village in Kissimmee; Make A Wish would have cards issued by DLR Guest Relations at the Wish Lounge at DL); these cards would be branded to these organizations (would have their organization's name on it) and these 2 organizations would be the ONLY

ones with the ability to issue these cards

-In addition to the DAS card, Guests visiting the parks with non-apparent disabilities (including Autism) would be encouraged to use the standard FastPass process and standby queues (there would be no other alternatives for these Guests)

-“Stroller As Wheelchair” tags would be used at both sites for this type of accommodation

-Guests just needing front row seating at shows/attractions would be handled locally by the attractions (they would not have a card of any sort)

-The DAS program/cards would only be used at those locations which generally sustain an average of a 30 minute wait; impacted attractions and exactly when each day the DAS cards would begin being used (at start of day, only when standby wait hits 30 minutes, etc.) is still being debated and each site is being asked to work on figuring this out

-DAS will be about the size of a pamphlet (4 x 10ish) and should be able to be folded (much like a golf score card). Will include the following on it... color photo of Guest (lots of debate on this because it requires purchase of new printers for each location including GKTW), tracking item(s) of some sort (bar code, serial number, place to write in Magic #), Guest name, dates of visit (no more than 7 days), party size (group wants to keep it to 6 but are okay with larger sizes per leader approval at Guest Relations), a brief explanation of the card itself, and then approx 25-30 blank lines to be filled in by the attractions. If/when a Guest “fills up” a card, they would need to return to Guest Relations to get a new one. Most felt that 25-30 blank lines on the card would last the average Guest, based on conditions, at least 3-4 days

-Guests not wanting their photo on the DAS card would need to present photo ID at each attraction to validate who they are

-There is a plan to handle Guests who are unable to explain their service need (Autism, etc) or need a parent to be the one on the DAS card because they are under age. In these situations, the DAS card will be made out to the parent (photo of the parent also) and Guest name line will include a “on behalf of” mention.

-At each location using the DAS card (as mentioned, the when and where still being debated), Guests would show the card to the Cast Member at, likely, greeter or FP return, who would fill out the current time of day, the current wait time, and when the Guest should come back (posted wait time minus 10 minutes)

-Guests can only get a new line item/attraction added to their DAS card when the previous one has been fulfilled/crossed out (one can't get multiple DAS entries at once)

-At those locations where the queue is not accessible (23 at Disneyland Park, 8 at MK, and a few others at the other 4 parks), Guests with an apparent disability (i.e. in a wheelchair, etc.), since they generally would not have a DAS card, would be issued a “return card” that is attraction specific and would be filled out with the current time, posted wait time, and when the Guest should come back (posted wait time minus 10 minutes)

- Group definitely feels additional labor out in the areas will be needed (at least for the first few months) to make the DAS program work
- Group okay with the idea of mentioning/marketing the availability of the DAS service on the website and in collateral if the feeling is it will help us be more transparent
- Group is worried about the initial transaction time at Guest Relations (which includes explaining the new service, taking the Guest's picture, entering/scanning the information in the Magic system, and answering questions) and, at attractions, where Guests may decide to congregate while waiting for their return time to arrive
- Many other nuances/unique circumstances/operational needs were also addressed/discussed

WSA/SGD's Continued Concerns That Were Not Addressed (Greg, these are the items that I definitely recommend you elevate):

- Park Ops (Alison in particular) continues to state "there is no appetite to give any internal partners/individuals the ability to issue any kind of service or green light card beyond what has already been discussed". Bottom line... if we (SGD), Guest Comm, Meg/George/Michael, or Legal, based on discussions with a particular Guest, felt offering a service beyond telling the Guest to use a DAS card, regular FastPass, or standby queue was necessary, we would have NOTHING to offer
- How to handle Guests with certain types of Autism where waiting in line is not a reasonable on their disability and what our "fall back" plan might be if this becomes a bigger issue. I had even sent the Kings Island follow up piece to both Alison and Todd on Thursday evening with a note stating that it might be worth discussing for a bit in yesterday's session, however, it was not addressed at all.

If you would like clarification on anything I've mentioned above or if you have a follow up question (obviously I didn't capture everything above), let me know.

Thanks!

**Mark**

Manager, Domestic Services for Guests with Disabilities  
Supporting the Disneyland Resort & Walt Disney World Resort  
WALT DISNEY Parks & Resorts U.S.  
Office Location: Disneyland Resort TDA #205C  
CA Office: (714) 781-1384 [8-232]  
FL Office: (407) 827-5600 [8-293]  
Mobile: [REDACTED]

**To:** Hale, Greg[Greg.Hale@disney.com]; Minnick, Bob[Bob.Minnick@disney.com]; Cardinali, Jay[Jay.Cardinali@disney.com]; Hogan, Maureen[Maureen.Hogan@disney.com]  
**From:** Jones, Mark  
**Sent:** Sun 6/30/2013 11:34:01 AM  
**Importance:** Normal  
**Subject:** FW: New GAC process- Thoughts??  
Back-up plan for Autistic Guest 6-28-2013.docx

FYI for each of you on what Todd and POLOB is considering related to Autism/ASD and the new DAS process. Without knowing how the Park Ops leaders will respond (that is the audience in the email below), it certainly seems like a 'reasonable' approach in my opinion and now just seeking your thoughts on the finer details (should My Magic + be a replacement to this option... I don't think it should; is 2 hours in between attraction #2 and #3 the right number, etc.?).

Thanks,

Mark

**From:** Evans, Todd  
**Sent:** Friday, June 28, 2013 1:43 PM  
**To:** Sweetman, Jenny; Lake, James H.; Thorsen, Kappy; Zappitello, Dawn; Santelli, Frank; Jones, Mark  
**Subject:** New GAC process- Thoughts??

All,

Brian Britton and Greg Hale have been discussing the need for a backup plan for a Guest with Autism. Attached is our initial thoughts on this one with some questions too, we would like to get your get feedback before next Friday 5<sup>th</sup> if possible. We are meeting with Jon S and Phil H to discuss the entire program.

If you have questions please give me a call or shot me an email.

**To:** Jones, Mark[Mark.Jones@disney.com]  
**From:** Appleton, Betty  
**Sent:** Thur 7/4/2013 3:10:55 PM  
**Importance:** Normal  
**Subject:** Re: New GAC process- Thoughts??

I think we agree it is not perfect and we have proposed our best suggestions and should let them run their organization as we are a client. They will only change after they personally experience the issues first hand.

Betty

Sent from my iPhone

On Jul 4, 2013, at 10:28 AM, "Jones, Mark" <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)> wrote:

My 2 cents everyone... Based on how this whole process has gone with Park Ops, I believe we all can agree that "feedback/comments/suggestions" are not really being considered with a whole lot of weight from anyone. Park Ops is also wanting this to be "their" project with all facets being their idea. What they are proposing, in my opinion, is not terrible and will certainly assist those with autism more so than the std DAS card process. With all of this, is the proposal on the table something we can live with or do we want to haggle the details? Just thinking out loud.

Happy4th!

Mark Jones  
Sent from my iPhone

On Jul 4, 2013, at 1:07 PM, "Hale, Greg" <[Greg.Hale@disney.com](mailto:Greg.Hale@disney.com)> wrote:

Why wouldn't they be able to use the card for other attractions after the three that day like all other guest using a DAS card?

Advise the Guest that the DAS card is only valid for the three attractions and additional return times cannot be added to the card.

Greg

**From:** Jones, Mark

20

**Sent:** Wednesday, July 03, 2013 4:38 PM  
**To:** Hale, Greg; Minnick, Bob; Cardinali, Jay; Hogan, Maureen; Appleton, Betty  
**Subject:** FW: New GAC process- Thoughts??

FYI everyone on my response back to Todd/Park Ops on this.

Thanks,

Mark

**From:** Jones, Mark  
**Sent:** Wednesday, July 03, 2013 4:37 PM  
**To:** Evans, Todd; Sweetman, Jenny; Lake, James H.; Thorsen, Kappy; Zappitello, Dawn; Santelli, Frank  
**Subject:** RE: New GAC process- Thoughts??

Good afternoon Todd and thanks for sending this information out to the larger team. WSA/SGD is suggesting that we consider initially planning for and using this manual process for Guests with Autism at both DLR and WDW. As My Magic + comes online and becomes fully available at WDW (and eventually at DLR), we could then revisit this and determine an update/replacement strategy.

Happy 4<sup>th</sup> everyone!

**Mark**  
Manager, Domestic Services for Guests with Disabilities  
Supporting the Disneyland Resort & Walt Disney World Resort

WALT DISNEY Parks & Resorts U.S.

Office Location: Disneyland Resort TDA #205C

CA Office: (714) 781-1384 [8-232]  
FL Office: (407) 827-5600 [8-293]  
Mobile: [REDACTED]

**From:** Evans, Todd  
**Sent:** Friday, June 28, 2013 1:43 PM  
**To:** Sweetman, Jenny; Lake, James H.; Thorsen, Kappy; Zappitello, Dawn; Santelli, Frank; Jones, Mark  
**Subject:** New GAC process- Thoughts??

All,

Brian Britton and Greg Hale have been discussing the need for a backup plan for a Guest with Autism. Attached is our initial thoughts on this one with some questions too, we would like to get your get feedback before next Friday 5<sup>th</sup> if possible. We are meeting with Jon S and Phil H to discuss the entire program.

If you have questions please give me a call or shot me an email.

Thank you!

Todd

**To:** Armor, Alison[Alison.Armor@disney.com]  
**Cc:** Evans, Todd[Todd.Evans@disney.com]; Minnick, Bob[Bob.Minnick@disney.com]  
**From:** Jones, Mark  
**Sent:** Tue 7/23/2013 10:25:38 AM  
**Importance:** Normal  
**Subject:** Re: ESC Mug to Update Group on DAS Program?

Apologies Alison. I believe the question is more around when the autism/cognitive disability accommodation was going to be discussed with the ESC. Do you know?

Mark Jones  
Sent from my iPhone

On Jul 23, 2013, at 6:16 AM, "Armor, Alison" <[Alison.Armor@disney.com](mailto:Alison.Armor@disney.com)> wrote:

Hi there,

Thanks for the note. Who do you mean by the "Executive Steering Committee"? This has already gone to Tom and the site Presidents to get approval for implementation, we will probably be giving updates on timeline and pertinent details, as appropriate, but I'm not sure if you are referring to a different audience or not....

Thanks,

Alison

**From:** Evans, Todd  
**Sent:** Monday, July 22, 2013 3:36 PM  
**To:** Jones, Mark; Armor, Alison  
**Cc:** Minnick, Bob  
**Subject:** RE: ESC Mtg to Update Group on DAS Program?

Alison is out sick today and Brian is also out of town, I will check and let you know as soon as I can.

Todd

**From:** Jones, Mark  
**Sent:** Monday, July 22, 2013 3:30 PM  
**To:** Armor, Alison; Evans, Todd  
**Cc:** Minnick, Bob  
**Subject:** ESC Mtg to Update Group on DAS Program?

Good afternoon Alison and Todd. Hope all is well. Bob and I are on a monthly call with Greg Hale and Legal and the question came up as to when your team/Brian is meeting again with the Executive Steering Committee to update them on the Disability Access Service program? Could you let us know please?

Thanks!

**Mark**

Manager, Domestic Services for Guests with Disabilities  
Supporting the Disneyland Resort & Walt Disney World Resort

WALT DISNEY Parks & Resorts U.S.

Office Location: Disneyland Resort TDA #205C  
CA Office: (714) 781-1384 [8-232]  
FL Office: (407) 827-5600 [8-293]  
Mobile: [REDACTED]

**To:** Britton, Brian[Brian.Britton@disney.com]  
**From:** Armor, Alison  
**Sent:** Wed 9/4/2013 8:29:48 AM  
**Importance:** Normal  
**Subject:** RE: Guest Assistance Card Program Replacement Update

Okay, thanks. I'll make sure our core team knows and will update you more tomorrow on some of the discussions we had while I was out in CA. It was actually good timing to be there to work with that team on this project.

Also, got a VM from Bob Minnick with the Guests with Disabilities team. He voiced his considerable concern (and Greg's as well) that we are not going to be the industry leader in providing service above and beyond our competitors anymore. My sense is that they are primarily displeased that there will not be a formal exceptions process to pre-fill the card. I'm hoping you had a chance to connect with Greg. I'm getting the impression from them that they still think we can make "course corrections" (their choice of wording!) and do the exceptions process. I have a call with them this afternoon...

Thanks!

Alison

**From:** Britton, Brian  
**Sent:** Wednesday, September 04, 2013 7:50 AM  
**To:** Armor, Alison  
**Subject:** Fwd: Guest Assistance Card Program Replacement Update

Here we go

Sent from my iPad

Begin forwarded message:

**From:** "Wallace, Erin J." <[Erin.J.Wallace@disney.com](mailto:Erin.J.Wallace@disney.com)>  
**Date:** September 4, 2013, 7:09:02 AM EDT  
**To:** "Britton, Brian" <[Brian.Britton@disney.com](mailto:Brian.Britton@disney.com)>  
**Subject:** Fwd: Guest Assistance Card Program Replacement Update

See below.

E

Sent from my iPad

Begin forwarded message:

**From:** "Crofton, Meg" <[Meg.Crofton@disney.com](mailto:Meg.Crofton@disney.com)>  
**Date:** September 4, 2013, 1:07:46 AM EDT  
**To:** "Wallace, Erin J." <[Erin.J.Wallace@disney.com](mailto:Erin.J.Wallace@disney.com)>, "Kalogridis, George" <[George.Kalogridis@disney.com](mailto:George.Kalogridis@disney.com)>, "Colglazier, Michael" <[Michael.Colglazier@disney.com](mailto:Michael.Colglazier@disney.com)>  
**Cc:** "Besanceney, Brian" <[Brian.Besanceney@disney.com](mailto:Brian.Besanceney@disney.com)>, "Haines, Lisa" <[Lisa.Haines@disney.com](mailto:Lisa.Haines@disney.com)>  
**Subject:** Fwd: Guest Assistance Card Program Replacement Update

Tom had me briefly cover this in EC tonight. I hit the high points from the deck and also mentioned that while we all feel good about this very well thought out recommendation, that there will be some noise about it when we implement.

We have the green light to move forward and implement.

Meg

Sent from my iPad

Begin forwarded message:

**From:** "Crofton, Meg" <[Meg.Crofton@disney.com](mailto:Meg.Crofton@disney.com)>  
**To:** "Ernest, Bill" <[Bill.Ernest@disney.com](mailto:Bill.Ernest@disney.com)>, "Ferraro, Leslie" <[Leslie.Ferraro@disney.com](mailto:Leslie.Ferraro@disney.com)>, "Franklin, Nick" <[Nick.Franklin@disney.com](mailto:Nick.Franklin@disney.com)>, "Hodges, Julie" <[Julie.Hodges@disney.com](mailto:Julie.Hodges@disney.com)>, "Holz, Karl" <[Karl.Holz@disney.com](mailto:Karl.Holz@disney.com)>, "Neumann, Spencer" <[Spencer.Neumann@disney.com](mailto:Spencer.Neumann@disney.com)>, "Nolt Wingard, Kristin" <[Kristin.N.Wingard@disney.com](mailto:Kristin.N.Wingard@disney.com)>, "Russell, Craig S." <[Craig.S.Russell@disney.com](mailto:Craig.S.Russell@disney.com)>, "Smith, Jeff (Legal)" <[Jeff.Smith2@disney.com](mailto:Jeff.Smith2@disney.com)>, "Staggs, Tom"

<[Tom.Staggs@disney.com](mailto:Tom.Staggs@disney.com)>, "Vaughn, Bruce E."  
<[Bruce.E.Vaughn@disney.com](mailto:Bruce.E.Vaughn@disney.com)>

**Cc:** "Kalogridis, George" <[George.Kalogridis@disney.com](mailto:George.Kalogridis@disney.com)>, "Colglazier, Michael" <[Michael.Colglazier@disney.com](mailto:Michael.Colglazier@disney.com)>, "Wallace, Erin J." <[Erin.J.Wallace@disney.com](mailto:Erin.J.Wallace@disney.com)>, "Besanceney, Brian" <[Brian.Besanceney@disney.com](mailto:Brian.Besanceney@disney.com)>, "Haines, Lisa" <[Lisa.Haines@disney.com](mailto:Lisa.Haines@disney.com)>

**Subject: Guest Assistance Card Program Replacement Update**

Attached is an update regarding the replacement program for the current "Guest Assistance Card" program. This new concept was approved by the EC in May and will allow Guests to wait virtually for attractions based on the current attraction wait time. This will accommodate Guests who cannot wait in a traditional queue environment while equalizing the Guest experience for everyone. The team has defined the operational details of the new program as well as a comprehensive implementation plan inclusive of a strong communication plan. We are recommending a bi-coastal implementation the week of October 8.

We did make a couple of adjustments based on the EC feedback. We eliminated the 30 minute minimum wait time requirement. Instead, we decided to include all attractions regardless of the wait time. This simplifies the process for both Guests and Cast. Also, we were able to include a photo on the new card. We also recommend changing the name of the program to "Disability Access Service." (The team did extensive research with agencies for people with disabilities – they fully support this language.)

Please let me know if you have any questions or concerns with the attached proposal or if you would like further dialog before we implement.

Thank you,  
Meg

<Attractions Access Update August 28 2013.pdf>

**To:** Britton, Brian[Brian.Britton@disney.com]; Armor, Alison[Alison.Armor@disney.com]; Jones, Mark[Mark.Jones@disney.com]; Besanceney, Brian[Brian.Besanceney@disney.com]; Hale, Greg[Greg.Hale@disney.com]; Killian, Cathi[Cathi.Killian@disney.com]  
**Cc:** Williams, Kristin N.[Kristin.N.Williams@disney.com]  
**From:** Haines, Lisa  
**Sent:** Wed 9/25/2013 1:37:18 PM  
**Importance:** High  
**Subject:** Important -- Meeting on GAC/DAS

All,

I am trying to pull together a call for a small group of us to discuss the changes to the GAC/DAS policy. As you all are well aware, we are hearing A LOT of concern from the autism community – which I know you all anticipated. To help manage these concerns, we want to better understand how we arrived at the new process and what feedback, if any, we incorporated from Autism Speaks or any other groups as we developed the policy. We are out there saying that we consulted with these groups ... and we need to keep ourselves honest on what exactly that means. We've also received a number of requests from Autism Advocacy groups who want to work with us on how we execute the policy. We do not want to start engaging these groups if there is no slack in the system to test/adjust.

I want to emphasize that this is NOT to question the new policy ... it's just to give us a better understanding so we can engage the right advocacy groups in the right way ... and manage expectations on this front, if needed.

My assistant Kristin Williams will work to schedule a call for us later today. I am hoping you can all make yourselves available.

Thanks in advance, all.

Lisa

Lisa Haines

Vice President, Public Affairs

Disneyland Resort

**To:** Vahle, Jeff[Jeff.Vahle@disney.com]  
**From:** Hale, Greg  
**Sent:** Sat 9/28/2013 3:20:21 PM  
**Importance:** Normal  
**Subject:** Fwd: Conference call update

Hi Jeff - just keeping you up to date on this while you are traveling. No real news on decisions.

There was a noon operations call today on DAS that Mark and Jay were included in. I briefed them ahead of time on the options discussed and they thought your recommendation of standing up a call center and letting guest that have booked know what accommodations would be made was a great idea to both ease the angst of current guest concerns and to take some of the arrival processing load off of both the guest and guest relations. However, it sounds like the discussion was "shut down". I know there was push back and no consensus yesterday on the call center pre-determining the specific accommodation but I thought there was general agreement to at least temporarily standing up a call center to reassure guest that have booked that we would take care of their specific needs.

I will keep you updated as I hear more.

Greg

Sent from my iPhone

Begin forwarded message:

**From:** "Jones, Mark" <Mark.Jones@disney.com>  
**Date:** September 28, 2013 at 2:06:14 PM EDT  
**To:** "Hale, Greg" <Greg.Hale@disney.com>  
**Cc:** "Cardinali, Jay" <Jay.Cardinali@disney.com>  
**Subject:** Re: Conference call update

We brought up the call center/pre-validating idea (short or long term) and Alison immediately said "this is not the place to talk this, it was discussed yesterday amongst senior leadership, and there's not really an appetite for this". Not sure why, but this is the same broken record type response we've gotten for months when bringing up something.

Mark Jones  
Sent from my iPhone

On Sep 28, 2013, at 10:54 AM, "Hale, Greg" <[Greg.Hale@disney.com](mailto:Greg.Hale@disney.com)> wrote:

Thanks - so they weren't aware of any decisions? And difference in tone or listening?

Greg

Sent from my iPhone

On Sep 28, 2013, at 1:41 PM, "Cardinali, Jay" <[Jay.Cardinali@disney.com](mailto:Jay.Cardinali@disney.com)> wrote:

Will send you an update a bit later. Nothing significant discussed or resolved. Not worth bothering you by phone at this time.

Jay

Sent from my iPhone

**To:** Manangu, Joan; Hogan, Maureen

**Subject:** RE: ACTION: Need your thoughts~! FW: WB from [REDACTED] DAS  
Issues M3205050 F3332194

Good morning Joan and thanks for your note. This was a topic of discussion very recently actually with Heather, Eric, and Leslie, so I would recommend you elevate it again to Heather and Leslie. I believe your team and my team are under the same understanding that Park Ops needs (and has agreed) to honor any and all information we enter in Magic including "ongoing provisions" of readds/FP's for those who need it above and beyond the DAS card. Please copy Maureen and I on your note and I can then add to it as we'll ultimately need to engage Alison Armor from Park Ops and her new leader to remind them of our "agreement".

Thanks!

Mark

**From:** Manangu, Joan

**Sent:** Tuesday, November 05, 2013 6:01 AM

**To:** Hogan, Maureen

**Cc:** Jones, Mark

**Subject:** ACTION: Need your thoughts~! FW: WB from [REDACTED] DAS  
Issues M3205050 F3332194

**Importance:** High

Maureen and Mark,

Can you tell me if we will still be able to provide Guests with the FastPasses moving forward? There is some info being communicated to Guests who really have needs that it is a one-time courtesy.

Any comments on the notes in Green? I have another one I assisted Jim MacPhee will send that separately. Is there anyone else I need to be including in these type of comments?

Please let me know.

*Joan (Martin) Manangu*  
Guest Experience Services Coordinator  
8-264-3251 or 407-560-3251

**From:** Manangu, Joan  
**Sent:** Friday, November 01, 2013 12:16 PM  
**To:** Havey, Heather L.  
**Cc:** Iddings, Megan; Johanson, Eric  
**Subject:** WB from [REDACTED] DAS Issues M3205050 F3332194

Heather,

I want to make you aware of the ongoing issues Mr. [REDACTED] is having with the DAS.

- He called me last week about problems with stroller as wheelchair at DAK, got that fixed, - CM error. This morning he left a message that he was having issues at Epcot with obtaining the assistance I set up for him.

- The week before DHS only gave him 2 Re-ads although my file for him stated 4.

- Today, he was told the re-entry passes were given once and they expired. He mentioned he spoke with Allison manager. She told him about the inconsistencies of the DAS card and not everyone knows what is going on. He wants to know if the re-entry passes expire and what he should be doing.

I called Allison - she said he was given 4 no strings today for Epcot. I explained that if the information is in the file, they should be honoring what is listed. I told her a little about his situation and she acknowledged seeing the little boy. She tells me it is a case by case basis and they are supposed to stick to the DAS as it is designed to work. She mentioned many issues with other Guests trying to get more FastPasses. They are telling them they may not be able to continue giving them the FP moving forward.

I noticed my file was marked redeemed and closed. Tried to fix, but unable to change. Again my case notes were moved to the bottom of the Magic information. However, it is still in the recovery side. She did find my original notes and assisted him. He walked off before she could finish speaking with him.

██████████ has a little boy 2.5 with extreme issues. They live here and visit daily while they wait for ██████████ next surgery in Miami.

- 1) I was under the impression the Guest would be able to obtain the Fastpasses / Re-Ads for each day of their visit. Seems like Guest Relations has a differing instruction.
- 2) I thought Guest Relations would read our file and assist with a seamless experience. Took a manager involvement to fix.
- 3) I also thought GR were supposed to leave the files open and not close or redeem them

I understand things have become very challenging in the parks for our Guest Relations with confrontations, etc. However, I am at a loss on what to tell him since he has been having so many issues and calls me almost weekly.

Can I tell him he should be able to obtain these FastPasses/ No Strings for each visit?

Thanks,

Joan

**From:** WDW Guest Communications  
[mailto:WDW.Guest.Communications@disneyworld.com]  
**Sent:** Friday, November 01, 2013 11:52 AM  
**Subject:** [REDACTED] WB Re: Email from the Walt Disney World Resort

[REDACTED]

11/1/13 1:31 PM

20738993

Original Message Follows: -----

Joan;

Was there an expiration date on getting re-entry passes. I'm at Epcot today and they say they have been redeemed and I get no more.

Thank you for your time  
[REDACTED]

On Oct 11, 2013, at 9:16 AM, WDW Guest Communications  
<WDW.Guest.Communications@disneyworld.com> wrote:

Reference: #M003205050

Dear Mr. [REDACTED]

Thank you for your voice messages this morning. I am so very sorry I was on the phone at that time you called.

I just left you a voice message and wanted to assure you our Cast Members at Guest Relations will be assisting you and [REDACTED]. I truly appreciate you taking the time to share your family's concern for the changes to our attractions access policy. I am sorry we have not had the opportunity to speak personally yet. However, in an effort make your trip more seamless, I have made arrangements to help you with your visit. Upon your arrival at any one of our Theme Parks, please bring this e-mail and a photo ID to any one of our theme park Guest Relations locations. Our Cast Members will be happy to assist you and provide you with some FastPasses, as well.

Mr. [REDACTED] it is my sincere hope your family's visit is filled with many happy memories.

Kindest regards,

Joan Martin

Guest Experience Services

Walt Disney World Resort

407-560-3251

3332194

-----Original Message-----

From: WDW Guest Communications  
[mailto:WDW.Guest.Communications@disneyworld.com]

Sent: Thursday, October 10, 2013 3:10 PM

To: [REDACTED]

Subject: Email from the Walt Disney World Resort

Dear [REDACTED]

Thank you for your reply.

I am happy to speak with you tomorrow on the phone. If there is a good time I can call you please let me know. My direct number is

407-560-3251.

I look forward to talking with you soon!

Kindest regards,

Joan Martin

Guest Experience Services

Walt Disney World Resort

407-560-3251

3332194

[REDACTED]

10/10/13 5:41 PM

Original Message Follows:

-----

Joan;

I'm unavailable today but I wanted to make sure you knew I received your response. I will be with my son tomorrow at one of the parks. We can meet there in person or you can call my cell phone

[REDACTED]

Thank you

[REDACTED]

>On Oct 10, 2013, at 8:53 AM, WDW Guest Communications

<[WDW.Guest.Communications@disneyworld.com](mailto:WDW.Guest.Communications@disneyworld.com)> wrote:

>

>Dear [REDACTED]

>

>Thank you for your email to Meg Crofton and so many of our Disney  
>Executives about the new Disability Access Service Card Program. Your  
>correspondence was forwarded to me so that I may personally respond  
to  
>you.

>

>We truly appreciate you taking the time to share your thoughts and  
>comments with us. I would welcome the opportunity to speak with you,  
>but do not have your telephone number. You are welcome to send a  
reply  
>to this message with your telephone number and the best time of day I  
>can reach out to you. Typically, I am in the office Monday through  
>Friday from 8:30 a.m. until 5 p.m. EST. Today, I will be out of the  
>office at 4:45 p.m. My direct telephone number is 407-560-3251.

>

██████, I look forward to hearing from you soon.

>

>Kindest regards,

>

>Joan Martin  
>Guest Experience Services  
>Walt Disney World Resort

>407-560-3251

>

>

>3332194

>

>

>Sent from my iPad

>

>Begin forwarded message:

>From: [REDACTED]

>Date: October 10, 2013 at 1:03:32 AM EDT

>To: "Bird, Andy" <[Andy.Bird@disney.com](mailto:Andy.Bird@disney.com)>, "[andrew.bird@disney.com](mailto:andrew.bird@disney.com)"

><[andrew.bird@disney.com](mailto:andrew.bird@disney.com)>, "[garth.steever@disney.com](mailto:garth.steever@disney.com)"

><[garth.steever@disney.com](mailto:garth.steever@disney.com)>, "[bob.weise@disney.com](mailto:bob.weise@disney.com)"

><[bob.weise@disney.com](mailto:bob.weise@disney.com)>, "[robert.weise@disney.com](mailto:robert.weise@disney.com)"

><[robert.weise@disney.com](mailto:robert.weise@disney.com)>, "[alan.braverman@disney.com](mailto:alan.braverman@disney.com)"

><[alan.braverman@disney.com](mailto:alan.braverman@disney.com)>, "Iden, Ronald"

><[Ronald.Iden@disney.com](mailto:Ronald.Iden@disney.com)>,

>"[ron.iden@disney.com](mailto:ron.iden@disney.com)" <[ron.iden@disney.com](mailto:ron.iden@disney.com)>, "Mayer, Kevin (Strategic

>Planning)" <[Kevin.Mayer@disney.com](mailto:Kevin.Mayer@disney.com)>, "McCarthy, Christine"

><[Christine.McCarthy@disney.com](mailto:Christine.McCarthy@disney.com)>, "Mucha, Zenia"

><[Zenia.Mucha@disney.com](mailto:Zenia.Mucha@disney.com)>, "Padden, Preston R."

><[Preston.R.Padden@disney.com](mailto:Preston.R.Padden@disney.com)>, "[dennis.shuler@disney.com](mailto:dennis.shuler@disney.com)"

><[dennis.shuler@disney.com](mailto:dennis.shuler@disney.com)>, "Woodford, Brent"

><[Brent.Woodford@disney.com](mailto:Brent.Woodford@disney.com)>, "Bodenheimer, George"  
><[George.Bodenheimer@espn.com](mailto:George.Bodenheimer@espn.com)>, "[richard.cook@disney.com](mailto:richard.cook@disney.com)"  
><[richard.cook@disney.com](mailto:richard.cook@disney.com)>, "Cook, Dick" <[Dick.Cook@disney.com](mailto:Dick.Cook@disney.com)>,  
>"[walter.liss@disney.com](mailto:walter.liss@disney.com)" <[walter.liss@disney.com](mailto:walter.liss@disney.com)>,  
>"[andrew.mooney@disney.com](mailto:andrew.mooney@disney.com)" <[andrew.mooney@disney.com](mailto:andrew.mooney@disney.com)>,  
>"[andy.mooney@disney.com](mailto:andy.mooney@disney.com)" <[andy.mooney@disney.com](mailto:andy.mooney@disney.com)>, "Rasulo, Jay"  
><[Jay.Rasulo@disney.com](mailto:Jay.Rasulo@disney.com)>, "[james.rasulo@disney.com](mailto:james.rasulo@disney.com)"  
><[james.rasulo@disney.com](mailto:james.rasulo@disney.com)>, Anne Sweeney  
<[Anne.Sweeney@disney.com](mailto:Anne.Sweeney@disney.com)>,  
>"[steve.wadsworth@disney.com](mailto:steve.wadsworth@disney.com)" <[steve.wadsworth@disney.com](mailto:steve.wadsworth@disney.com)>,  
>"[steven.wadsworth@disney.com](mailto:steven.wadsworth@disney.com)" <[steven.wadsworth@disney.com](mailto:steven.wadsworth@disney.com)>,  
>"[john.pepper@disney.com](mailto:john.pepper@disney.com)" <[john.pepper@disney.com](mailto:john.pepper@disney.com)>,  
>"[robert.iger@disney.com](mailto:robert.iger@disney.com)" <[robert.iger@disney.com](mailto:robert.iger@disney.com)>, Bob Iger  
><[Bob.Iger@disney.com](mailto:Bob.Iger@disney.com)>, "[thomas.staggs@disney.com](mailto:thomas.staggs@disney.com)"  
><[thomas.staggs@disney.com](mailto:thomas.staggs@disney.com)>, "Staggs, Tom" <[Tom.Staggs@disney.com](mailto:Tom.Staggs@disney.com)>,  
>"Crofton, Meg" <[Meg.Crofton@disney.com](mailto:Meg.Crofton@disney.com)>, "[megan.crofton@disney.com](mailto:megan.crofton@disney.com)"  
><[megan.crofton@disney.com](mailto:megan.crofton@disney.com)>, "Weiss, Al" <[Al.Weiss@disney.com](mailto:Al.Weiss@disney.com)>,  
>"[roy.disney@disney.com](mailto:roy.disney@disney.com)" <[roy.disney@disney.com](mailto:roy.disney@disney.com)>, "Lasseter, John"  
><[ll@pixar.com](mailto:ll@pixar.com)>, "[susan.arnold@disney.com](mailto:susan.arnold@disney.com)" <[susan.arnold@disney.com](mailto:susan.arnold@disney.com)>,  
>"[susan.arnold@disney.com](mailto:susan.arnold@disney.com)" <[susan.arnold@disney.com](mailto:susan.arnold@disney.com)>,  
>"[john.bryson@disney.com](mailto:john.bryson@disney.com)" <[john.bryson@disney.com](mailto:john.bryson@disney.com)>, "Chen, John"  
><[John.Chen@disney.com](mailto:John.Chen@disney.com)>, "[judith.estrin@disney.com](mailto:judith.estrin@disney.com)"  
><[judith.estrin@disney.com](mailto:judith.estrin@disney.com)>, "[steve.jobs@disney.com](mailto:steve.jobs@disney.com)"  
><[steve.jobs@disney.com](mailto:steve.jobs@disney.com)>, "[steven.jobs@disney.com](mailto:steven.jobs@disney.com)"

><[steven.jobs@disney.com](mailto:steven.jobs@disney.com)>, "[fred.langhammer@disney.com](mailto:fred.langhammer@disney.com)"

><[fred.langhammer@disney.com](mailto:fred.langhammer@disney.com)>, "[aylwin.lewis@disney.com](mailto:aylwin.lewis@disney.com)"

><[aylwin.lewis@disney.com](mailto:aylwin.lewis@disney.com)>, "[monica.lozano@disney.com](mailto:monica.lozano@disney.com)"

><[monica.lozano@disney.com](mailto:monica.lozano@disney.com)>

>Subject: Complaint Walt Disney World

>Thomas O. Staggs?

>Chairman?Walt Disney Parks & Resorts ?

>500 South Buena Vista Street ?

>Burbank, CA 91521-4873

>

>Mr. Staggs I am writing concerning my latest trip to Walt Disney World

>and the not so Disney experience we had with the guest assistance

>card(GAC).

>

>My wife and I moved to Davenport Florida about a month ago from Ohio.

We

>are in Florida for our 2 year old [REDACTED] to have reconstructive

>surgeries on his legs. [REDACTED] was born with bilateral tibial hemimelia

>and a bifurcation of his femur. In laymen?s terms he was born without

>his tibia?s(the weight bearing bone below your knee) and one of his

>femurs looks like a wish bone(Figure 1) These two rare conditions that

>happen separately in 1:1,000,000 live births. Together they are about

>1:3 trillion live births i.e. extremely rare and only 3 doctors

>worldwide have a treatment option beyond amputation.

>

>FIGURE 1

>

>When my wife and I knew the options, and found that the foremost surgeon

>in the world happened to be in Miami, we decided on living close to WDW.

>We wanted to take advantage of the parks during periods away from the hospital so our son could enjoy himself.

>

>We are now past the first surgery that was to apply a Taylor Spatial

>Frame to [REDACTED] right leg (figure 2,3,5) and have been using the

>parks. Up until now we had received a guest assistance card (GAC) and a

>tag to use the stroller as a wheelchair.

>

>During our visits over the last month we have noticed a difference in

>the way we have been treated by ride operators. Their attitudes have

>taken a not so friendly or helpful turn. Typically I would ignore it

and

>move on with my life. But today they took great joy in not allowing my

>two-year-old child, who is in great pain, to wait in his stroller to

>ride the teacups. Now this may not seem like much to most people but  
its

>incredibly insensitive considering the very visible and painful device

>on his leg.

>

>Before the teacups we went to Buzz Lightyear, currently his favorite

>ride in Magic Kingdom. We have ridden this ride several times and knew

>what to expect. Normally we would be directed to the area where  
riders

>are unloading. We would pull his stroller up to the belt unload and

>quickly transfer to the ride. But not today, I would have to unload  
him

>near the gift shop and hold him until the staff deemed they where  
ready

>for us to load. As you can tell by figure 2 and 3 holding him for long

>isn't much of an option considering the pain it causes.

>

>Figure 2

>

>Figure 3

>Now I completely understand the undertaking considering recent bad  
press

>with guest assistance cards, but punishing those who need it isn't the

>way to go. I find it despicable that Disney employees find pleasure

in

>this. I also find I need to put a face to this (figure 4)

>

>Figure 4

>Figure 4 shows my son [REDACTED] this picture was taken September 20,  
2013

>after having a Taylor Spatial Frame attached to his right leg. I would

>like to point out what he is holding

>If you want to know what I would like out of this complaint, its

>simple---See figure 6.

>And Walt Disney World employees should have some sensitivity training

>towards the GAC?s. I don?t want to use it, I would much rather my son

>had two normal legs and be able to wait in line

>

>Figure 6 October 5th 10:20AM The Land EPCOT

>

>

**To:** Manangu, Joan[Joan.Manangu@disney.com]; Smith, Leslie[Leslie.Smith@disney.com];  
Armor, Alison[Alison.Armor@disney.com]; Todd, Judy[Judy.Todd@disney.com]  
**Cc:** Iddings, Megan[Megan.L.Iddings@disney.com]; Jones, Mark[Mark.Jones@disney.com];  
Hogan, Maureen[Maureen.Hogan@disney.com]  
**From:** Havey, Heather L.  
**Sent:** Wed 11/6/2013 10:44:59 AM  
**Importance:** High  
**Subject:** RE: NEW UPDATE - RE: ACTION: Need info on FASTPASSES moving forward for DASFW:  
ASGO contact

Thanks Joan!

Alison/ Todd - another example of where Guests are being told the FastPasses are one time exceptions. And see the note about riding multiple times - I think we talked this, but it's not being operationalized. What can we share with this Guest (note, she is President of the Autism Society of Greater Orlando) other than that we've shared her feedback and we are continuing to do targeted follow-up training and communication when we identify areas of concern?

Thanks!

**From:** Manangu, Joan  
**Sent:** Wednesday, November 06, 2013 10:36 AM  
**To:** Manangu, Joan; Havey, Heather L.; Smith, Leslie  
**Cc:** Iddings, Megan; Jones, Mark; Hogan, Maureen  
**Subject:** NEW UPDATE - RE: ACTION: Need info on FASTPASSES moving forward for DASFW: ASGO contact

UPDATE: I received a new message from [REDACTED] about issues other Guests have been having. See below. Please let me know if there is some "good" news or info I can share with her.

Joan

**To:** Hale, Greg[Greg.Hale@disney.com]  
**From:** Jones, Mark  
**Sent:** Thur 1/9/2014 9:49:54 PM  
**Importance:** Normal  
**Subject:** Your voicemail Greg

Hi again Greg and I had a chance to listen to your voicemail. Yes, the points you make are valid. It is interesting that our DLR partners chose to temporarily change the parameters for DAS right in the middle of our data collection/survey work. Although a good idea from the Guest perspective, it certainly skews the data that we collected at DLR to imply that DAS might be much better than it truly is. In the grand scheme of things though, I think DAS is working for many of our Guests but, as you mentioned, there is still that percentage of guests with autism and other disabilities who are potentially being underserved. I am also aware that each site as well as each park in Florida has their own thoughts around re-ads and what is appropriate. I hope my other email listing some of the concerns we're receiving is helpful. Call me if we need to chat further sir.

Thanks!

Mark Jones  
Sent from my iPhone

**To:** Jones, Mark[Mark.Jones@disney.com]  
**From:** Hale, Greg  
**Sent:** Tue 2/11/2014 3:15:29 PM  
**Importance:** Normal  
**Subject:** Re: DAS Letter from ARCA

Unfortunately you are it for the association interface. Maybe we can push back on individual guest though. I think Michael was receptive to adding a pre filled out option that would help a lot.

Thanks,  
Greg

Sent from my iPhone

> On Feb 11, 2014, at 1:56 PM, "Jones, Mark" <Mark.Jones@disney.com> wrote:  
>  
> Not sure how much you know about this one Greg but I will say that my continuing to be the "poster child" for our responses about an unfavorable service is getting old.  
>  
> Thanks,  
>  
> Mark  
>

**REDACTED**

>>  
>> -----Original Message-----

>> From: Sircable, Lannie  
>> Sent: Tuesday, February 11, 2014 8:21 AM  
>> To: Haines, Lisa; Hart, Deborah  
>> Cc: Williams, Kristin N.; Serna, Julie; Iddings, Megan  
>> Subject: DAS Letter from ARCA  
>>  
>> Michael has not seen this yet, but wanted you to have for your call today with Michael.  
>> Thank you.  
>> Lannie  
>>  
>> <Document.pdf>

**To:** Jones, Mark[Mark.Jones@disney.com]  
**From:** Lowery, Betty  
**Sent:** Tue 2/11/2014 2:05:54 PM  
**Importance:** Normal  
**Subject:** RE: Guest Assistance Card

Mark, I haven't shared outside of my own team and you, but agree with you that I should be and will do so moving forward. Thanks for you wonderful guidance. – Betty

**Betty Martinez Lowery**

Manager, Community Relationships

Walt Disney World Community Relations

P. O. Box 10,000

Lake Buena Vista, FL 32830

Direct Line: 407-828-1743

Tie Line: 8-222-1743

Main office: 407-828-3453

Cell: 321-239-7461

[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)



Learn more about our community outreach  
at [www.WaltDisneyWorld.com/about/community](http://www.WaltDisneyWorld.com/about/community)

**From:** Jones, Mark  
**Sent:** Tuesday, February 11, 2014 12:29 PM  
**To:** Lowery, Betty  
**Subject:** RE: Guest Assistance Card

Thanks Betty. Are you also sharing this with our Deb's team at Guest Correspondence or your senior leadership? I think it's beneficial for our senior leaders to know that

calls/comments continue to come in to us through avenues other than Guest Correspondence as they continue to look at the overall DAS process. Believe me, the executive team is well aware of the calls/emails/comments that I and my team receive on the issue (I share these regularly with my VP Greg Hale) but I think there would also be value for other areas to bubble up the kinds of calls/comments they are receiving. Just a thought.

Mark

**From:** Lowery, Betty  
**Sent:** Tuesday, February 11, 2014 6:55 AM  
**To:** Jones, Mark  
**Subject:** RE: Guest Assistance Card

Thanks, Mark. Forwarded another voice message to you this morning from another autism family who are annual pass holders at WDW. -- B

**Betty Martinez Lowery**

Manager, Community Relationships

Walt Disney World Community Relations

P. O. Box 10,000

Lake Buena Vista, FL 32830

Direct Line: 407-828-1743

Tie Line: 8-222-1743

Main office: 407-828-3453

Cell: [REDACTED]

[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)

 [facebook](#) Learn more about our community outreach

at [www.WaltDisneyWorld.com/about/community](http://www.WaltDisneyWorld.com/about/community)

**From:** Jones, Mark  
**Sent:** Monday, February 10, 2014 5:58 PM  
**To:** Lowery, Betty  
**Subject:** Re: Guest Assistance Card

Thanks Betty. I hear you and am aware of the challenges the Autism community continues to face. Fortunately, my VP Greg Hale, who is a part of the executive committee led by Michael Colglazier, is looking at all facets of DAS. Hopefully a "solution" will come out of this group's work.

Mark Jones

Sent from my iPhone

On Feb 10, 2014, at 2:30 PM, "Lowery, Betty" <[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)> wrote:

Just my POV. -- Betty

**Betty Martinez Lowery**

Manager, Community Relationships

Walt Disney World Community Relations

P. O. Box 10,000

Lake Buena Vista, FL 32830

Direct Line: 407-828-1743

Tie Line: 8-222-1743

Main office: 407-828-3453

Cell: [REDACTED]

[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)

<image002.gif> Learn more about our community outreach  
at [www.WaltDisneyWorld.com/about/community](http://www.WaltDisneyWorld.com/about/community)

**From:** Lowery, Betty  
**Sent:** Monday, February 10, 2014 5:29 PM  
**To:** Gidusko, Nancy; DiPietre, Jacob  
**Subject:** FW: Guest Assistance Card

Just as a heads up, in the autism community, some of the conversation now is that unless you "know somebody at Disney who can pull some strings" the new DAS is a nightmare and just stay away. Jacob, I don't blame you for doing what you need to do for these folks. I hope it works out for them. But I do think someone needs to admit the new system does not work for Autism families. All disabilities are not equal. -- B

**From:** Waters, Marilyn J  
**Sent:** Monday, February 10, 2014 4:37 PM  
**To:** Jones, Mark; Wiley, Nick; DiPietre, Jacob; Riles, Sarah (Fisk); Hart, Deborah  
**Cc:** Gidusko, Nancy; Lowery, Betty; Bevan, Randy; Minnick, Bob; Evans, Todd  
**Subject:** Re: Guest Assistance Card

This is something we have done ONLY for V-VIP situations.

Marilyn Waters

Walt Disney World Resort

External Communications/Public Affairs

Office 407-828-3814

Mobile [REDACTED]

[Marilyn.j.waters@disney.com](mailto:Marilyn.j.waters@disney.com)

This e-mail message is confidential, intended only for the named recipient(s) above and may contain confidential information. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender at (407) 828-2527 and delete this e-mail message from your computer. Thank you.

**From:** <Jones>, Mark <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)>

**Date:** Monday, February 10, 2014 4:22 PM

**To:** "Wiley, Nick" <[Nick.Wiley@disney.com](mailto:Nick.Wiley@disney.com)>, Walt Disney <[marilyn.j.waters@disney.com](mailto:marilyn.j.waters@disney.com)>, Jacob DiPietre <[Jacob.DiPietre@disney.com](mailto:Jacob.DiPietre@disney.com)>, "Riles, Sarah (Fisk)" <[Sarah.Riles@disney.com](mailto:Sarah.Riles@disney.com)>, "Hart, Deborah" <[Deborah.Hart@disney.com](mailto:Deborah.Hart@disney.com)>

<[Sarah.Riles@disney.com](mailto:Sarah.Riles@disney.com)>, "Hart, Deborah" <[Deborah.Hart@disney.com](mailto:Deborah.Hart@disney.com)>

**Cc:** Nancy Gidusko <[Nancy.L.Gidusko@disney.com](mailto:Nancy.L.Gidusko@disney.com)>, "Lowery, Betty" <[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)>, "Bevan, Randy" <[Randy.Bevan@disney.com](mailto:Randy.Bevan@disney.com)>, "Minnick, Bob" <[Bob.Minnick@disney.com](mailto:Bob.Minnick@disney.com)>, "Evans, Todd" <[Todd.Evans@disney.com](mailto:Todd.Evans@disney.com)>

<[Randy.Bevan@disney.com](mailto:Randy.Bevan@disney.com)>, "Minnick, Bob" <[Bob.Minnick@disney.com](mailto:Bob.Minnick@disney.com)>, "Evans, Todd" <[Todd.Evans@disney.com](mailto:Todd.Evans@disney.com)>

<[Todd.Evans@disney.com](mailto:Todd.Evans@disney.com)>

**Subject:** RE: Guest Assistance Card

Hi everyone. I'm copying Sarah from Park Ops as well as Deb from Guest Correspondence so they are both aware of this situation and the request you are making. As you may be aware, the DAS card process continues to be evaluated at the most senior level and I certainly do not want to speak out of turn as to what is "reasonable" for a particular Guest's needs based on recent discussion the executives have had (especially what we're able/willing to do in advance of a visit). It is mentioned that the family is coming on a "Make-A-Wish" visit which, in theory, would qualify the entire party for the "Wishes Lanyard" anyway so anything "above and beyond" may be unnecessary at this point. Nancy, can you confirm this assumption?

Thanks,

**Mark**

Manager, Domestic Services for Guests with Disabilities  
Supporting the Disneyland Resort & Walt Disney World Resort

Office Location: Disneyland Resort TDA #205C

CA Office: (714) 781-1384 [8-232]

FL Office: (407) 827-5600 [8-293]

Mobile: [REDACTED]

<image001.jpg>

**From:** Wiley, Nick

**Sent:** Monday, February 10, 2014 1:20 PM

**To:** Waters, Marilyn J; DiPietre, Jacob

**Cc:** Jones, Mark; Gidusko, Nancy; Lowery, Betty

**Subject:** RE: Guest Assistance Card

Hey friends,

Yeah I should be able to help with this Guest, just need a little more information. Are they staying on property (ie: are they NGE eligible?). If so what resort? That will help me search for their reservation.

**From:** Waters, Marilyn J

**Sent:** Monday, February 10, 2014 4:06 PM

**To:** DiPietre, Jacob; Wiley, Nick

**Cc:** Jones, Mark; Gidusko, Nancy; Lowery, Betty

**Subject:** Re: Guest Assistance Card

Copying Nick to see if he can assist.

Marilyn Waters

Walt Disney World Resort

External Communications/Public Affairs

Office 407-828-3814

Mobile [REDACTED]

[Marilyn.j.waters@disney.com](mailto:Marilyn.j.waters@disney.com)

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**From:** <DiPietre>, Jacob DiPietre <[Jacob.DiPietre@disney.com](mailto:Jacob.DiPietre@disney.com)>

**Date:** Monday, February 10, 2014 4:03 PM

**To:** Walt Disney <[marilyn.j.waters@disney.com](mailto:marilyn.j.waters@disney.com)>

**Cc:** "Jones, Mark" <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)>, Nancy Gidusko <[Nancy.L.Gidusko@disney.com](mailto:Nancy.L.Gidusko@disney.com)>, "Lowery, Betty" <[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)>

**Subject:** Re: Guest Assistance Card

That would be great if we can get for both kids.

Where do we tell them to go to get them?

Sent from my iPhone

On Feb 10, 2014, at 3:56 PM, "Waters, Marilyn J"  
<[Marilyn.J.Waters@disney.com](mailto:Marilyn.J.Waters@disney.com)> wrote:

The last time we did this, we just gave them a MagicBand with 30 non-standard FastPass+ entitlements. That might be better?

Marilyn Waters

Walt Disney World Resort

External Communications/Public Affairs

Office 407-828-3814

Mobile [REDACTED]

[Marilyn.j.waters@disney.com](mailto:Marilyn.j.waters@disney.com)

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**From:** <DiPietre>, Jacob DiPietre <[Jacob.DiPietre@disney.com](mailto:Jacob.DiPietre@disney.com)>

**Date:** Monday, February 10, 2014 3:54 PM

**To:** Walt Disney <[marilyn.j.waters@disney.com](mailto:marilyn.j.waters@disney.com)>, "Jones, Mark" <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)>

**Cc:** Nancy Gidusko <[Nancy.L.Gidusko@disney.com](mailto:Nancy.L.Gidusko@disney.com)>, "Lowery, Betty" <[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)>

**Subject:** Fwd: Guest Assistance Card

Mark,

Can we make sure these guys have a good guest assistance card experience?

Thanks

Sent from my iPhone

Begin forwarded message:

**From:** "Moore, Jessica" <[Jessica.Moore@disney.com](mailto:Jessica.Moore@disney.com)>  
**Date:** February 10, 2014 at 3:49:11 PM EST  
**To:** "DiPietre, Jacob" <[Jacob.DiPietre@disney.com](mailto:Jacob.DiPietre@disney.com)>, "Casto, Robin" <[Robin.Casto@disney.com](mailto:Robin.Casto@disney.com)>  
**Subject:** Guest Assistance Card

Ok, so the family we are hoping to assist with picking up a Guest Assistance Card at Guest Relations is under the name [REDACTED] and is a party of five. His 8 year old son [REDACTED] has Autism AND Down Syndrome and has difficulty standing in lines and being in crowds for long periods of time. As a reminder, they will actually be at the Parks as a Make a Wish trip for their other son....I couldn't ask what his challenges are or how old he is... they will be in Hollywood Studios on Friday, 2/14, and Magic Kingdom on 2/15 and 2/16.

Thanks for helping us get this family the most assistance we can....I'm heartbroken just typing this....

Jess

<image001.jpg>

**To:** Jones, Mark[Mark.Jones@disney.com]  
**From:** Hogan, Maureen  
**Sent:** Tue 2/18/2014 9:23:40 PM  
**Importance:** Normal  
**Subject:** Fwd: DAS Compensation Process Change

FYI... Meant to send this earlier. Were you aware Guest Comm is no longer able to set up Guests with Cognitive Disabilities with anything in advance? They are sending them to Guest Relations for assistance. We can chat later this week if needed.

Thanks,

Maureen Hogan  
Services for Guests with Disabilities Manager  
WALT DISNEY Parks & Resorts  
Office - 407-560-5600 [8-293]

Begin forwarded message:

**From:** "Manangu, Joan" <[Joan.Manangu@disney.com](mailto:Joan.Manangu@disney.com)>  
**Date:** February 18, 2014 at 4:44:04 PM EST  
**To:** "Hogan, Maureen" <[Maureen.Hogan@disney.com](mailto:Maureen.Hogan@disney.com)>  
**Subject:** **FW: DAS Compensation Process Change**

FYI

**From:** Johanson, Eric  
**Sent:** Saturday, February 15, 2014 8:52 AM  
**To:** Puig, Mark; Wegner, Brett M.; Dobosz, Melissa K; Carse, Diane; Wheatley, Janet; Smith, Leslie; Havey, Heather L.; Holmberg, Britt  
**Cc:** Hart, Deborah; Iddings, Megan; Manangu, Joan; Stafford, Patti  
**Subject:** DAS Compensation Process Change

Leaders, Can you please share this message with your teams. Diane, can you please share this with your DAS and leadership teams. I appreciate it. Eric

Team,

**To:** Jones, Mark[Mark.Jones@disney.com]; Hale, Greg[Greg.Hale@disney.com]  
**Cc:** Blitch, Anthony[Anthony.Blitch@disney.com]; Bevan, Randy[Randy.Bevan@disney.com]  
**From:** Cardinali, Jay  
**Sent:** Thur 2/20/2014 11:15:52 AM  
**Importance:** Normal  
**Subject:** RE: Guest Letter: [REDACTED]

I was not part of any discussions either. Jay

**From:** Jones, Mark  
**Sent:** Thursday, February 20, 2014 9:57 AM  
**To:** Hale, Greg  
**Cc:** Blitch, Anthony; Cardinali, Jay; Bevan, Randy  
**Subject:** Re: Guest Letter: [REDACTED]

Thanks Greg and you're correct that I wasn't included in any recent discussions.

Mark Jones

Sent from my iPhone

On Feb 20, 2014, at 5:46 AM, "Hale, Greg" <[Greg.Hale@disney.com](mailto:Greg.Hale@disney.com)> wrote:

Randy – good letter for you to start seeing what we are up against.

To all – I had a good conversation with Jon Storbeck and he was supportive of exploring a pre-assigned DAS card even though Sara reported back at the last meeting that operations discussed the pros and cons and decided it was not a good idea. I assume none of you were included in those discussions with operations – correct?

I am setting up a call with you to discuss.

Greg

**From:** Iddings, Megan **On Behalf Of** Hart, Deborah  
**Sent:** Wednesday, February 19, 2014 3:10 PM  
**To:** Colglazier, Michael; Armor, Alison; D'Amaro, Josh; Giacalone, Margaret C; Haines, Lisa; Hale, Greg; Ontko, David A; Reynolds, Scot; Riles, Sarah (Fisk); Smith, Leslie; Storbeck, Jon; Vogelgesang, Janet; Webby, Richard; Jones, Mark  
**Subject:** FW: Guest Letter: [REDACTED]

FYI, a letter regarding DAS

Debbie

**From:** Hart, Deborah  
**Sent:** Wednesday, February 19, 2014 3:06 PM  
**To:** Kalogridis, George  
**Cc:** MacPhee, Jim; Colglazier, Michael; D'Amaro, Josh; Butner, Caroline; Keogh, Victoria  
**Subject:** Guest Letter: [REDACTED]

George,

Mr. [REDACTED] is a "frequent flyer" for Guest Services. He spoke with one of our Cast Members and still wanted to share his feedback, in writing, with leadership. We will reach out to the Guest. I am also copying Michael and Josh since they are leading the DAS efforts. Due to the size of his letter, it is included in the relayit link below.

Thanks,

Debbie

**Hello from Relay,**  
You have been sent 2 files for pickup.

**Files:**

 Letter 1.pdf (2.02 MB)  
 Letter 2.pdf (1.91 MB)

**Expires In:**

7 days

**Download:**

[Click Here to Download Your Files](#)

Can't click the link above? Just copy and paste the link below into your browser's address bar:



**Notice:** The download link provided is specific to this e-mail address and can be traced if forwarded.

**To:** Hale, Greg[Greg.Hale@disney.com]  
**From:** Blitch, Anthony  
**Sent:** Thur 2/27/2014 4:36:12 PM  
**Importance:** Normal  
**Subject:** Fwd: Pre-populated DAS card  
[DAS program offering evaluation.pdf](#)  
[ATT00001.htm](#)

I had a great conversation with Janet before leaving DLR and I wanted to share some of the thoughts we talked.

Attached is a rough draft of what we are trying to solve for. I like the approach and just wanted to get a gut check. Anything else we need to include? It is nice to see others starting to talk and think about pre-arrival.

This is still a work in progress so I didn't want to send it to the entire team.

AB

Sent from my iPhone

Begin forwarded message:

**From:** "Vogelgesang, Janet" <Janet.Vogelgesang@disney.com>  
**Date:** 27 Feb 2014 03:44:28 pm EST  
**To:** "Blitch, Anthony" <Anthony.Blitch@disney.com>  
**Subject:** RE: Pre-populated DAS card

After our conversation I thought of a different way to talk it. I described it to Michael and he's good with it. This is what I started yesterday – I'm not done and it's going to look different but I think it'll help the conversation. Instead of evaluating the pros and cons of the pre-populated DAS card, instead let's first talk about what we're trying to solve for and what options we have to solve those issues.

Here's just a rough thought....

**From:** "Jones, Mark" <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)>

**Date:** 26 Feb 2014 06:17:24 pm PST

**To:** "Hale, Greg" <[Greg.Hale@disney.com](mailto:Greg.Hale@disney.com)>, "Cardinali, Jay" <[Jay.Cardinali@disney.com](mailto:Jay.Cardinali@disney.com)>, "Blitch, Anthony" <[Anthony.Blitch@disney.com](mailto:Anthony.Blitch@disney.com)>, "Bevan, Randy" <[Randy.Bevan@disney.com](mailto:Randy.Bevan@disney.com)>, "Appleton, Betty" <[Betty.Appleton@disney.com](mailto:Betty.Appleton@disney.com)>

**Subject:** RE: Pre-populated DAS card

ABSOLUTELY agree Greg that we need a customized "Option 3" (Guests able to choose their own attractions and order) as I'm uncertain how many of those with Autism-related concerns are really going to benefit from a "locked in" set of 4 attractions. I'll see if I can find a few letters to support this in the next day.

A few questions/comments as well related to what has been proposed which are probably the same ones you might have (they were not mentioned in the deck but am not sure if they were, possibly, verbally communicated)...

-Do we know what the 2-3 "lists of attractions" are for each park (there was 1 in the deck... DLR Buzz, Pirates, Mansion, and Splash) and how were these determined?

-Is the order of attractions interchangeable?

-For Option 1, is the Guest also able to use the DAS card as designed (get assigned times to return from GR Kiosk/attraction greeters) in conjunction with the "pre-assigned" times/attractions?

-Why is "1 hour between attractions" the chosen number?

-Option 1 states this service "would be used for Guests who need additional help planning their day" and one of the "advantages" listed for both options is "Allows Guests to plan their days" however, based on what we're hearing from our Autism families, this is NOT what they want if it means WE dictate the attractions/order of attractions they visit.

Bottom line in my opinion... if this solution is being done to mainly serve the Autism community, it falls short as written/proposed and will not solve

the issue at hand.

Thanks,

Mark

---

**From:** Hale, Greg  
**Sent:** Wednesday, February 26, 2014 5:15 AM  
**To:** Jones, Mark; Cardinali, Jay; Blich, Anthony; Bevan, Randy  
**Subject:** FW: Pre-populated DAS card

Thoughts?

I think we need to add a customized option and some feedback from guests that would support adding this as an option.

Greg

---

**From:** Vogelgesang, Janet  
**Sent:** Tuesday, February 25, 2014 9:42 PM  
**To:** D'Amaro, Josh; Giacalone, Margaret C; Haines, Lisa; Hale, Greg; Hart, Deborah; Ontko, David A; Reynolds, Scot; Riles, Sarah (Fisk); Smith, Leslie; Storbeck, Jon; Webby, Richard  
**Subject:** Pre-populated DAS card

All,

REDACTED

Thanks!  
Janet

<< File: Pre-populated DAS cardv2.pptx >>

---

*Janet (Hanna) Vogelgesang*

*WDPR Planning & Industrial Engineering*

*(714) 781-1397 (8232)*

### DAS Program Offering Evaluation

Guest Path		Action Taken	Do we think it's working as-is?	If "No", why?	Alternatives	
Guest Calls	Pre-Arrival	Questions about the program	Answer questions	Yes	n/a	n/a
		Concerned it won't work for them	Answer questions, direct to GR	Yes (will test soon)	n/a	Provide pre-arrival solution (e.g., re-ads, FP+ entitlements)
		Concerned they won't qualify	Direct to GR	?	?	Some sort of pre-qualification
	Post-Visit	Inconsistent experience in the parks	Will improve processes	No	- Negative Guest experience - Could disadvantage DAS Guests	TBD, will address
		Program doesn't work for them	Provide re-ads	Yes	n/a	n/a
Guest Visits Guest Relations	Non-ambulatory	Instructed to use wheelchair or stroller as wheelchair	Yes	n/a	n/a	
	Ambulatory but can't wait in line	Provide DAS	Yes and No	- Long transaction times at GR (and sometimes long waits) - Labor cost of operating kiosks (at DLR)	- System enhancements - Duration extension - Pre-qualification (pre-arrival) - Pre-populated DAS card - FP+ entitlements (WDW)	
	Ambulatory but can't wait in line and DAS doesn't work (e.g., autistic child needs to ride Buzz repeatedly)	Provide varying number of re-ads (number varies based on attendance level)	No	- Opportunities for inconsistencies (# of re-ads, qualification for re-ads) - Requires Guests to go to GR each day/park	- Consistency in # of re-ads distributed - Pre-populated DAS cards - A new re-ad (enter an attraction or "choice", valid for LOS) - FP+ entitlements (WDW)	
	Expired DAS	Renew DAS	No	- Requires multiple visits to GR	Lengthen duration (will test 2 months)	

## Attraction Access Update

### Objective

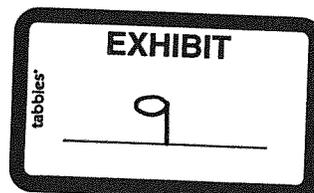
- Readdress the GAC Card process and how Guests using mobility aids are granted attraction access at the US-based parks.
- Create a new process to address the queue accessibility issues while equalizing wait time for all Guests.
- Where applicable leverage the FASTPASS® systems.

### Proposed Process

- Continue to leverage the traditional Guest Assistance Cards for extreme situations (e.g. Make-a-Wish guests) and for front row seating for visually impaired guests.
- Leverage a new Attraction Assistance Pass (AAP) for all other guests needing assistance. Guests would receive a return time based on the current stand-by wait time at attractions with a sustained wait time.

### Progress to Date

- Created process map of new Attraction Assistance Pass given various operational scenarios (guest arrives at attraction without AAP, attraction does not have a wait time, does not have accessible queue, etc).
- Benchmarked attraction access policies of competitors (Universal is the only other theme park with a process similar to AAP)
- Analyzed each location for feasibility and process changes needed.
  - Some attractions rarely, if ever, have more than a 10 minute wait time and it often already takes that long to back door the guests with the existing GAC process. Universal only gives out a return time if the stand-by wait time is 30 min or greater
  - Some locations have the guests already completely mainstreamed, which we should probably continue (e.g. MS vehicles, character pop-up meet and greets, trams, monorails).



## Attraction Access Update

### Progress to Date Continued

- IE analyzed current GAC volumes by site, average number of guests using GACs per day, as well as propensity to give out each stamp by park at WDW.
- Received feedback from A&A on ideal controls to be implemented, including tracking and fraud prevention.
- Created project approval plan and Communications team is developing a high-level communication plan. Talking points will be developed once new process is approved.
- Partnering with GBTS to determine if a system and support this process and enable de-centralized distribution of the passes as well as track usage.

### Outstanding Questions

- Can operations consistently execute on the new policy if we give them a wait time threshold at which to use the AAP process? Would this confuse the guest? Or does it need to be done all the time or never based on the location?
- Does this attraction access process need to be applied to entertainment spectaculars or character meet and greets?
- Should we engage external advocacy groups in the development process (e.g. Autism Speaks)?
- Others?





Kerry Alan Scanlon  
202.682.3660  
kscanlon@kayescholer.com

The McPherson Building  
901 Fifteenth Street, NW  
Washington, DC 20005-2327  
+1 202 682 3500 main  
+1 202 414 0350 fax

March 19, 2015

**VIA E-MAIL**

Florida Commission on Human Relations  
Attn: Jennifer Morrison  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301

Re: [REDACTED] v. Walt Disney Parks and Resorts U.S., Inc.  
FCHR No. 201500097

Dear Ms. Morrison:

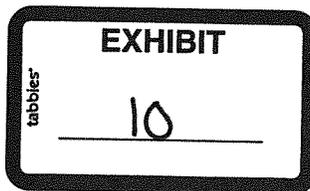
Attached please find the response of Walt Disney Parks and Resorts U.S., Inc. (“Disney”) to the Information/Document Request issued by your office.<sup>1</sup> Disney would like to thank the Florida Commission on Human Relations (“Commission”) for its grant of an extension to respond.

These materials constitute Disney’s position statement in response to the charge filed by [REDACTED] on behalf of her daughter, [REDACTED]. Disney reserves the right to supplement its response and to respond to any additional allegations, including any rebuttal to this position statement.

As part of our prior agreement, we will bring Disney Cast Members to the interview to provide case-specific information and to answer any questions you may have. We have also agreed to pay the cost of meeting at a local public library or other appropriate venue close to your office so that no expense is incurred by the Commission. Please let me know when you are ready to schedule this interview.

<sup>1</sup> Disney’s position statement, along with any information and supporting documentation provided in the course of this proceeding, is strictly confidential and is not to be used for any reason other than the resolution of these charges, nor disclosed to any third party without Disney’s prior written consent.

- Chicago
- Frankfurt
- London
- Los Angeles
- New York
- Palo Alto
- Shanghai
- Washington, DC
- West Palm Beach



I hope this information assists you in completing your investigation. Please do not hesitate to contact me directly at (202) 682-3660 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Alan Scanlon". The signature is written in a cursive, slightly slanted style.

Kerry Alan Scanlon  
Counsel for Disney

## Information/Document Request

**1. What is the corporate legal name of your company or agency?**

The corporate legal name of the Respondent is Walt Disney Parks and Resorts U.S., Inc. (“Disney”).

**2. Describe your business operations or agency functions.**

Disney owns and operates the Walt Disney World Resort (“WDW”) in Florida and the Disneyland Resort in California.

**3. Submit a statement that thoroughly addresses your position regarding the events alleged by Complainant. Provide a direct response to each allegation as stated on the complaint. Include any additional information and explanation you consider relevant to the complaint.**

On October 20, 2014, [REDACTED] on behalf of her daughter, [REDACTED] (“Complainant”) filed a Public Accommodation Complaint of Discrimination against Disney with the Florida Commission on Human Relations (“FCHR” or “Commission”). This charge does not contain a single factual allegation to support a claim of discrimination. Instead, Complainant alleges in conclusory fashion that Disney discriminated against her daughter by replacing its Guest Assistance Card (“GAC”) program with the Disability Access Service (“DAS”) card program. Not only is Complainant’s claim completely unsupported, but her own allegations actually support Disney’s position that her daughter was afforded access to Disney’s parks. As further shown below, the complaint is without merit and should be dismissed.

There is no reason to believe that any violation of Florida law has occurred in this case. As a company long committed to civil rights, diversity and accessibility, Disney strongly denies that it violated any applicable laws, codes or regulations, or that it discriminated against complainants in any way on account of their disability. The company has gone to great lengths to provide unparalleled service to all guests, including those with disabilities, and especially prides itself on the levels of accessibility throughout its facilities. Disney not only makes every effort to accommodate its guests with disabilities, but takes an active interest in designing, promoting, and serving as a model for accessibility.

Disney has also established a dedicated department known as Services for Guests with Disabilities to assist guests with disabilities and their families. The Services for Guests with Disabilities Department provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experiences at the various theme parks and resorts. For example, Disney developed and implemented a *Guide for Guests with Disabilities* and a *Guide for Guests with Cognitive Disabilities*. These guides explain and delineate services and accessible features at Disney’s theme parks. A copy of the two guides is included as Exhibits 1 and 2.

On October 9, 2013, Disney replaced its GAC program with the DAS card program. The new DAS card was primarily designed to accommodate guests who are not able to wait in a conventional queue environment due to a disability. Specifically, it allows these guests to wait “virtually,” and return to an attraction at the posted wait time minus ten minutes. During this time, guests may visit other rides or attractions (with little or no wait times) or otherwise experience the park. Complainant preferred the GAC program because, while Disney was not legally required to do so, it generally provided guests with disabilities and their families access to rides and attractions through alternative entrances, without them needing to wait in the standard ride or attraction lines or wait virtually and return to a ride or attraction at a specified time. However, the GAC program resulted in abuse and fraudulent misuse, which was widespread and continuing.

“Disability-discrimination claims under the FCRA are analyzed using the same framework as ADA claims.” *Luna v. Walgreen Co.*, 575 F. Supp. 2d 1326, 1333 n.5 (S.D. Fla. 2008); *see also Chanda v. Engelhard/ICC*, 234 F.3d 1219, 1221 (11th Cir. 2000) (applying an ADA analysis to address plaintiff’s claims under the Florida Civil Rights Act).<sup>2</sup> Therefore, in order to prevail on her charge, Complainant must show that a reasonable modification of Disney’s policy is necessary to afford her daughter access, unless doing so would fundamentally alter what is offered at Disney’s theme parks. *See* 42 U.S.C. § 12182(2)(A)(ii); *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 688 (2001). The Supreme Court in *Martin* went out of its way to clearly define what Congress meant by “necessary” in the context of a reasonable modification claim under Title III of the ADA. In *Martin*, the Supreme Court explained that a requested modification is not “necessary” even if the plaintiff finds it “uncomfortable” or “difficult” without the modification, so long as access by other means is not “beyond [his] capacity.” 532 U.S. at 682. “Stated plainly, under the ADA a qualified individual with a disability is not entitled to the accommodation of her choice, but only to a reasonable accommodation.” *Stewart v. Happy Herman’s Cheshire Bridge*, 117 F.3d 1278, 1286 (11th Cir. 1997).

Complainant does not even attempt to meet this standard, and cannot do so. In fact, in response to the Commission’s questions, Complainant explains that GAC was “much easier to handle” and that the Parks were “much more enjoyable because I didn’t have to be a full-time planner and juggler.” These allegations demonstrate that she *preferred* GAC over DAS for her daughter because she believed it required less pre-planning. *See also* Complainant’s Answer No. 5 (“Scheduling on the magic bands needs about a week in advance. Sometimes we just don’t have that kind of planning.”). Based on well-established legal precedent, it is clear that Complainant’s claim that DAS was not convenient does not meet her burden under Title III of the ADA and, in turn, does not constitute a violation of the FCRA. *See, e.g., Martin*, 532 U.S. at 682; *Ault v. Walt Disney World Co.*, 254 F.R.D. 680, 688 (M.D. Fla. 2009) (explaining

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<sup>2</sup> In her charge, Complainant also appears to bring her claim under Fla. Stat. § 509.092. However, such allegations of disability discrimination are litigated under Section 760.11 of the Florida Civil Rights Act (“FCRA”). Therefore, the analysis under the Americans with Disabilities Act (“ADA”) is similarly applicable.

that a preference to use a Segway over other types of mobility devices need not be accommodated under the ADA as a matter of law); *Dobard v. San Francisco Bay Area Rapid Transit Dist.*, 1993 U.S. Dist. LEXIS 13677, at \*\*9-10 (N.D. Cal. Sept. 7, 1993) (finding that plaintiff failed to state a claim for an ADA violation because defendant was not required to provide the most advanced technology to those who are hearing-impaired as long as it allows for some means of ensuring effective communication).<sup>3</sup>

At no time did Complainant claim that her daughter could not access the parks without GAC or that GAC was “necessary” to afford her access to the parks. To the contrary, Complainant admitted that they visited Disney “approx. 10-11 times under the DAS.” This admission is fatal to her claim because it shows that she cannot meet her burden of proving that the requested modification (i.e., reverting back to the GAC program) is necessary to afford her daughter access to the parks. It is also notable that Complainant and her daughter used the DAS system when they visited Magic Kingdom just eleven days ago on March 8, 2015, and there is no evidence of any issues involving their visit. If Complainant and her daughter were denied access to the parks, they certainly would not have kept coming back over and over again.

The ADA does not prohibit, or even discourage, accommodations that apply across-the-board, so long as they provide access to persons with disabilities. There are many examples of such “blanket accommodations.” The grade of a wheelchair ramp applies to all wheelchair users, and therefore ramps with different gradients are not required simply because some persons using wheelchairs are weaker than others. Video captioning is available for all persons with hearing

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<sup>3</sup> Other courts throughout the country have determined that a requested modification is not “necessary to afford access” to defendant’s facilities if there are other available means of insuring access. *See, e.g., Coleman v. Phoenix Art Museum*, No. CV 08-1833-PHX-JAT, 2009 U.S. Dist. LEXIS 38905 (D. Ariz. Apr. 21, 2009) (citing *Martin*, holding that the plaintiff failed to meet his burden of showing that his own hip chair device was necessary to accommodate his disability when the museum offered to provide two different kinds of wheelchairs), *aff’d* 372 Fed. Appx. 793 (9th Cir. 2010); *Logan v. Am. Contract Bridge League*, No. 04-4428, 2006 U.S. App. LEXIS 5914, at \*\*2 (3d Cir. Mar. 9, 2006) (affirming the district court’s decision because although a special deck of playing cards enhanced the ability of a person with a vision impairment to play bridge, the requested modification was not necessary to afford access to games and tournaments in light of the alternative accommodations); *Murphy v. Bowl*, No. 04-35273, 2005 U.S. App. LEXIS 21788, at \*\*5 (9th Cir. Oct. 5, 2005) (citing *Martin*, holding that the requested modification of allowing a companion to accompany the plaintiff on a ski bike was not necessary to improve her skills because there were alternative strategies available to help her learn); *Larsen v. Carnival Corp.*, 242 F. Supp. 2d 1333, 1344 (S.D. Fla. 2003) (finding that plaintiff’s Title III claim failed because he could not establish that “it was necessary for Plaintiffs to carry on, rather than check in, the Bi-Pap [which is a breathing machine used while sleeping] in order to fully participate in the cruise”); *Dryer v. Flower Hosp.*, 383 F. Supp. 2d 934 (N.D. Ohio 2005) (holding that plaintiff’s requested modification of the hospital’s policy prohibiting visitors from using its oxygen ports was not “necessary” under *Martin* because she was allowed to bring her own oxygen tank into the hospital).

impairments regardless of whether their hearing loss is 20 percent or 100 percent. The same is true with DAS, which offers the opportunity to completely avoid waiting in line throughout the day to *all* persons with autism or other cognitive disabilities. It does not matter how severe or mild the autism is because a DAS holder has the right to not wait in *any* traditional queue, which all other guests must do on every ride.

The fact that this right is also provided to guests with mild forms of [REDACTED] does not mean that a different accommodation is required for persons with more severe impairments. Like the wheelchair ramp or the video captioning device, one solution has been found in DAS that completely eliminates waiting at an attraction for *all* guests with [REDACTED] regardless of how severe or mild their disability is. When the opportunity for access offered by an accommodation is *complete*, there is no need to differentiate between persons with different degrees of impairment.

In short, DAS reasonably accommodates guests with disabilities who are not able to wait in a conventional queue environment and provides the level of accommodation required by law. Because Complainant admits that she received DAS for her daughter, there is no reasonable cause to believe that any discrimination occurred, and the charges filed by Complainant should be dismissed.

As addressed in my cover letter, we have agreed to bring individual Disney Cast Members to specifically address the allegations in this complaint and to answer any questions you may have. Among other topics, they will walk you through the development and implementation of the DAS system and address the abuse and fraud issues involved with the prior GAC program.<sup>4</sup> In describing the DAS system, they will also explain how during the “virtual wait”, a guest can visit other attractions with little or no wait times, obtain FastPasses or otherwise enjoy the parks. Based on their experience with DAS during the past 17 months, they will discuss how the program is working well, is being used frequently and is a popular service for guests with autism and other cognitive disabilities.

- 4. Provide sworn statements or affidavits from the officials who were responsible for the actions taken which led to this complaint, explaining why they deemed the action necessary. Send sworn statements from other individuals who can verify the facts in support of your position.**

A letter issued by Disney about the changes to its prior program for providing access to attractions for guests with disabilities is provided as Exhibit 4.

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<sup>4</sup> Under these circumstances, Complainant’s requested modification would also constitute a fundamental alteration of Disney’s business, which is a complete defense to her claim. *See* 42 U.S.C. § 12182(2)(A)(ii).

5. **Send copies of appropriate sections of written rules, policies and procedures or portions of policy manuals or employee handbooks which relate to the issues raised in the complaint. Provide an explanation for any unwritten policies or established practices which apply to the issue.**

Disney's *Guide for Guests with Disabilities* and *Guide for Guests with Cognitive Disabilities*, which describes the various services and accessible features at WDW, are provided as Exhibits 1 and 2. A fact sheet regarding Disney's DAS card is provided as Exhibit 5.

*Hand Members - LMS in UC - APs (1 to 5)  
Keps*



ASSOCIATION OF REGIONAL CENTER AGENCIES

915 L Street, Suite 1440 • Sacramento, CA 95814 • 916.446.7961 • Fax: 916.446.6912 • E-mail: arca@arcanel.org

*3 staffers, BVA Members*

February 6, 2014

Michael Colglazier  
President, Disneyland Resort  
P.O. Box 3232  
Anaheim, CA  
92802-3232

*- MK meeting -  
- Task Force that can answer to work a  
next program*

RE: DAS Card

Dear Mr. Colglazier,

The Association of Regional Center Agencies (ARCA) represents the network of 21 non-profit regional centers that advocate on behalf of, and coordinate services for, California's over 275,000 people with developmental disabilities.

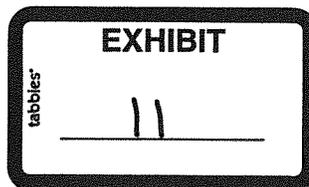
ARCA has very much appreciated the multiple conversations a select task force of our representatives have had with Disney representatives Mark Jones and Jill Bolton, going back to October 4, 2013, in response to the introduction of the DAS Card. The core issue for us is that Disney had done virtually no outreach to the community prior to making this change, and then has consistently provided minimal details about the ongoing evolution of its program. Late January rumors that readmission passes will be terminated are the most recent example.

This has created profound concerns for some of our members, and is reflected in feedback heard from the wider community. It is in the spirit of continued dialogue that we wish to note several points we feel speak to both those concerns and consistent themes we have encountered. It is our hope and anticipation that this letter will be shared with the Disney task force members currently evaluating the use of the DAS Card. In addition, we have provided extensive input – including survey data – to Mark and Jill. However, we stand ready and willing to be of additional assistance as Disney continues to improve and develop its new approach to meeting the needs of people with disabilities.

For many families with a member with a developmental disability – most significantly autism, but other disabilities as well – the Disney experience is precious beyond words. One comment that most perfectly encapsulates this came to us from a woman whose daughter has autism. "It's not just a theme park to her – the characters are her friends and her world." For some, those friendships and that world will last for a lifetime.

Late last year, ARCA distributed a survey to the community to provide more insight into how the change to the DAS Card had been received. A bit more than 1,500 completed surveys have shown a strong tendency towards profound concern, fear, and unhappiness. There have certainly been positive responses, but the majority trend is negative.

Underlying this is the fact that, for some families with a member with a developmental disability, the issue is not waiting in a line, but simply waiting. Individuals with either autism or





ASSOCIATION OF REGIONAL CENTER AGENCIES

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certain other developmental disabilities are both fundamentally attached to routine and not always able to understand waiting. It is not a matter of learning. It can be the case that the very nature of the disability makes waiting an impossibility.

For the DAS Card to provide an experience that is substantially similar to that had by families without a member with a disability, it will need to address that core concern. Repeated visits to kiosks or the Town Center place a special burden on these families. “Virtually” waiting is cold comfort to a family whose child is in the midst of a meltdown because they, quite simply, can’t understand the requirement that they wait. It is our hope that future refinements of the DAS process will place a premium on resolving this issue.

Long-term maintenance of records is an area that could dovetail well with this. For some individuals outside our system, their disability is temporary. *By definition*, a developmental disability is life-long. My child’s disability is not going away. In both the survey and via anecdote, we’ve heard much willingness to provide documentation. To the extent families need not re-demonstrate their baseline need at each visit, their experience will be both better and more similar to that had by guests without disabilities.

It will also obviate the need to discuss a child’s disability with a cast member. We have heard of many cases where that conversation was either inelegant, tactless, or painful. I am one of those cases. Explaining to a stranger why your child is “different” and having to enumerate their personal challenges – with your child seated next to you – was, at best, humiliating. Disney’s continued work to improve its internal assessment process simply cannot come fast enough. We also hope that you will seize the opportunity to make it a one-time experience.

We recognize various tacks are being taken, including changes to the Fastpass. We are not attached to method – only process and outcome. The stress and angst generated by an opaque process deeply affects thousands of families for whom the Disney experience is so valuable. More openness is the solution. And as long as the outcome focuses on reasonably accommodating the unique needs of each individual, we are confident the DAS Card will be able to provide our families – many of whom are profoundly loyal, Disney fans – the experience they know and love.

We deeply appreciate Disney’s willingness to begin to engage the state’s community of people with developmental disabilities. The concept of “nothing about us without us” has long motivated the work of many advocates within our community. Thus, though we regret not having been part of discussions in the initial planning phases of this, we look forward to remaining positively involved in communicating our constituents’ unique needs, that Disney may optimally meet them while providing an excellent experience for all guests.

Sincerely,

A handwritten signature in black ink, appearing to read "Fernando Gomez", with a stylized flourish at the end.

Fernando Gomez

President, Association of Regional Center Agencies



Rick Scott  
Governor

State of Florida  
Florida Commission on Human Relations

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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401404

██████████  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group  
101 East Kennedy Boulevard, Suite 1100  
Tampa, FL 33602

Complainant

Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street, NW  
Washington, DC 20005

Respondent

NOTICE OF DETERMINATION: CAUSE

The Florida Commission on Human Relations, in the above-referenced complaint, has determined that there is reasonable cause to believe that a public accommodation violation occurred. A copy of the Determination is attached.

During the following 30 days, you are invited to join the Commission in an effort to reach a just resolution of this matter through conciliation. The 30-day conciliation period does not, however, toll (affect) the 35-day limitation period for filing a **Petition for Relief**.

The Complainant may request an administrative hearing by filing a **Petition for Relief** within 35 days of the date of this **Notice of Determination: Cause** or Complainant may file a civil action within one year of the date of this **Notice of Determination: Cause**.

We have enclosed a Petition for Relief form with Complainant's notice. It may be beneficial for the Complainant to seek assistance from legal counsel prior to actually filing a Petition for Relief.

If the Complainant fails to request an administrative hearing within 35 days of the date of this notice, the administrative claim under the Florida Civil Rights Act of 1992, Chapter 760, will be dismissed with prejudice pursuant to section 760.11, Florida Statutes and the claim will be barred.

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF DETERMINATION: CAUSE has been served upon the above-named addressees this 13 day of Feb., 2015, by U.S. mail.

By: Jammy Barton  
Clerk of the Commission

COMMISSIONERS

Gayle Cannon  
Lake City

Derick Daniel  
Tallahassee

Dr. Donna Elam  
Orlando

Dr. Onelia Fajardo-Garcia  
Miami

Dr. Elena Flom  
Cocoa Beach

Tony Jenkins  
Orlando

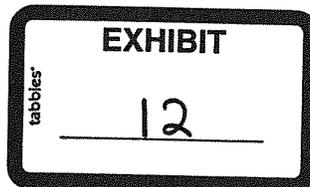
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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401404  
Certified Receipt #: 9171999991703311491856

[Redacted]

Complainant

c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group  
101 East Kennedy Boulevard, Suite 1100  
Tampa, FL 33602

Respondent

Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street, NW  
Washington, DC 20005

DETERMINATION: CAUSE

Complainant filed a Complaint of Discrimination alleging that Respondent discriminated against him/her in violation of the Florida Civil Rights Act of 1992, as amended, Section 760.08, Florida Statutes. The Florida Commission on Human Relations has investigated this matter and has found the following:

Respondent is a public accommodation within the meaning of the Florida Civil Rights Act of 1992, and the timeliness and all jurisdictional requirements have been met;

Pursuant to Rule 60Y-5.004(1), Florida Administrative Code, the Office of Employment Investigations has submitted an Investigative Memorandum;

On the basis of the report and recommendation, pursuant to the authority delegated to me by Rules 60Y-2.004(2)(e) and 60Y-5.004, Florida Administrative Code, I have determined that reasonable cause exists to believe that an unlawful public accommodation practice occurred.

Michelle Wilson  
Executive Director

Dated: February 12, 2015

Filed: Feb. 13, 2015

By:   
Clerk of the Commission

COMMISSIONERS

- |  |                                     |  |   |
|--|-------------------------------------|--|---|
| <b>Gayle Cannon</b><br>Lake City           | <b>Derick Daniel</b><br>Tallahassee | <b>Dr. Donna Elam</b><br>Orlando           | <b>Dr. Onelia Fajardo-Garcia</b><br>Miami |
| <b>Dr. Elena Flom</b><br>Cocoa Beach       | <b>Tony Jenkins</b><br>Orlando      | <b>Michael Keller, Vice Chair</b><br>Tampa | <b>Gilbert Singer, Chair</b><br>Tampa     |
| <b>Billy Whitefox Stall</b><br>Panama City |                                     |  | <b>Rebecca Steele</b><br>Jacksonville     |

**INVESTIGATIVE MEMORANDUM**

FCHR NO. 201401404

Date: February 6, 2015  
To: Office of General Counsel  
From: Jennifer Morrison  
Investigation Specialist  
Office of Employment Investigations

COMPLAINANT

  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group  
101 East Kennedy Blvd.  
Tampa, FL 33602

v.

RESPONDENT

Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer  
901 Fifteenth Street, NW  
Washington, DC 20005

**DECLARATION OF JURISDICTION**

Respondent is a public lodging and or food service establishment within the meaning of the Florida Statutes, Chapter 760, and jurisdictional requirements have been met.

**FOCUS OF THE COMPLAINT**

Complainant filed a charge of discrimination against Respondent alleging that her son was denied an accommodation for his disability

**BACKGROUND**

Complainant visited Respondent's amusement park in May of 2014 with her youngest son. Complainant has two sons, both of whom are disabled.

### COMPLAINANT'S ALLEGATIONS

Prior to October 2013, Respondent offered guests with disabilities a Guest Assistance Card (hereinafter "GAC"). On October 9, 2013, Respondent revoked the GAC and the associated policies and procedures associated with accommodating disabilities. It was replaced with the Disability Access Service (hereinafter "DAS"). The new system does not accommodate her child's disability and as a result, it has discriminated against him.

Complainant's sons' disabilities limit their verbal skills. They communicate through behavior, writing things down, or by their parents offering them several choices. Whenever they are faced with a change in the usual routine or when they are forced to wait idly for extended periods of time, they experience severe meltdowns which are expressed by punching themselves in the head and pinching themselves as well as family members in close proximity.

Complainant and her family have been visiting Respondent's theme parks since her sons were toddlers and have had annual passes because they have enjoyed the park so much. While the GAC was in place, the trips were frequent and stress-free. Her sons would ask to go to the parks once or twice a week to which she acquiesced because they enjoyed it so much. These trips rarely resulted in meltdowns because the GAC accommodated them so well. Since they were little, her younger son has had to pre-plan their trips by arranging the order of the attractions and how many times he will ride each one. On some occasions, he has decided that he will ride one ride over and over repeatedly until he gets tired of it. Any variations will result in a meltdown.

Whenever he experiences a meltdown, his parents attempt to do everything possible to calm him down, but it is very difficult to do especially when he is pinching his parents very hard. He has the same reaction when he is required to wait more than a few minutes for entry into a ride or an attraction. Because he is incapable of understanding the concept of visiting a ride or attraction only to be prohibited from riding it until a later time, the DAS creates stressors which significantly increase the potential for meltdowns.

Her older son has not visited the theme park because she is fearful that he will experience the same treatment that her younger son experienced on a previous trip to Hollywood Studios.

Respondent's inflexible enforcement of its arbitrary new DAS is adhered to regardless of the guest's specific needs which has limited the full enjoyment of Respondent's theme park. After the DAS went into effect, Complainant's sons no longer received the same type of accommodation and attention they had received in the past. As a consequence, their interest in continuing regular trips has been considerably reduced. Respondent has refused to conduct an individual assessment of guests' needs and also refused to modify the policy to allow guests to enjoy the benefits and privileges to the same extent as non-disabled guests.

In an interview, Complainant stated that when they arrived at the park it was an extremely crowded day. They arrived at Guest Relations and even though they were being helped, she got the distinct impression that they were not wanted there and the employees were annoyed to have to assist them. She stated that she had to try to convince them of her son's disability. He is not conversational because you cannot have a reciprocal conversation with him, but he can talk.

Complainant has a number of Personal Care Assistants (hereinafter “PCA’s) for her sons. They are basically college students who can accompany them because they cannot be by themselves even though they are 22 and 23 years old respectively. Prior to the implementation of the DAS, Respondent allowed Complainant to buy one pass which could be used by any of the six caretakers. Respondent had a list of the caretakers and as long as they brought the pass and their ID, they could accompany one of the sons into the park. This was a huge relief for Complainant as she could not continue to go herself multiple times a week, but it allowed for her children to experience the park with someone she trusted. She just had to buy one seasonal pass instead of six. One day when one of the PCA’s traveled to Respondent’s theme park to take one of her sons, he was denied entry. He was told that that accommodation should have never been allowed. Now in Guest Relations, employees ask what your disability is, but do not ask what accommodation you need.

She stated that the current accommodations do not work because her son gets confused by going to the ride only to be turned away. It will lead to self-injuries. Even waiting in line for 10 minutes would be fine, but much past that and he is unable to comprehend. Complainant has tried to reason with Guest Relations on why this particular accommodation does not work, but the employee responded with “Sorry, this is how it is.” She said there is a process for them to learn something and they can’t just “unlearn” what they have been doing for 22 years.

### **RESPONDENT’S POSITION**

Respondent denied that it violated any applicable laws, codes or regulations or that it discriminated against Complainant. It has gone to great lengths to provide service to its disabled guests and prides itself on its accessibility through its facilities. Respondent has also established a dedicated department known as Services for Guests with Disabilities. The Department provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experience at the various theme parks and resorts. For example, Respondent developed and implemented a *Guide for Guests with Disabilities* and a *Guide for Guests with Cognitive Disabilities*. These guides explain and delineate services and accessible features at Respondent’s theme parks.<sup>1</sup>

On October 9, 2013, Respondent replaced its GAC program with the DAS card program. The new DAS card was primarily designed to accommodate guests who are not able to wait in a conventional queue due to a disability. Specifically, it allows these guests to wait “virtually” and return to an attraction at the posted wait time minus 10 minutes. During this time, guests may visit other rides or attractions with little or no wait times, or otherwise experience the park.

Complainants preferred the GAC program because, while Respondent was not legally required to do so, it generally provided its guests with disabilities and their families access to rides and attractions through alternative entrances, without them needing to wait in the standard ride or attraction lines or wait virtually and return to a ride or an attraction at a specified time. However, the GAC program resulted in abuse and fraudulent misuse, which was widespread and continuing.

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<sup>1</sup> See Respondent’s Position Statement, Exhibit 1 & 2.

Complainant has failed to show that the DAS card program has not accommodated their disability. It reasonably accommodates guests with disabilities who are not able to wait in a conventional queue environment and provides the level of accommodation required by law. Complainant admitted that a DAS card was received; therefore, there is no reasonable cause to believe that any discrimination occurred.

### **COMPLAINANT'S REBUTTAL<sup>2</sup>**

Complainant's rebuttal reiterated the allegations.

### **SUMMARY OF INVESTIGATIVE FINDINGS**

Complainant alleged that her son was denied the full enjoyment of the public accommodation and the findings of this investigation support that allegation. While an accommodation was offered, it was a blanket accommodation that did not take into account the nuances between various disabilities or the fact that Complainant's son's disability required more assistance than other cognitive disabilities. The accommodations offered would not allow him to enjoy the park as it was intended to be enjoyed by all other patrons. In addition, there was no effort by Respondent to determine a suitable accommodation for her son which would allow him to fully enjoy the park.

### **RECOMMENDATION**

Accordingly, there is reason to believe Respondent denied Complainant's son the full enjoyment of the establishment because of a disability and a cause finding is recommended.

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<sup>2 2</sup> The information provided in Complainant's original allegations is identical to what the rebuttal states.



Rick Scott  
Governor

State of Florida  
Florida Commission on Human Relations

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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401312  
EEOC No.  
Certified Receipt #: 9171999991703311491870

**[REDACTED]**  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard  
Suite 1100  
Tampa, FL 33602

Complainant

Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry A. Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street, Northwest  
The McPherson Building  
Washington, DC 20005

Respondent

NOTICE OF DETERMINATION: CAUSE

The Florida Commission on Human Relations, in the above-referenced complaint, has determined that there is reasonable cause to believe that a public accommodation violation occurred. A copy of the Determination is attached.

During the following 30 days, you are invited to join the Commission in an effort to reach a just resolution of this matter through conciliation. The 30-day conciliation period does not, however, toll (affect) the 35-day limitation period for filing a **Petition for Relief**.

The Complainant may request an administrative hearing by filing a **Petition for Relief** within 35 days of the date of this **Notice of Determination: Cause** or Complainant may file a civil action within one year of the date of this **Notice Of Determination: Cause**.

We have enclosed a Petition for Relief form with Complainant's notice. It may be beneficial for the Complainant to seek assistance from legal counsel prior to actually filing a Petition for Relief.

If the Complainant fails to request an administrative hearing within 35 days of the date of this notice, the administrative claim under the Florida Civil Rights Act of 1992, Chapter 760, will be dismissed with prejudice pursuant to section 760.11, Florida Statutes and the claim will be barred.

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF DETERMINATION: CAUSE** has been served upon the above-named addressees this 13 day of Feb., 2015, by U.S. mail.

By: Sammy Porter  
Clerk of the Commission

COMMISSIONERS

- |                                     |                              |                                     |                                    |
|-------------------------------------|------------------------------|-------------------------------------|------------------------------------|
| Gayle Cannon<br>Lake City           | Derick Daniel<br>Tallahassee | Dr. Donna Elam<br>Orlando           | Dr. Onelia Fajardo-Garcia<br>Miami |
| Dr. Elena Flom<br>Cocoa Beach       | Tony Jenkins<br>Orlando      | Michael Keller, Vice Chair<br>Tampa | Gilbert Singer, Chair<br>Tampa     |
| Billy Whitefox Stall<br>Panama City |                              |                                     | Rebecca Steele<br>Jacksonville     |



Rick Scott  
Governor

State of Florida  
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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401312  
Certified Receipt #: 9171999991703311491870

**Complainant**  
[Redacted]  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 1100  
Tampa, FL 33602

**Respondent**  
Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry A. Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street, Northwest  
The McPherson Building  
Washington, DC 20005

**DETERMINATION: CAUSE**

Complainant filed a Complaint of Discrimination alleging that Respondent discriminated against him/her in violation of the Florida Civil Rights Act of 1992, as amended, Section 760.08, Florida Statutes. The Florida Commission on Human Relations has investigated this matter and has found the following:

Respondent is a public accommodation within the meaning of the Florida Civil Rights Act of 1992, and the timeliness and all jurisdictional requirements have been met;

Pursuant to Rule 60Y-5.004(1), Florida Administrative Code, the Office of Employment Investigations has submitted an Investigative Memorandum;

On the basis of the report and recommendation, pursuant to the authority delegated to me by Rules 60Y-2.004(2)(e) and 60Y-5.004, Florida Administrative Code, I have determined that reasonable cause exists to believe that an unlawful public accommodation practice occurred.

Michelle Wilson  
Executive Director

Dated: February 12, 2015

Filed: Feb. 13, 2015

By:   
Clerk of the Commission

**COMMISSIONERS**

- |  |                                     |  |   |
|--|-------------------------------------|--|---|
| <b>Gayle Cannon</b><br>Lake City           | <b>Derick Daniel</b><br>Tallahassee | <b>Dr. Donna Elam</b><br>Orlando           | <b>Dr. Onelia Fajardo-Garcia</b><br>Miami |
| <b>Dr. Elena Flom</b><br>Cocoa Beach       | <b>Tony Jenkins</b><br>Orlando      | <b>Michael Keller, Vice Chair</b><br>Tampa | <b>Gilbert Singer, Chair</b><br>Tampa     |
| <b>Billy Whitefox Stall</b><br>Panama City |                                     |  | <b>Rebecca Steele</b><br>Jacksonville     |

**INVESTIGATIVE MEMORANDUM**

FCHR NO. 201401312

Date: February 6, 2015  
To: Office of General Counsel  
From: Jennifer Morrison  
Investigation Specialist  
Office of Employment Investigations

**COMPLAINANT**

██████████  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group  
101 East Kennedy Blvd.  
Tampa, FL 33602

v.

**RESPONDENT**

Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street, NW  
Washington, DC 2005

**DECLARATION OF JURISDICTION**

Respondent is a public lodging and or food service establishment within the meaning of the Florida Statutes, Chapter 760, and jurisdictional requirements have been met.

**FOCUS OF THE COMPLAINT**

A charge of discrimination was filed by Complainant against Respondent on behalf of her twin sons, ██████████, alleging that they were denied accommodations for their disabilities.

**BACKGROUND**

Complainant visited Respondent's amusement park on November 5, 2013, for a 10-day trip.

**COMPLAINANT'S ALLEGATIONS**

Prior to October 2013, Respondent offered guests with disabilities a Guest Assistance Card (hereinafter "GAC"). On October 9, 2013, Respondent revoked the GAC and the associated policies and procedures associated with accommodating disabilities. It was replaced with the Disability Access Service (hereinafter "DAS"). The new system does not accommodate her child's disability and as a result, it has discriminated against him.

Both of Complainant's sons have been diagnosed with varying degrees of disabilities. [REDACTED] symptoms and stemming patterns include jumping in place and low groaning. Behavior meltdowns include loud verbal noises and screaming, jumping up and down and groaning loudly. Prior to October 9<sup>th</sup>, [REDACTED] disabilities were accommodated. They visited the theme park twice a year and purchased a timeshare resulting in an \$11,000 mortgage because time at the park was so special to them and due to the fact that [REDACTED] responded while at the theme parks.

Prior to their arrival, Complainant contacted Respondent multiple times to ensure that accommodations would be provided. She was reassured that accommodations were being provided on a case by case basis; however, that was not the case when they arrived. Instead, they were only offered the DAS.

Upon arrival at EPCOT, Complainant had to go into great detail about her sons' medical history. Complainant stated that the Cast Member acted as if she did not believe them. The DAS was ultimately provided, although the Cast Member seemed unwilling to even offer that. The Cast Member also acted as if she did not believe Complainant that she needed two passes for her sons. Sometimes, [REDACTED] does not want to ride the same ride as [REDACTED] and vice versa so a pass is needed to accommodate each child.

Complainant and her family tried the DAS at three of Respondent's four theme parks that day, but neither [REDACTED] nor [REDACTED] were able to adjust to not being able to ride the ride upon arrival and essentially being turned away until a later time. [REDACTED] had a meltdown when they had to leave Toy Story because he could not understand the concept of having to come back later. One of Respondent's Cast Members told them to split the family up so one parent could obtain a ride time while the other waited with the children which Complainant felt was inappropriate to ask. In addition, it made it difficult for one parent to watch the two sons at once.

The GAC eliminated the idle time of waiting for a ride. The DAS, however, required everything to be scheduled and mapped out ahead of time eliminating any spontaneity which is an important part of accommodating the twins. Often, [REDACTED] and [REDACTED] need to ride a ride over and over again, but the DAS does not accommodate this. There was also no back-up plan available. If the kids changed their mind about which park they wanted to go to or if it was raining, they would not be able to change their plans or the kids would miss out the ride entirely.

### RESPONDENT'S POSITION

Respondent denied that it violated any applicable laws, codes or regulations or that it discriminated against Complainant. It has gone to great lengths to provide service to its disabled guests and prides itself on its accessibility through its facilities. Respondent has also established a dedicated department known as Services for Guests with Disabilities. The Department provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experience at the various theme parks and resorts. For example, Respondent developed and implemented a *Guide for Guests with Disabilities* and a *Guide for Guests with Cognitive Disabilities*. These guides explain and delineate services and accessible features at Respondent's theme parks.<sup>1</sup>

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<sup>1</sup> See Respondent's Position Statement, Exhibit 1 & 2.

On October 9, 2013, Respondent replaced its GAC program with the DAS card program. The new DAS card was primarily designed to accommodate guests who are not able to wait in a conventional queue due to disability. Specifically, it allows these guests to wait “virtually” and return to an attraction at the posted wait time minus 10 minutes. During this time, guests may visit other rides or attractions (with little or no wait times) or otherwise experience the park.

Complainants preferred the GAC program because, while Respondent was not legally required to do so, it generally provided its guests with disabilities and their families access to rides and attractions through alternative entrances, without them needing to wait in the standard ride or attraction lines or wait virtually and return to a ride or an attraction at a specified time. However, the GAC program resulted in abuse and fraudulent misuse, which was widespread and continuing.

Complainant has failed to show that the DAS card program has not accommodated their disability. It reasonably accommodates guests with disabilities who are not able to wait in a conventional queue environment and provides the level of accommodation required by law. Complainant admitted that a DAS card was received; therefore, there is no reasonable cause to believe that any discrimination occurred.

Respondent was provided the opportunity to respond to Complainant’s interview, but it did not provide a response.

#### **COMPLAINANT’S REBUTTAL**

Complainant’s charge form and interview answered the questions in response to the Position Statement and a formal rebuttal was not provided.

#### **SUMMARY OF INVESTIGATIVE FINDINGS**

Complainant alleged that her sons were denied the full enjoyment of the public accommodation and the findings of this investigation support that allegation. While an accommodation was offered, it was a blanket accommodation that did not take into account the nuances between various disabilities or the fact that Complainant’s sons’ disability required more assistance than other cognitive disabilities. The accommodations offered would not allow them to enjoy the park as it was intended to be enjoyed by all other patrons. In addition, there was no effort by Respondent to determine a suitable accommodation for her sons which would allow them to fully enjoy the park.

#### **RECOMMENDATION**

Accordingly, there is reason to believe Respondent denied Complainant’s son the full enjoyment of the establishment because of a disability and a cause finding is recommended.



Rick Scott  
Governor

# State of Florida Florida Commission on Human Relations

*An Equal Opportunity Employer • Affirmative Action Employer*

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(850) 488-7082  
<http://fchr.state.fl.us>



Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401438

**[REDACTED]**  
c/o Mr. Domenick Lazzara, Esquire  
The Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 110  
Tampa, FL 33602

**Complainant**

Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry A. Scanlon, Attorney  
Kaye Scholer LLP  
901 15th Street, N.W.  
Washington, DC 20005

**Respondent**

### NOTICE OF DETERMINATION: CAUSE

The Florida Commission on Human Relations, in the above-referenced complaint, has determined that there is reasonable cause to believe that a public accommodation violation occurred. A copy of the Determination is attached.

During the following 30 days, you are invited to join the Commission in an effort to reach a just resolution of this matter through conciliation. The 30-day conciliation period does not, however, toll (affect) the 35-day limitation period for filing a **Petition for Relief**.

The Complainant may request an administrative hearing by filing a **Petition for Relief** within 35 days of the date of this **Notice of Determination: Cause** or Complainant may file a civil action within one year of the date of this **Notice Of Determination: Cause**.

We have enclosed a Petition for Relief form with Complainant's notice. It may be beneficial for the Complainant to seek assistance from legal counsel prior to actually filing a Petition for Relief.

If the Complainant fails to request an administrative hearing within 35 days of the date of this notice, the administrative claim under the Florida Civil Rights Act of 1992, Chapter 760, will be dismissed with prejudice pursuant to section 760.11, Florida Statutes and the claim will be barred.

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF DETERMINATION: CAUSE has been served upon the above-named addressees this 13 day of Feb., 2015, by U.S. mail.

By: Sammy Baxter  
Clerk of the Commission

### COMMISSIONERS

- |                                     |                              |                                     |                                    |
|-------------------------------------|------------------------------|-------------------------------------|------------------------------------|
| Gayle Cannon<br>Lake City           | Derick Daniel<br>Tallahassee | Dr. Donna Elam<br>Orlando           | Dr. Onelia Fajardo-Garcia<br>Miami |
| Dr. Elena Flom<br>Cocoa Beach       | Tony Jenkins<br>Orlando      | Michael Keller, Vice Chair<br>Tampa | Gilbert Singer, Chair<br>Tampa     |
| Billy Whitefox Stall<br>Panama City |                              |                                     | Rebecca Steele<br>Jacksonville     |



Rick Scott  
Governor

State of Florida  
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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401438  
Certified Receipt #: 9171999991703311491832

**Complainant**  
[Redacted]  
c/o Mr. Domenick Lazzara, Esquire  
The Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 110  
Tampa, FL 33602

**Respondent**  
Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry A. Scanlon, Attorney  
Kaye Scholer LLP  
901 15th Street, N.W.  
Washington, DC 20005

**DETERMINATION: CAUSE**

Complainant filed a Complaint of Discrimination alleging that Respondent discriminated against him/her in violation of the Florida Civil Rights Act of 1992, as amended, Section 760.08, Florida Statutes. The Florida Commission on Human Relations has investigated this matter and has found the following:

Respondent is a public accommodation within the meaning of the Florida Civil Rights Act of 1992, and the timeliness and all jurisdictional requirements have been met;

Pursuant to Rule 60Y-5.004(1), Florida Administrative Code, the Office of Employment Investigations has submitted an Investigative Memorandum;

On the basis of the report and recommendation, pursuant to the authority delegated to me by Rules 60Y-2.004(2)(e) and 60Y-5.004, Florida Administrative Code, I have determined that reasonable cause exists to believe that an unlawful public accommodation practice occurred.

Michelle Wilson  
Executive Director

Dated: February 12, 2015

Filed: Feb. 13, 2015

By: Jemmy Barton  
Clerk of the Commission

**COMMISSIONERS**

- |  |                                     |  |   |
|--|-------------------------------------|--|---|
| <b>Gayle Cannon</b><br>Lake City           | <b>Derick Daniel</b><br>Tallahassee | <b>Dr. Donna Elam</b><br>Orlando           | <b>Dr. Onelia Fajardo-Garcia</b><br>Miami |
| <b>Dr. Elena Flom</b><br>Cocoa Beach       | <b>Tony Jenkins</b><br>Orlando      | <b>Michael Keller, Vice Chair</b><br>Tampa | <b>Gilbert Singer, Chair</b><br>Tampa     |
| <b>Billy Whitefox Stall</b><br>Panama City |                                     |  | <b>Rebecca Steele</b><br>Jacksonville     |

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**INVESTIGATIVE MEMORANDUM**

FCHR NO. 201401438

To: Office of General Counsel

From: Pamella Dupree  
Investigative Specialist  
Office of Employment Investigations

COMPLAINANT

  
c/o Domenick Lazzara, Esquire  
The Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 110  
Tampa, FL 33602

v.

RESPONDENT

Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry A. Scanlon, Attorney  
Kaye Scholer LLP  
901 15th Street, N.W.  
Washington, DC 20005

**DECLARATION OF JURISDICTION**

Respondent is a public lodging and or food service establishment within the meaning of the Florida Statutes, Chapter 760, and all jurisdictional requirements have been met.

**FOCUS OF THE COMPLAINT**

Complainant filed a charge of discrimination against Respondent alleging that her child was denied an accommodation for her disability.

**BACKGROUND**

Complainant visited Respondent's amusement park in May of 2014 with her disabled child.

**COMPLAINANT'S ALLEGATIONS**

Complainant alleged that around October 9, 2013, Respondent revoked its Guest Assistance Card (GAC) program and its related systems, policies and procedures for accommodating children with special needs. Respondent replaced the GAC program with a set of company-wide systems, policies and procedures which were connected to the new Disability Access Service (DAS). Complainant contends during her visit to Respondent's amusement park in May of 2014, her

child received hostile/inferior service, was denied a reasonable accommodation and experienced harm as a result of the discrimination and lack of accommodation. Prior to October of 2013, Complainant insisted Respondent provided an adequate accommodation under the GAC system.

### **RESPONDENT'S POSITION**

Respondent denied that it violated any applicable laws, codes or regulations or that it discriminated against Complainant. It has gone to great lengths to provide service to its disabled guests and prides itself on its accessibility through its facilities. Respondent has also established a dedicated department known as Services for Guests with Disabilities. The Department provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experience at the various theme parks and resorts. For example, Respondent developed and implemented a *Guide for Guests with Disabilities* and a *Guide for Guests with Cognitive Disabilities*. These guides explain and delineate services and accessible features at Respondent's theme parks.

On October 9, 2013, Respondent replaced its GAC program with the DAS card program. The new DAS card was primarily designed to accommodate guests who are not able to wait in a conventional queue due to a disability. Specifically, it allows these guests to wait "virtually" and return to an attraction at the posted wait time minus 10 minutes. During this time, guests may visit other rides or attractions with little or no wait times, or otherwise experience the park.

Respondent contends that Complainant preferred the GAC program because, while Respondent was not legally required to do so, it generally provided its guests with disabilities and their families access to rides and attractions through alternative entrances, without them needing to wait in the standard ride or attraction lines or wait virtually and return to a ride or an attraction at a specified time. However, the GAC program resulted in abuse and fraudulent misuse, which was widespread and continuing.

Respondent also insisted that Complainant has failed to show that the DAS card program has not accommodated their disability. It reasonably accommodates guests with disabilities who are not able to wait in a conventional queue environment and provides the level of accommodation required by law. Complainant admitted that a DAS card was received; therefore, there is no reasonable cause to believe that any discrimination occurred.

### **COMPLAINANT'S REBUTTAL**

Complainant reiterated her previous allegations and insisted that she requested reduced wait times. Complainant also insisted that the accommodation provided by Respondent was inadequate. Complainant contends under the DAS system, she would need to approach an attraction and would then be given a return time. During the wait, Complainant was not able to ride other attractions as only one attraction can be listed on the card. Therefore, Complainant and her child were required to wait idly for 40 minutes or longer. Complainant's child has a disability that calls for consistency, order, and routine. Additionally, the child cannot comprehend having to wait idly and her condition worsens when she overheats. Having to wait

idly causes Complainant's child to become frustrated and to have a meltdown. During the meltdown, the child shuts down or starts hitting herself.

Complainant stated during her interview with this Investigator that during her visits to Respondent, prior to October 9, 2013, the accommodation offered by Respondent permitted her child to enjoy her experience at the park. Complainant's daughter had immediate access with short wait times. Complainant's daughter is a repeat rider, meaning she enjoys riding the same attraction multiple times. Under Respondent's GAC system, Complainant's daughter was able to ride an attraction multiple times before moving to another attraction.

Complainant stated that she will attempt to visit Respondent's park again, but that if things have not improved she will not return to Respondent's park and she will cancel her season pass. Complainant stated that when obtaining the DAS card, she was told that her child did not qualify for an accommodation and that the doctor's note could not be accepted. Complainant was told that there was no reason why her child could not wait in line. Complainant presented Respondent with a copy of the GAC to show Complainant had been previously accommodated and was eventually provided a DAS card.

#### **SUMMARY OF INVESTIGATIVE FINDINGS**

Complainant alleged that her daughter was denied the full enjoyment of the public accommodation and the findings of this investigation support that allegation. While an accommodation was offered, it was a blanket accommodation that did not take into account the nuances between various disabilities or the fact that Complainant's daughter's disability required more assistance than other cognitive disabilities. The accommodations offered would not allow her to enjoy the park as it was intended to be enjoyed by all other patrons. In addition, there was no effort by Respondent to determine a suitable accommodation for her daughter which would have allowed her to fully enjoy the park.

#### **RECOMMENDATION**

Accordingly, there is reason to believe Respondent denied Complainant's daughter the full enjoyment of the establishment because of a disability and a cause finding is recommended.



Rick Scott  
Governor

# State of Florida Florida Commission on Human Relations

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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401540

**[REDACTED]**  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 1100  
Tampa, FL 33602

Complainant

Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry A. Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street Northwest  
Washington, DC 20005

Respondent

### NOTICE OF DETERMINATION: CAUSE

The Florida Commission on Human Relations, in the above-referenced complaint, has determined that there is reasonable cause to believe that a public accommodation violation occurred. A copy of the Determination is attached.

During the following 30 days, you are invited to join the Commission in an effort to reach a just resolution of this matter through conciliation. The 30-day conciliation period does not, however, toll (affect) the 35-day limitation period for filing a **Petition for Relief**.

The Complainant may request an administrative hearing by filing a **Petition for Relief** within 35 days of the date of this **Notice of Determination: Cause** or Complainant may file a civil action within one year of the date of this **Notice of Determination: Cause**.

We have enclosed a Petition for Relief form with Complainant's notice. It may be beneficial for the Complainant to seek assistance from legal counsel prior to actually filing a Petition for Relief.

If the Complainant fails to request an administrative hearing within 35 days of the date of this notice, the administrative claim under the Florida Civil Rights Act of 1992, Chapter 760, will be dismissed with prejudice pursuant to section 760.11, Florida Statutes and the claim will be barred.

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF DETERMINATION: CAUSE has been served upon the above-named addressees this 13 day of Feb., 2015, by U.S. mail.

By: Jammy Barton  
Clerk of the Commission

### COMMISSIONERS

- |                                     |                              |                                     |                                    |
|-------------------------------------|------------------------------|-------------------------------------|------------------------------------|
| Gayle Cannon<br>Lake City           | Derick Daniel<br>Tallahassee | Dr. Donna Elam<br>Orlando           | Dr. Onelia Fajardo-Garcia<br>Miami |
| Dr. Elena Flom<br>Cocoa Beach       | Tony Jenkins<br>Orlando      | Michael Keller, Vice Chair<br>Tampa | Gilbert Singer, Chair<br>Tampa     |
| Billy Whitefox Stall<br>Panama City |                              |                                     | Rebecca Steele<br>Jacksonville     |



Rick Scott  
Governor

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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401540  
Certified Receipt #: 9171999991703311491795

[Redacted]  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 1100  
Tampa, FL 33602

Complainant

Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry A. Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street Northwest  
Washington, DC 20005

Respondent

**DETERMINATION: CAUSE**

Complainant filed a Complaint of Discrimination alleging that Respondent discriminated against him/her in violation of the Florida Civil Rights Act of 1992, as amended, Section 760.08, Florida Statutes. The Florida Commission on Human Relations has investigated this matter and has found the following:

Respondent is a public accommodation within the meaning of the Florida Civil Rights Act of 1992, and the timeliness and all jurisdictional requirements have been met;

Pursuant to Rule 60Y-5.004(1), Florida Administrative Code, the Office of Employment Investigations has submitted an Investigative Memorandum;

On the basis of the report and recommendation, pursuant to the authority delegated to me by Rules 60Y-2.004(2)(e) and 60Y-5.004, Florida Administrative Code, I have determined that reasonable cause exists to believe that an unlawful public accommodation practice occurred.

Michelle Wilson  
Executive Director

Dated: February 12, 2015

Filed: Feb. 13, 2015

By:   
Clerk of the Commission

**COMMISSIONERS**

Gayle Cannon  
Lake City

Derick Daniel  
Tallahassee

Dr. Donna Elam  
Orlando

Dr. Onelia Fajardo-Garcia  
Miami

Dr. Elena Flom  
Cocoa Beach

Tony Jenkins  
Orlando

Michael Keller, Vice Chair  
Tampa

Gilbert Singer, Chair  
Tampa

Billy Whitefox Stall  
Panama City

Rebecca Steele  
Jacksonville

**INVESTIGATIVE MEMORANDUM**

FCHR NO. 201401540

To: Office of General Counsel

From: Pamella Dupree  
Investigative Specialist  
Office of Employment Investigations

COMPLAINANT

  
c/o Domenick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 1100  
Tampa, FL 33602

v.

RESPONDENT

Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry A. Scanlon, Esquire  
Kaye Scholer LLP  
901 Fifteenth Street Northwest  
Washington, DC 20005

**DECLARATION OF JURISDICTION**

Respondent is a public lodging and or food service establishment within the meaning of the Florida Statutes, Chapter 760, and all jurisdictional requirements have been met.

**FOCUS OF THE COMPLAINT**

Complainant filed a charge of discrimination against Respondent alleging that her child was denied an accommodation for his disability.

**BACKGROUND**

Complainant visited Respondent's amusement park in June of 2014 with her disabled son.

**COMPLAINANT'S ALLEGATIONS**

Complainant alleged that around October 9, 2013, Respondent revoked its Guest Assistance Card (GAC) program and its related systems, policies and procedures for accommodating children with special needs. Respondent replaced the GAC program with a set of company-wide systems,

policies and procedures which were connected to the new Disability Access Service (DAS). Complainant contends that when she visited Respondent's amusement park in June of 2014 that her child received hostile/inferior service during the visit. Complainant insisted that her child was denied a reasonable accommodation and experienced harm as a result of the discrimination and lack of accommodation. Prior to October of 2013, Complainant insisted Respondent provided an adequate accommodation under the GAC system.

### **RESPONDENT'S POSITION**

Respondent denied that it violated any applicable laws, codes or regulations or that it discriminated against Complainant. It has gone to great lengths to provide service to its disabled guests and prides itself on its accessibility through its facilities. Respondent has also established a dedicated department known as Services for Guests with Disabilities. The Department provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experience at the various theme parks and resorts. For example, Respondent developed and implemented a *Guide for Guests with Disabilities* and a *Guide for Guests with Cognitive Disabilities*. These guides explain and delineate services and accessible features at Respondent's theme parks.

On October 9, 2013, Respondent replaced its GAC program with the DAS card program. The new DAS card was primarily designed to accommodate guests who are not able to wait in a conventional queue due to a disability. Specifically, it allows these guests to wait "virtually" and return to an attraction at the posted wait time minus 10 minutes. During this time, guests may visit other rides or attractions with little or no wait times, or otherwise experience the park.

Respondent contends that Complainant preferred the GAC program because, while Respondent was not legally required to do so, it generally provided its guests with disabilities and their families access to rides and attractions through alternative entrances, without them needing to wait in the standard ride or attraction lines or wait virtually and return to a ride or an attraction at a specified time. However, the GAC program resulted in abuse and fraudulent misuse, which was widespread and continuing.

Respondent also insisted that Complainant has failed to show that the DAS card program has not accommodated their disability. It reasonably accommodates guests with disabilities who are not able to wait in a conventional queue environment and provides the level of accommodation required by law. Complainant admitted that a DAS card was received; therefore, there is no reasonable cause to believe that any discrimination occurred.

### **COMPLAINANT'S REBUTTAL**

Complainant reiterated her previous allegations and insisted that she visited Respondent's park at least 50 times while the GAC was in place. Complainant contends under the DAS system, she would need to approach an attraction and would then be given a return time. During the wait, Complainant was not able to ride other attractions as only one attraction can be listed on the card. Therefore, Complainant and her child were required to wait idly for 40 minutes or longer. Complainant's child has a disability that calls for consistency, order, and routine. Additionally,

the child cannot comprehend having to wait idly. Having to wait idly causes Complainant's child to have a meltdown where he cries, screams and yells.

Complainant stated during her interview with this Investigator that during her visits to Respondent, prior to October 9, 2013, the accommodation offered by Respondent permitted her child to enjoy his experience at the park. Complainant's son had immediate access with short wait times. Complainant's son is a repeat rider on some rides, meaning he enjoys riding the same attraction multiple times. However, Complainant only permits her child to repeat a ride twice. Under Respondent's GAC system, Complainant's son was able to ride an attraction multiple times before moving to another attraction. Complainant stated that due to the new system, she, at times, would tell her child that the ride was broke to prevent the child from having a meltdown.

Complainant stated that prior to the DAS, she would visit Respondent's park twice per month, but that she now only visits a couple times per year. Complainant has been a pass holder for five years, but will not be renewing due to the new DAS system.

#### **SUMMARY OF INVESTIGATIVE FINDINGS**

Complainant alleged that her son was denied the full enjoyment of the public accommodation and the findings of this investigation support that allegation. While an accommodation was offered, it was a blanket accommodation that did not take into account the nuances between various disabilities or the fact that Complainant's son's disability required more assistance than other cognitive disabilities. The accommodations offered would not allow him to enjoy the park as it was intended to be enjoyed by all other patrons. In addition, there was no effort by Respondent to determine a suitable accommodation for her son which would allow him to fully enjoy the park.

#### **RECOMMENDATION**

Accordingly, there is reason to believe Respondent denied Complainant's son the full enjoyment of the establishment because of a disability and a cause finding is recommended.



State of Florida

Florida Commission on Human Relations

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Rick Scott  
Governor

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Gilbert Singer  
Chair  
Michelle Wilson  
Executive-Director

FCHR No. 201401469



Complainant

c/o Mr. Dominick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 110  
Tampa, FL 33602

Respondent

Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer, LLP  
901 Fifteenth Street, NW  
Washington, DC 20005

NOTICE OF DETERMINATION: CAUSE

The Florida Commission on Human Relations, in the above-referenced complaint, has determined that there is reasonable cause to believe that a public accommodation violation occurred. A copy of the Determination is attached.

During the following 30 days, you are invited to join the Commission in an effort to reach a just resolution of this matter through conciliation. The 30-day conciliation period does not, however, toll (affect) the 35-day limitation period for filing a **Petition for Relief**.

The Complainant may request an administrative hearing by filing a **Petition for Relief** within 35 days of the date of this **Notice of Determination: Cause** or Complainant may file a civil action within one year of the date of this **Notice Of Determination: Cause**.

We have enclosed a Petition for Relief form with Complainant's notice. It may be beneficial for the Complainant to seek assistance from legal counsel prior to actually filing a Petition for Relief.

If the Complainant fails to request an administrative hearing within 35 days of the date of this notice, the administrative claim under the Florida Civil Rights Act of 1992, Chapter 760, will be dismissed with prejudice pursuant to section 760.11, Florida Statutes and the claim will be barred.

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF DETERMINATION: CAUSE has been served upon the above-named addressees this 13 day of Feb., 2015, by U.S. mail.

By: Sammy Boston  
Clerk of the Commission

COMMISSIONERS

Gayle Cannon  
Lake City

Derick Daniel  
Tallahassee

Dr. Donna Elam  
Orlando

Dr. Onelia Fajardo-Garcia  
Miami

Dr. Elena Flom  
Cocoa Beach

Tony Jenkins  
Orlando

Michael Keller, Vice Chair  
Tampa

Gilbert Singer, Chair  
Tampa

Billy Whitefox Stall  
Panama City

Rebecca Steele  
Jacksonville



Rick Scott  
Governor

# State of Florida Florida Commission on Human Relations

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Gilbert Singer  
Chair  
Michelle Wilson  
Executive Director

FCHR No. 201401469  
Certified Receipt #: 9171999991703311491818

**Complainant**  
[Redacted]  
c/o Mr. Dominick Lazzara, Esquire  
Dogali Law Group, P.A.  
101 East Kennedy Boulevard, Suite 110  
Tampa, FL 33602

**Respondent**  
Walt Disney Parks and Resorts, US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer, LLP  
901 Fifteenth Street, NW  
Washington, DC 20005

### DETERMINATION: CAUSE

Complainant filed a Complaint of Discrimination alleging that Respondent discriminated against him/her in violation of the Florida Civil Rights Act of 1992, as amended, Section 760.08, Florida Statutes. The Florida Commission on Human Relations has investigated this matter and has found the following:

Respondent is a public accommodation within the meaning of the Florida Civil Rights Act of 1992, and the timeliness and all jurisdictional requirements have been met;

Pursuant to Rule 60Y-5.004(1), Florida Administrative Code, the Office of Employment Investigations has submitted an Investigative Memorandum;

On the basis of the report and recommendation, pursuant to the authority delegated to me by Rules 60Y-2.004(2)(e) and 60Y-5.004, Florida-Administrative Code, I have determined that reasonable cause exists to believe that an unlawful public accommodation practice occurred.

Michelle Wilson  
Executive Director

Dated: February 12, 2015

Filed: Feb. 13, 2015

By: Jimmy Barton  
Clerk of the Commission

### COMMISSIONERS

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| <b>Billy Whitefox Stall</b><br>Panama City |                                     |  | <b>Rebecca Steele</b><br>Jacksonville     |

**INVESTIGATIVE MEMORANDUM**

FCHR NO. 201401469

Date: February 6, 2015  
To: Office of General Counsel  
From: Jennifer Morrison  
Investigation Specialist  
Office of Employment Investigations

COMPLAINANT

████████████████████  
c/o Mr. Domenick Lazzara, Esquire  
Dogali Law Group  
101 East Kennedy Blvd.  
Tampa, FL 33602

v.

RESPONDENT

Walt Disney Parks and Resorts US, Inc.  
c/o Mr. Kerry Scanlon, Esquire  
Kaye Scholer  
901 Fifteenth Street, NW  
Washington, DC 20005

**DECLARATION OF JURISDICTION**

Respondent is a public lodging and or food service establishment within the meaning of the Florida Statutes, Chapter 760, and jurisdictional requirements have been met.

**FOCUS OF THE COMPLAINT**

Complainant filed a charge of discrimination against Respondent alleging that her son was denied an accommodation for his disability

**BACKGROUND**

Complainant visited Respondent's amusement park in December 18, 2013, with her son ██████████

## COMPLAINANT'S ALLEGATIONS

Prior to October 2013, Respondent offered guests with disabilities a Guest Assistance Card (hereinafter "GAC"). On October 9, 2013, Respondent revoked the GAC and the associated policies and procedures associated with accommodating disabilities. It was replaced with the Disability Access Service (hereinafter "DAS"). The new system does not accommodate her child's disability and as a result, it has discriminated against him.

During their visit, they requested the DAS and a wheelchair. It took 45 minutes to obtain a DAS card, but it was finally provided. A wheelchair never became available for their use and they had to push █████ around in a toddler sized stroller just so he would have somewhere to sit at all times. Complainant stated that the new system does not take into consideration that every child or adult with a cognitive disability handles things differently. Having to wait the exact same time of the regular line is not accommodating. Not receiving more than one timestamp at a time was difficult because as the day wears on, █████ sensory issues are exacerbated by events of the day. For example, the more people that bump into him, the more frustrated he becomes but due to his difficulties with communication, he cannot express his frustration. There would be issues maneuvering him through oncoming traffic and then getting to the line only to wait an additional 45 minutes.

The DAS was also not accepted at certain attractions, such as meeting characters. In most instances, the wait times to see the characters were 45 minutes long. This resulted in █████ only meeting one character. In addition, there was not a lot of seating or shade to wait while the allotted DAS time passed, thus another need for the stroller. Complainant stated that it was embarrassing to be pushing around a 10-year old in a toddler-sized stroller.

Because of the lack of accommodations, they were only able to ride four rides during the length of their visit. On one ride █████ waited almost two hours because the Cast Member operating the ride was not well trained in the DAS procedures and put █████ in the regular line for 45 minutes after he had already waited 45 minutes. Once he was put in the regular line, he was unable to get out. Because of this incident, they decided to end their visit.

## RESPONDENT'S POSITION

Respondent denied that it violated any applicable laws, codes or regulations or that it discriminated against Complainant. It has gone to great lengths to provide service to its disabled guests and prides itself on its accessibility through its facilities. Respondent has also established a dedicated department known as Services for Guests with Disabilities. The Department provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experience at the various theme parks and resorts. For example, Respondent developed and implemented a *Guide for Guests with Disabilities* and a *Guide for Guests with Cognitive Disabilities*. These guides explain and delineate services and accessible features at Respondent's theme parks.<sup>1</sup>

---

<sup>1</sup> See Respondent's Position Statement, Exhibit 1 & 2.

On October 9, 2013, Respondent replaced its GAC program with the DAS card program. The new DAS card was primarily designed to accommodate guests who are not able to wait in a conventional queue due to a disability. Specifically, it allows these guests to wait “virtually” and return to an attraction at the posted wait time minus 10 minutes. During this time, guests may visit other rides or attractions with little or no wait times, or otherwise experience the park.

Complainants preferred the GAC program because, while Respondent was not legally required to do so, it generally provided its guests with disabilities and their families access to rides and attractions through alternative entrances, without them needing to wait in the standard ride or attraction lines or wait virtually and return to a ride or an attraction at a specified time. However, the GAC program resulted in abuse and fraudulent misuse, which was widespread and continuing.

Complainant has failed to show that the DAS card program has not accommodated their disability. It reasonably accommodates guests with disabilities who are not able to wait in a conventional queue environment and provides the level of accommodation required by law. Complainant admitted that a DAS card was received; therefore, there is no reasonable cause to believe that any discrimination occurred.

#### **COMPLAINANT’S REBUTTAL**

Complainant’s charge form and interview answered the questions in response to the Position Statement and a formal rebuttal was not provided.

#### **SUMMARY OF INVESTIGATIVE FINDINGS**

Complainant alleged that her son was denied the full enjoyment of the public accommodation and the findings of this investigation support that allegation. While an accommodation was offered, it was a blanket accommodation that did not take into account the nuances between various disabilities or the fact that Complainant’s son’s disability required more assistance than other cognitive disabilities. The accommodations offered would not allow him to enjoy the park as it was intended to be enjoyed by all other patrons. In addition, there was no effort by Respondent to determine a suitable accommodation for her son which would allow him to fully enjoy the park.

#### **RECOMMENDATION**

Accordingly, there is reason to believe Respondent denied Complainant’s son the full enjoyment of the establishment because of a disability and a cause finding is recommended.

**To:** phil.holmes@disney.com[phil.holmes@disney.com]  
**Cc:** Riggs, Steve[Steve.Riggs@disney.com]; Martin, Reesa[Reesa.Martin@disney.com]  
**From:** jsmjc@comcast.net  
**Sent:** Thur 4/16/2015 3:31:47 AM  
**Importance:** Normal  
**Subject:** Guest Assistance Card

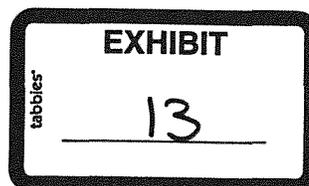
Phil,

Reesa informed me that you were looking for details on our current DAS process and if the current process has experience any changes.

The current DAS process is the same as it has been since it was rolled out in October 2013. There are times we have held Town Halls to reinforce our practices, but our overall approach and business rules have not changed. Although, we are about to transition from the paper card to an electronic version. This goes into effect April 27th. Disneyland transitioned to an electronic version in November. Training of GR and attraction's Cast Members has started on the electronic version. The electronic version eliminates the physical card and assigns DAS to the Guest and their party's media. All business rules and practices that relate to DAS have remained the some.

Below are the steps involved in the issuance of a DAS card:

- Guest visits Guest Relations declaring they have a challenge waiting in attraction queue lines
  - GR Cast Members explains options which may include renting and utilizing a wheelchair
  - If Guest explains that challenge is not mobility in nature but cognitive or anxiety related, a DAS card is offered
  - Guest are informed that the DAS card offers them a virtual wait that is comparable in time that other Guests would be waiting
  - GR Cast Member instructs the Guest utilizing a DAS card on how to use it
    - Guest selects the attraction they wish to visit
    - Guest shows DAS card to attraction's greeter
    - The attraction's greeter will write the attraction's name on the card, the current wait time and the time for the Guest to return, and then initials the card (the return time will be minus 10 minutes from the actual wait time)
  - Any party member may visit attraction and obtain a return time (Guest for whom the DAS card was issued must be present at the return time for the Guest and their party to enter the attraction)
  - A picture is taken of the Guest for whom the DAS card is for and the picture is printed on the DAS card to be issued
  - GR Cast Member reviews the terms and conditions of the card, has the Guest sign the card, and then gives the Guest their card
- If a Guest being issued a DAS card expresses concerns over if the DAS card will meet all their needs the GR Cast Member will look for other



options to assist the Guest. These options may include itinerary planning for the Guest, writing in the first attraction to be visited on the DAS card, issuing attraction re-ads, and thoroughly explaining the FastPass+ system

Hopefully, this is what you were after. Please let me know if you need any additional information.

Thanks!

Steve Riggs

**To:** Prihoda, Kathleen[Kathleen.Prihoda@disney.com]; Evans, Todd[Todd.Evans@disney.com]  
**From:** Armor, Alison  
**Sent:** Fri 11/1/2013 9:30:50 AM  
**Importance:** Normal  
**Subject:** RE: TIMELY - FW: reporter on deadline

Kathleen,

Responses below:

**From:** Prihoda, Kathleen  
**Sent:** Thursday, October 31, 2013 4:01 PM  
**To:** Evans, Todd  
**Cc:** Armor, Alison  
**Subject:** Re: TIMELY - FW: reporter on deadline

We can wait. When you have a chance, we are needing to know the following:

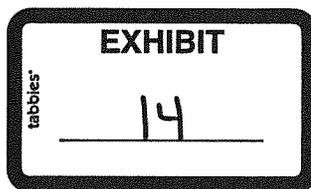
How many exceptions are we making for each site? Approximately. I would prefer to not disclose this information to the media if we can get around it. Internally, we are tracking that about 5% of guests that receive the DAS card are also receiving some number of re-ads. We are working on new methods for tracking that will be operationally easier and more holistic, though, and are continuing to refine the dialogue with the guests so I think this number could change.

Are we administering it consistently at each individual site and collectively? yes

Are we sharing practices between coasts? yes

Thanks,

**Kathleen Prihoda**  
**Manager, External Communications**  
**Walt Disney World Resort**  
P.O. Box 10,000  
Lake Buena Vista, FL 32830  
Office: 407-828-1822 (8-222); Cell: [REDACTED]  
**Visit our Web site @**



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Disney-AL1017319

**To:** Lipscombe, Brianna P.[Brianna.P.Lipscombe@disney.com]; Williams, Brittany[Brittany.Williams@disney.com]; Manangu, Joan[Joan.Manangu@disney.com]; Jean, Joanne E.[Joanne.E.Jean@disney.com]; Strong, Ramey J.[Ramey.J.Strong@disney.com]; Kitch, Alana[Alana.Kitch@disney.com]; Gentry, Vicki K.[Vicki.K.Gentry@disney.com]; Fudge, Dawn[Dawn.Fudge@disney.com]; Kosoff, Arianna L.[Arianna.L.Kosoff@disney.com]; Michelena, Justin[Justin.Michelena@disney.com]; Rochelle, Victoria J.[Victoria.J.Rochelle@disney.com]; Davis, Ron L.[Ron.L.Davis@disney.com]; Esposito, Lucretia[Lucretia.Esposito@disney.com]; Allan, Linda[Linda.Allan@disney.com]; Gauthier, Thomas R[Thomas.R.Gauthier@disney.com]; Belknap, Desiree R.[Desiree.R.Belknap@disney.com]; Beausoleil, Michelle[Michelle.Beausoleil@disney.com]  
**Cc:** Havey, Heather L.[Heather.Havey@disney.com]; Smith, Leslie[Leslie.Smith@disney.com]; Puig, Mark[Mark.Puig@disney.com]; Wegner, Brett M.[Brett.M.Wegner@disney.com]; Holmberg, Britt[Britt.Holmberg@disney.com]; Iddings, Megan[Megan.L.Iddings@disney.com]; Hart, Deborah[Deborah.Hart@disney.com]  
**From:** Johanson, Eric  
**Sent:** Fri 1/24/2014 8:41:17 AM  
**Importance:** Normal  
**Subject:** DAS FastPass/Re-Ad offering & Project Work

Team,

I hope everyone is doing well and having a great week.

The primary purpose of this email is two fold. One, to pass along a process change that is effective as of this email and two, to start grounding you on some work that is occurring regarding DAS.

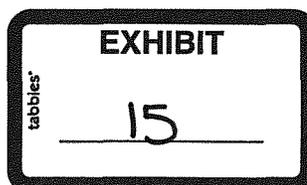
First, it is important for you to know that the work you continue to do in this space is at times, difficult, but you are all doing a fantastic job with it.

Michael Colglazier, President of DLR, is leading an effort for both coasts regarding the current DAS process. As a result, I will be reaching out to you to host a meeting and or conference call (for our Work From Home Cast Members) next week to gain your insight on this work which will assist in moving this project work forward.

There will be times when I will need to communicate to you through email regarding real time decisions and or adjustments that have been made to the DAS process. It is important to know that it is not my intent to always pass along process changes through an email, however, this is an important one that I want to be sure you have.

Effective as of this email, if, while speaking to a Guest regarding the DAS process, you decide that you would like or there is a need to provide them with something, please feel free to provide up to 3 FastPasses or Re-Ads for their first park visit only. This offering is meant to assist Guests in making up some of the time they will be spending in Guest Relations to go through the process of obtaining a DAS card.

Now, I know that you are potentially going to have a few "extreme"calls where this just is not going to do it for you. For that I apologize, however, just like you handle any other piece of Guest correspondence today, please know that FastPasses, while potentially the win, are not your only option in your "toolbox" of how to support and



provide for our Guests.

Next week (Looking at Tuesday) I am looking to schedule the meeting I referenced above with all of you to gain the valuable insight I know you have from working with this current process over the past 4 months. This insight will assist in providing the project team that has been brought together in understanding where potential gaps may exist and what we can do to assist in closing those gaps.

As we continue to move forward with this work, I will be setting up a monthly meeting/call with you (as a team) to gain further insight, thoughts and ideas regarding the DAS process.

I look forward to our conversation next week.

Thank you very much  
Eric

Eric W Johanson III

Experience Services

Disney's Hollywood Studios

Trailer D5

Office: 407- 560-6867 / 8-264

Mobile: [REDACTED]

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## DISABILITY ACCESS SERVICE

**Assess the Guest's Needs (What type of assistance are you requesting during your visit?):**

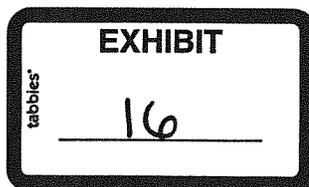
<b>Cognitive Issues:</b>	<b>Mobility/Environmental:</b>	<b>Unsure (Discovery Questions):</b>
Turret's Syndrome	Stroller is utilized as a wheelchair	Handicap
Violent	Bad hip	Fatigue
Diabetes	Bad knees (swelling, cartilage)	Gout
Autism	Back Issues	Can't wait in lines
ADHD	Travelling with Wheelchair	Pregnant
Downs Syndrome	Travelling with ECV	Elderly
Sensory Issues	Can't stand for long periods of time	Can't be in confined spaces
	Broken Leg	Anxiety
	Broken Arm	Had a GAC in the past
	Needs to sit	Neurological Issues
	Paralyzed	Seizures
	Sciatic Nerve Issues	Heart Condition
		Need immediate entry
		Unable to handle heat
		MS
		Difficulty coping with large crowds
		Somebody said I could get a pass
		Only visiting for a couple of hours
		Allergies

**If Mobility Related:**

- Inform and suggest to guest that we have wheelchair and ECV rentals available if they are interested in that service.
- If guest with mobility concerns is a child utilizing a stroller as a wheelchair, issue a "stroller as a wheelchair" tag for guest to utilize.
- Suggest the Guest use Disney's FASTPASS/Disney Fastpass+ Services and offer suggestions on how best to utilize FP
  - NOTE: many guests have not utilized FP in the past due to the nature of the GAC card.
- Explain when best to arrive for shows (varies depending on attendance).
- Offer Guide for Guests with Disabilities.
- As needed, offer complimentary wheelchair if guest would like to use one for the day and is not interested in renting (Magic file for exception) and let the guest know that they will be available for rental at all 4 parks on next visit.
- As needed, issue NSA for PEP to recover for time going over DAS if guest expresses concern over length of time spent on interaction and not being issued a DAS card

**Cognitive Issues:**

- Ask guest what assistance they will need to enjoy their visit to the parks
- Issue a DAS card for group



- Explain how the DAS card works (point out that cardholder does not have to be present to receive a return time)
- Review the guidelines and have guest sign DAS card
- Suggest the Guest use Disney's FASTPASS/Disney Fastpass+ Services in conjunction with their DAS card. Explain how FP works and offer suggestions on how to best utilize FP
- This is also a great time to suggest Animal Engagement opportunities and quiet, shaded areas of the park if applicable
- If guest still has concerns about being able to experience the park (after being issued DAS card and suggested FP options) and they request a pass for immediate entry due to guest not being able process not being able to enter attraction immediately:
  - Offer re-ad for guest and how they work at the attraction
  - Suggest to guest to use the DAS card primarily, reiterating that all members of the party don't need to be present to begin the virtual wait.
  - When needed, utilize re-ads in conjunction with DAS card and FP
  - Have a conversation with guest that each park's experience is a little different and re-ads are issued to ensure that their party has the opportunity to experience the same number of attractions as other guests.
  - Enter Magic File

**Unsure (Discovery Questions):**

- Ask guest what assistance they will need to enjoy their visit to the parks
- [in progress]

## Itinerary Planning

**For guests expressing concerns about not being able / not having time to "run all over the park getting return times", utilize the following itineraries as a framework to help plan their day:**

**Party travelling with all Members meeting Boarding Requirements:**

- Visit KSR greeter (present DAS card to the attraction greeter to receive a return time)  
NOTE: begin virtual wait from GR utilizing current wait minus 10 minutes when necessary
  - If beginning virtual wait at GR, suggest to guest FOLK if timing permits/or interested on their way to KSR
- Explore Pangani Forest Exploration Trail
- Board Wildlife Express Train / Visit Rafiki's Planet Watch
- Experience KSR
  - If timing permits/guests interested, arrive 20-25 minutes prior to FOLK show
  - Experience It's Tough To Be a Bug (or experience when exiting the park)
- Visit Kali greeter (present DAS card to the attraction greeter to receive a return time)
  - Member of party can also obtain FP at Everest if desired
- Optional: Explore Maharaja's Jungle Trek, enjoy Flights of Wonder
- Return to Kali River Rapids and experience attraction
- Visit Expedition Everest greeter (begin DAS card entry)
- See Finding Nemo-The Musical

- Return to Expedition Everest
  - If wait time is longer, visit Dinoland
    - Obtain FP for Primeval Whirl
    - Ride TriceraTop Spin
    - Return to Expedition Everest (if necessary)
- Ride DINOSAUR
- Experience It's Tough To Be a Bug (if necessary)

**Family Travelling with Child (customizable depending on time of day)**

- **If guest meets boarding requirements for (Everest, Kali, Primeval Whirl, DINOSAUR)**
  - Visit KSR greeter (present DAS card to the attraction greeter to receive a return time)
  - Explore Pangani Forest Trail
  - Visit Rafiki's Planet Watch
  - Experience KSR
  - If timing permits/guests interested, arrive 20-25 minutes prior to FOLK show
  - Experience It's Tough To Be a Bug (or experience when exiting the park)
  - Visit Kali River Rapids greeter (begin DAS card entry)
    - Member of party can also obtain FP at Everest if desired
  - Optional: Explore Maharaja's Jungle Trek, enjoy Flights of Wonder
  - Return to Kali River Rapids and experience attraction
  - Visit Expedition Everest greeter (present DAS card to the attraction greeter to receive a return time)
  - See Finding Nemo-The Musical
  - Return to Expedition Everest
    - If wait time is longer, visit Dinoland
      - Obtain FP for Primeval Whirl
      - Ride TriceraTop Spin
      - Return to Expedition Everest (if necessary)
  - Ride DINOSAUR
  - Experience It's Tough To Be a Bug (if necessary)
- **If guest doesn't meet boarding requirements for (Everest, Kali, Primeval Whirl, DINOSAUR)**
  - Visit KSR greeter (present DAS card to the attraction greeter to receive a return time)
  - Explore Pangani Forest Exploration Trail
  - Visit Rafiki's Planet Watch
  - Experience KSR
  - If timing permits, arrive 20-25 minutes prior to FOLK show
  - Experience It's Tough To Be a Bug (or experience when exiting the park)
  - Optional: Explore Maharaja's Jungle Trek, enjoy Flights of Wonder
  - Visit TriceraTop Spin (present DAS card to the attraction greeter to receive a return time)
  - See Finding Nemo-The Musical
  - Experience It's Tough To Be a Bug (if necessary)

**One Adult and One Child:**

- Suggest show times, find out which attractions they would like to experience, begin DAS card in lobby (if needed), and provide re-ads (if necessary) for guest when they express concerns about reaction to not being able to experience attraction. Suggest that guest utilize DAS card primarily and use re-ads as needed in those one-off situations.

**To:** Sweetman, Jenny[Jenny.Sweetman@disney.com]  
**Cc:** Evans, Todd[Todd.Evans@disney.com]; Lake, James H.[James.H.Lake@disney.com]; Thorsen, Kappy[Kappy.Thorsen@disney.com]; Badin, Julio[Julio.Badin@disney.com]; Armor, Alison[Alison.Armor@disney.com]  
**From:** Gossett, Keith  
**Sent:** Sat 7/6/2013 2:12:56 AM  
**Importance:** Normal  
**Subject:** Re: New GAC process- Thoughts??

I too think it is a slippery slope to single out one disability. I think our time should be spent developing a strong service recovery approach, and apply it when necessary regardless of the individuals needs.

Sent from my iPhone

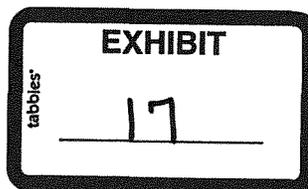
On Jul 6, 2013, at 3:25 AM, "Sweetman, Jenny" <[Jenny.Sweetman@disney.com](mailto:Jenny.Sweetman@disney.com)> wrote:

Todd,

We have discussed this proposal and while we understand the need to assist Guests with autism, we do not believe we should launch a separate process for one specific disability. We will be proposing Guest Relations Guest Assistance/Info locations in the lands that would assist all Guests with their attraction times thus not requiring guests to visit the specific attraction. This will ensure that Guests who did not pick a DAS would not have to go back to City Hall. It would also allow us to assist any disabled guest who needs assistance for an attraction right there in that land. We want to ensure that we are being fair and equitable to all disabled Guests visiting our Parks.

Thank you, Jenny

**From:** Evans, Todd  
**Sent:** Friday, June 28, 2013 10:43 AM  
**To:** Sweetman, Jenny; Lake, James H.; Thorsen, Kappy; Zappitello, Dawn; Santelli, Frank; Jones, Mark



**Subject:** New GAC process- Thoughts??

All,

Brian Britton and Greg Hale have been discussing the need for a backup plan for a Guest with Autism. Attached is our initial thoughts on this one with some questions too, we would like to get your get feedback before next Friday 5<sup>th</sup> if possible. We are meeting with Jon S and Phil H to discuss the entire program.

If you have questions please give me a call or shot me an email.

Thank you!

Todd

**To:** Lutz, Chris[Chris.Lutz@disney.com]  
**Cc:** Krause, Kent[Kent.Krause@disney.com]  
**From:** Krause, Kent  
**Sent:** Tue 4/29/2014 10:29:39 AM  
**Importance:** High  
**Subject:** Elsa & Anna - DAS

· Last week Phil asked that I connect with Alison Armor to see if we could cap the time on the DAS cards if the posted wait was relatively long

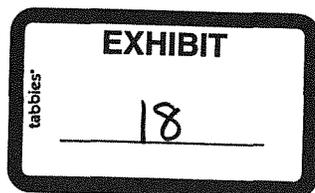
## Redacted

· The wait time should be reflective of the actual stand-by wait, regardless of posted time

We are working with the DOCC to come up with a more accurate wait time model. By having a more accurate model, we should be able to post an accurate wait and thus put an appropriate time on DAS cards. To generate an accurate model, they need data which they have been and continue to collect.

Please let me know if you need anything else.

Kent



that's sort of helpful

Michelena, Justin [12:37 PM]:

**done**

**easy**

Baker, Bethany A. [12:37 PM]:

:D

Michelena, Justin [12:38 PM]:

**he was so chill.**

**he was like "im not asking for an exception, I was just wondering why?"**

**and Im like ok**

Baker, Bethany A. [12:38 PM]:

I love people who ask questions to gain understanding

not to be mean

Michelena, Justin [12:39 PM]:

**yeah!**

**theyre lovely**

**So have you met Renee yet**

Baker, Bethany A. [12:40 PM]:

omg yes

she seems so nice

Michelena, Justin [12:41 PM]:

**LOVE THE STUFFIN OUT OF HER**

Baker, Bethany A. [12:41 PM]:

she's on DLR side, so I probably won't get to see her much

Michelena, Justin [12:41 PM]:

**oh sad**

Baker, Bethany A. [12:41 PM]:

but yeah she seems ridiculously awesome!

oh! I gotta ask you

Michelena, Justin [12:43 PM]:

**yah**

Baker, Bethany A. [12:43 PM]:

I doubt you've gotten any of these yet

but have you gotten any DAS related complaints about crazy high posted wait times?

Michelena, Justin [12:44 PM]:

**yes**

**we got those before it rolled out though**

Baker, Bethany A. [12:44 PM]:

so

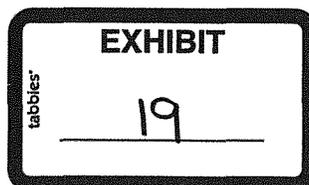
Michelena, Justin [12:44 PM]:

**I mean if the wait is 120 minutes, its 120 minutes, no ifs ands or buts about it**

Baker, Bethany A. [12:45 PM]:

we're getting a TON of requests from coordinators and leaders and stuff

Michelena, Justin [12:45 PM]:



**like what**

Baker, Bethany A. [12:45 PM]:  
to CRAZY overpost an attraction

Michelena, Justin [12:45 PM]:

**requests for what**

Baker, Bethany A. [12:45 PM]:

like serious crazy

Michelena, Justin [12:45 PM]:

**ooooohhh**

Baker, Bethany A. [12:45 PM]:

so we're keeping track of all of that requesting and stuff

to protect ourselves

but like Pan just asked us to post them at 150 minutes and just hold it there until they call back

so we're just not posting them

\*them

Michelena, Justin [12:46 PM]:

**what was the estimated actual wait**

Baker, Bethany A. [12:46 PM]:

I just looked up FLIK

don't like spread this around that I'm telling you this stuff

but the last flik card came back at 12:10 at 35 minutes

Michelena, Justin [12:47 PM]:

**AND THEY WANT 150**

Baker, Bethany A. [12:47 PM]:

yes

but it's literally everyone

Michelena, Justin [12:47 PM]:

**THATS MORE THAN TRIPLE**

Baker, Bethany A. [12:47 PM]:

Pirates just made us post them at 80

that line wont get longer than like 40

it's all line rejection

they're all competing with each other

it makes me so frustrated

Michelena, Justin [12:48 PM]:

**well, when I was doing cross-U the other day the line was almost to Frontierland**

**like past the restrooms over there**

Baker, Bethany A. [12:48 PM]:

yikes

Michelena, Justin [12:49 PM]:

**are they getting enough FLICKs through**

**and where are the starting the FLICK**

Baker, Bethany A. [12:49 PM]:

so it's literally the attractions running out of queue and saying "post us at a stupid high wait time so people will stop getting in line"

Michelena, Justin [12:49 PM]:

**hmmm**

Baker, Bethany A. [12:49 PM]:

yes and no

depends on the location

Michelena, Justin [12:49 PM]:

**thats not acceptable**

Baker, Bethany A. [12:50 PM]:

it also depends on if the greeter is handing them out at the actual end of the queue

Michelena, Justin [12:50 PM]:

**because if they are starting the FLICK at the actual entrance but the line starts at frontierland.... thats a problem**

Baker, Bethany A. [12:50 PM]:

exactly

Michelena, Justin [12:50 PM]:

**but 35-->150 is not acceptable no matter what**

Baker, Bethany A. [12:50 PM]:

trust me I know

Michelena, Justin [12:52 PM]:

**heres what i dont understand... why is operations so concerned with their wait time... if theyre busy, theyre busy... what are they going to do? shut down Pirates...**

Baker, Bethany A. [12:52 PM]:

right

# 65

III-4.2000

May 14, 1993

DJ XXXXXXXXXXXX

Mr. XXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
Chapel Hill, North Carolina XXXXX

Dear Mr. XXXX:

This letter responds to your inquiry regarding the applicability of the Americans with Disabilities Act (ADA) to amusement parks.

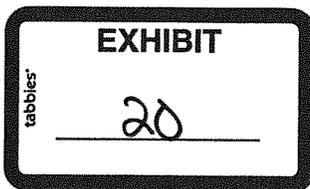
The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities having rights or obligations under the Act. This letter provides informal guidance to assist you in understanding the ADA's requirements. However, it does not constitute a legal interpretation or legal advice and it is not binding on the Department of Justice.

Your letter inquires into the intent of the ADA and its application to lines for attractions at amusement parks. You state that you witnessed individuals with disabilities being permitted to avoid attraction lines and inquire as to whether this policy is consistent with the ADA.

The intent of the Americans with Disabilities Act is to set a national mandate for the elimination of discrimination against individuals with disabilities. To further this goal, the Act contains specific provisions designed to assure that individuals with disabilities may enjoy the full range of goods, services, privileges and advantages offered by public accommodations.

Title III of the ADA imposes certain obligations on places of public accommodation to ensure that their services are provided to individuals with disabilities. The Act specifically includes amusement parks and other places of recreation in its definition of a public accommodation. See section 36.104 of the enclosed title III regulation at page 35594.

The ADA does not require affirmative action or preferential treatment of individuals with disabilities. Public



accommodations, however, are required in certain cases to make reasonable modifications to their policies, practices, or procedures when modifications are necessary to afford goods, services, facilities, privileges or advantages to individuals with disabilities. See section 36.302 of the title III regulation at page 35596-97, and preamble at 35564-65. In light of this requirement, an amusement park may be required to modify its policies to allow an individual with a disability to be admitted to an attraction without waiting in line, if delay would prevent the individual from participating in the service because of the nature of the disability.

I hope this information is useful to you in understanding the requirements of the ADA.

Sincerely,

John L. Wodatch  
Chief  
Public Access Section

Enclosures (2)  
Title III Technical Assistance Manual  
Title III Regulation

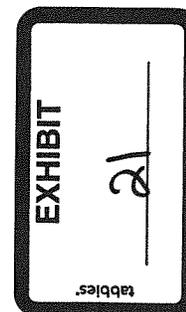
**SETTLEMENT AGREEMENT BETWEEN**  
**THE UNITED STATES OF AMERICA**  
**AND WEST END YMCA, ONTARIO, CALIFORNIA**  
**DEPARTMENT OF JUSTICE COMPLAINT NUMBER 202-12C-298**

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Settlement | Department of Justice Press Releases

**I. BACKGROUND**

1. The parties to this Settlement Agreement (“Agreement”) are the United States of America (“United States”) and the West End YMCA, headquartered at 215 West “C” Street, Ontario, California 91762, and comprised of four associated YMCA branches: (1) Ontario-Montclair YMCA, 215 West “C” Street, Ontario, California 91762; (2) Chino Valley YMCA, 5665 Edison Avenue, Chino, California 91710; (3) Rancho Cucamonga-Fontana YMCA, 10970 Arrow Route - Suite 106, Rancho Cucamonga, California 91730; and (4) Scheu Family YMCA of Upland, 1325 San Bernadino Road, Upland, California 91786.
2. This matter was initiated by a complaint filed with the United States by \*\*\*\*\* (“Complainant”) on behalf of her son, \*\*\*\*\* (“Complainant’s son”), against the West End YMCA. The complaint alleges that the West End YMCA discriminated against Complainant’s son on the basis of disability, in violation of Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12181- 12189 and its implementing regulation, 28 C.F.R. Part 36. More specifically, the complaint alleged that the West End YMCA failed to make reasonable modifications in policies, practices, and procedures, as necessary to afford Complainant’s son, who has autism, a full and equal opportunity to participate in and benefit from the West End YMCA’s after-school child care program.
3. The Attorney General of the United States (“Attorney General”) is authorized to investigate alleged violations of Title III of the ADA, and to bring a civil action in federal court if the Attorney General is unable to secure voluntary compliance in any case that involves a pattern or practice of discrimination or that raises issues of general public importance. 42 U.S.C. § 12188(b).
4. The West End YMCA is a place of public accommodation covered by Title III of the ADA. 42 U.S.C. § 12181(7)(K). Among its services, the West End YMCA provides child care services to youth through twelve years of age, including before and after school child care and summer day camp.
5. The ADA prohibits a place of public accommodation from discriminating against an individual on the basis of disability in the full and equal enjoyment of its goods and services. 42 U.S.C. § 12182(a); 28 C.F.R. § 36.201. Specifically, the ADA prohibits a place of public accommodation from subjecting an individual on the basis of disability to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity. 42 U.S.C. § 12182 (b)(1)(A)(i). Failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities is



also discriminatory unless the modifications would constitute a fundamental alteration. 42 U.S.C. § 12182(b)(2)(A)(ii).

6. The parties agree to resolve this matter as set forth below. This Agreement shall not be construed as an admission of liability by the West End YMCA.

## II. TERMS OF AGREEMENT

7. The West End YMCA agrees that it will not discriminate against any individual on the basis of disability with respect to the West End YMCA's child care services. The West End YMCA will make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford its child care services and facilities to children with disabilities, unless the modifications would fundamentally alter the nature of its services or facilities.
8. Within thirty (30) days of the effective date of this settlement agreement, the West End YMCA shall designate a person ("ADA Compliance Officer") who shall have responsibility for ensuring that the policies and procedures set forth in paragraph 9, below, of this Agreement are fully implemented and complied with, as well as reviewing all requests for reasonable modifications that are not granted and any decisions to exclude from enrollment any child with a disability.
9. Within sixty (60) days of the effective date of this Agreement, the West End YMCA shall submit to the United States, for review and approval, written policies and procedures regarding the West End YMCA's obligations under Title III of the ADA, to be adopted and implemented at each of the West End YMCA's associated branches. The West End YMCA's policies and procedures shall, at a minimum, include the following:
  - (A) Adoption of the nondiscrimination policy attached as Appendix A, and inclusion of the policy in the West End YMCA's employee and parent handbooks.
  - (B) The designation of one individual per branch who is authorized to receive and review requests for modifications to policies, practices, and procedures with respect to child care services. This individual's contact information shall be publicized in the parent handbook or another manner easily accessible for parents of children with disabilities, and disseminated with application materials provided to parents of prospective enrollees.
  - (C) Information for parents of children with disabilities, explaining how to request modifications to the West End YMCA's policies, practices, and procedures with respect to child care services. This information shall be publicized in the parent handbook or another manner easily accessible for parents of children with disabilities, and disseminated with application materials provided to parents of prospective enrollees.
  - (D) The West End YMCA shall ensure that its child care application materials do not screen out or tend to screen out applicants with disabilities from fully and equally enjoying the West End YMCA's services, facilities, privileges, and advantages.
  - (E) The West End YMCA will promptly consider all requests for reasonable modification of policies, practices, or procedures with respect to child care services.

(F) Upon receiving a request for a modification, the West End YMCA will initiate a discussion with the parent to determine whether the child has a disability for which he or she needs modification(s) and to explore what modification(s) may be available. Following the discussion, the West End YMCA may:

- (i) grant the request;
- (ii) make a narrowly tailored request for medical documentation relating to the child's disability and any necessary modification(s); or
- (iii) deny the request. If a request for modification is denied, the West End YMCA will document each and every reason for the denial of the request and shall submit that documentation to the ADA Compliance Officer for review.

(G) The West End YMCA will make good faith efforts to provide a response to a request for modification, in writing, no later than ten (10) days from the date the request is received. If a request for reasonable modification is denied, the West End YMCA shall notify the child's Parent(s) or Guardian(s), in writing, of the reason(s) for the denial.

10. Within sixty (60) days from the date upon which the West End YMCA implements the policies and procedures set forth in Paragraph 9, above, the West End YMCA shall publicize the policies and procedures by distributing them to all associated branches.
11. Within sixty (60) days from the date upon which the West End YMCA implements the policies and procedures set forth in Paragraph 9, above, the West End YMCA shall provide appropriate training to all individuals with responsibility for granting or denying enrollment and/or considering requests for reasonable modification. New employees with comparable responsibilities hired during the term of this Agreement shall be provided comparable training.
12. Within thirty (30) days of the effective date of this Agreement, the West End YMCA will send to the Complainant by certified mail, return receipt requested, or by overnight mail, a copy of the Agreement and the release form attached as Appendix B. Within thirty (30) days of receiving the signed release form, the West End YMCA shall send to the Complainant a check payable to \*\*\*\*\*, as parent and guardian of the minor \*\*\*\*\*, for damages in the amount of \$6,000.00 (six thousand dollars) pursuant to 42 U.S.C. § 12188(b)(2)(B) and 28 C.F.R. § 36.504(a)(2). The check should be sent by certified or overnight mail to the address provided by the United States. A copy of the check and the accompanying letter shall be sent to counsel for the United States.
13. In consideration of the terms of this Agreement, the United States agrees to close the investigation of the underlying complaint, D.J. No. 202-12C-298, and to refrain from bringing a civil action against the West End YMCA regarding any alleged violation in that complaint, except as provided in Paragraph 16 of this Agreement.

### **III. RECORD RETENTION, IMPLEMENTATION AND ENFORCEMENT**

14. The West End YMCA shall retain the following records during the term of this Agreement:

- (a) Copies of all policies and procedures implemented pursuant to Paragraph 9, above;
  - (b) Letters or other written material sent to branches associated with the West End YMCA notifying them of the changes made to their policies, practices, and procedures;
  - (c) Records documenting the training provided to staff of the West End YMCA, including the dates of the training, names and positions of participants, and names of trainers;
  - (d) All documents that come into the West End YMCA's possession relating to a decision to deny enrollment to a child with a disability, or terminate a child with a disability from a West End YMCA child care program; and
  - (e) All documents that come into the West End YMCA's possession relating to a decision to deny a reasonable modification for a child with a disability.
15. Within three (3) business days of a decision to deny admission to a child with a disability or deny a requested modification of policies, practices, or procedures for a child with a disability, the ADA Compliance Officer must provide to the United States the documents related to the decision, as indicated in Paragraph 14(d) and (e), above; the identities of all individuals who participated in the decision; and all reasons underlying the decision. This information should be sent by fax or overnight mail to Kathleen Wolfe at the following number or address: 202-305-9775 (fax); U.S. Department of Justice, Disability Rights Section, 1425 New York Avenue, N.W., Washington D.C. 20005.
16. The United States may review compliance with this Agreement at any time and may enforce this Agreement if the United States believes that it or any requirement thereof has been violated. If the United States believes that this Agreement or any portion of it has been violated, it will raise its concerns with the West End YMCA and the parties will attempt to resolve the concerns in good faith. The United States will give the West End YMCA thirty (30) days from the date it notifies the West End YMCA of any breach of this Agreement to cure that breach, prior to instituting any court action. If the parties are unable to reach a satisfactory resolution within that time frame, the United States may bring a civil action in federal district court to enforce this Agreement or Title III, and may in such action seek any relief available under law.
17. Failure by the United States to enforce this entire Agreement or any of its provisions or deadlines shall not be construed as a waiver of the United States' right to enforce other deadlines and provisions of this Agreement.
18. This Agreement constitutes the entire agreement between the parties, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written agreement, shall be enforceable regarding the matters raised herein.
19. A copy of this document may be made available to any person by the West End YMCA or the United States on request.
20. This Agreement shall be in full force and effect for a period of twenty-seven (27) months after the effective date of the Agreement. The effective date of this Agreement

is the date of the last signature below.

- 21. This Agreement shall be binding on the West End YMCA and successors in interest of the West End YMCA. The West End YMCA has a duty to notify all such successors in interest of the existence and terms of this Agreement
- 22. This Agreement does not purport to remedy any other potential violations of the ADA or any other federal law. This Agreement does not affect the West End YMCA's continuing responsibility to comply with all aspects of the ADA.

Agreed and consented to:

FOR THE UNITED STATES OF AMERICA:

WAN J. KIM  
Assistant Attorney General

BY: \_\_\_\_\_

JOHN L. WODATCH, Chief  
PHILIP L. BREEN, Special Legal Counsel  
RENEE M. WOHLNHAUS, Deputy Chief  
KATHLEEN P. WOLFE, Trial Attorney  
Disability Rights Section  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
(202) 616-9614

Date: \_\_\_\_\_

FOR THE WEST END YMCA:

BY: William B. Hobbs  
President/CEO

\_\_\_\_\_  
William B. Hobbs, signing for the West End  
YMCA, represents that he is authorized to  
bind it to this Agreement.

Date: \_\_\_\_\_

---

**APPENDIX A**

**NONDISCRIMINATION POLICY UNDER  
THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title III of the Americans with Disabilities Act of 1990, the West End YMCA will not discriminate against any individual on the basis of disability. The West End YMCA will make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford its services and facilities to individuals with

disabilities, unless the modifications would fundamentally alter the nature of its services. The West End YMCA will not exclude any individual with a disability from the full and equal enjoyment of its services and facilities, unless the individual poses a direct threat to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services. The West End YMCA will not exclude any individual from the full and equal enjoyment of its services and facilities because of the individual's association with a person with a disability.

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**APPENDIX B**  
**RELEASE OF ADA CLAIMS**  
**D.J. No. 202-12C-298**

[Cases & Matters by ADA Title Coverage](#) | [Legal Documents by Type & Date](#) | [ADA Home Page](#)

November 2, 2007

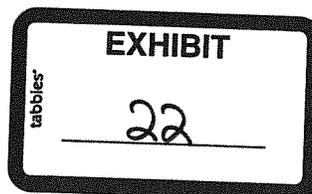
**SETTLEMENT AGREEMENT BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
BEGINNING MONTESSORI ACADEMY, BALDWIN PARK,  
CALIFORNIA**

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1. The parties to this Settlement Agreement ("Agreement") are the United States of America and Beginning Montessori Academy (Montessori Academy), located in Baldwin Park, California.
2. This matter was initiated by a complaint, D.J. No. 202-12C-367, filed with the United States Department of Justice (the "United States") against Montessori Academy alleging violations of Title III of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12181-12189, and its implementing regulation, 28 C.F.R. Part 36.

**I. Background**

3. The complainant, Ms. Kathy Castaneda, is the mother of a five-year-old, [redacted], who has autism. In a letter dated June 11, 2008, Ms. Castaneda alleges that the Montessori Academy notified her that [redacted] would not be accepted for the following school year and that as of July 1, 2008, the Montessori Academy would no longer accept any child with autism or any specialized condition or need.
4. The Montessori Academy is a 100% State Funded private preschool program that



provides preschool educational services and is, therefore, a place of public accommodation covered by Title III of the ADA. 42 U.S.C. § 12181(7)(K) and Title V, of the California Department of Education, Code of Regulations.

5. The United States is authorized to investigate alleged violations of Title III of the ADA, and to bring a civil action in federal court if the United States is unable to secure voluntary compliance in any case that involves a pattern or practice of discrimination or that raises issues of general public importance. 42 U.S.C. § 12188 (b). Preventing discrimination on the basis of disability, including autism, is an issue of general public importance.
6. The ADA prohibits public accommodations from discriminating against an individual on the basis of disability in the full and equal enjoyment of its goods and services. 42 U.S.C. § 12182(a).

The ADA also prohibits a place of public accommodation from subjecting an individual on the basis of disability to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity. 42 U.S.C. § 12182(b)(1)(A)(i). Failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities is also discriminatory unless the modifications would constitute a fundamental alteration. 42 U.S.C. § 12182(b)(2)(A)(ii).

7. The Montessori Academy denies that it violated Title III of the ADA and claims that at all times it acted consistently with the ADA.

8. Nevertheless, to demonstrate that it is committed to full compliance with the ADA, including the amendments to the ADA codified by the ADA Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553 (2008) ("ADAAA"), the Montessori Academy has established and implemented policies and procedures, that are designed to afford children with disabilities a benefit equal to that provided to others, and to make reasonable modifications in policies, practices, and procedures when necessary to provide appropriate supervision or assistance to children with disabilities in order to ensure safe participation in all day care activities.
9. In consideration of the terms of this Settlement Agreement, and in particular the provisions in paragraphs 11, 12, 13, 14, 15, 16 and 17, the United States agrees to refrain from taking further action in this case, except as provided in paragraphs 18-21.

## **II. Terms of Agreement**

10. The Montessori Academy agrees that it will not discriminate against any individual on the basis of disability, including autism.
11. The Montessori Academy agrees to provide children with disabilities, an equal opportunity to attend the Montessori Academy and to participate in all programs, services, or activities provided by the Montessori Academy, except to the extent that they are unable to reasonably participate due to their disability or unable to participate after reasonable modifications in the policies and procedures have been made as set forth in in 28 C.F.R. § 36.302. The Montessori Academy agrees to make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford its child care services and facilities to

children with disabilities, unless the modifications would fundamentally alter the nature of the program, service or activity as set forth in 28 C.F.R. § 36.302.

12. Within thirty (30) days of the effective date of this Agreement, the Montessori Academy shall designate a staff member ("ADA Compliance Officer") who shall have the responsibility for ensuring that the policies and procedures set forth in paragraphs 13-16, below, are fully complied with and implemented. The ADA Compliance Officer will review any decision to exclude from enrollment any child with a disability.
  
13. Within sixty (60) days of the effective date of this Agreement, the Montessori Academy shall submit to the United States, for review and approval, written policies and procedures on the Montessori Academy's obligations under Title III of the ADA. Those policies and procedures shall, at a minimum, include the following:
  - (a) Adoption of the nondiscrimination policy attached as Appendix A, and inclusion of the policy in the Montessori Academy's employee and parent handbooks.
  
  - (b) Upon receiving a request in writing for a reasonable accommodation or modification in policies, practices, or procedures from the parent or legal guardian of the child, the Montessori Academy will initiate a discussion with the parent to determine whether the child has a disability for which he or she needs a reasonable modification of any Montessori Academy policy, practice, or procedure and to explore what accommodations or modification(s) may be available.

(c) If a request for reasonable accommodation or modification is denied, the Montessori Academy will document each reason for the denial of the request and shall submit that documentation to the ADA Compliance Officer for review.

(d) The Montessori Academy will make good faith efforts to provide a response to a written request for a reasonable modification of any Montessori Academy policy, practice, or procedure, in writing, no later than twenty (20) days from the date the request is received. If the request is denied, the Montessori Academy shall notify the child's parent(s) or guardian(s), in writing, of the reason(s) for the denial.

14. Within ninety (90) days from the date that the Montessori Academy implements the policies and procedures set forth in paragraph [13], above, the Montessori Academy shall provide appropriate training to all individuals with responsibility for interviewing applicants, reviewing applicants granting or denying enrollment, and/or considering requests for reasonable modifications of any Montessori Academy policy, practice or procedure. New employees with comparable responsibilities hired during the term of this Agreement shall be provided comparable training.

15. The Montessori Academy will provide training to the teacher(s) who is directly responsible for any child enrolled at the Montessori Academy who has been identified by his or her parent as being diagnosed with autism. That training will include a general overview of autism and typical assistance needs of the individual with autism. This training may be given by the parent or guardian of the child, or by a qualified person agreed upon by the parents or guardians.

16. Within thirty (30) days of the effective date of this Agreement, the Montessori Academy will send to Ms. Castaneda by certified mail, return receipt requested, or by overnight mail, a copy of the Agreement and the release form attached as Appendix B. Within thirty (30) days of receiving the signed release form, the Montessori Academy shall send to Ms. Castaneda a check payable to Kathy Castaneda, as parent and guardian of the minor [redacted], in the amount of \$5,000.00 (five thousand dollars). The check should be sent by certified or overnight mail to the address provided by the United States. A copy of the check and the accompanying letter shall be sent to counsel for the United States.

### **III. ENFORCEMENT AND IMPLEMENTATION**

17. This Agreement fully and finally resolves any and all of the allegations by the complainant and the United States in this case. It is not intended to remedy any other potential violations of the ADA by Montessori Academy.
18. The United States may review compliance with this Agreement at any time. If the United States believes that this Agreement or any portion of it has been violated, it will raise its concerns with the Montessori Academy and the parties will attempt to resolve the concerns in good faith. The United States will give the Montessori Academy thirty (30) days from the date it notifies the Montessori Academy of any breach of this Agreement to cure that breach, before instituting any court action. If the parties are unable to reach a satisfactory resolution within that period, the United States may bring a civil action in federal district court to enforce this Agreement or Title III, and may in such action seek any relief available under law.
19. Notices: All notices reports, or other such documents required by this Agreement

shall be sent by fax and by delivery via overnight express mail to the following address:

Eugenia Esch  
Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
1425 New York Avenue, NW  
Washington, D.C. 20005  
(202) 515-3816 (telephone)  
(202) 305-9775 (facsimile)

20. During the term of this Agreement, the Montessori Academy will notify the United States of any written complaint, lawsuit, charge, or grievance alleging discrimination by the Montessori Academy on the basis of disability. Such notification must be provided in writing within fifteen (15) days of when the ADA Compliance Officer of Montessori Academy has received written notice of the allegation and will include at a minimum, the nature of the allegation, the name of the individual bringing the allegation, and any documentation possessed by the Montessori Academy relevant to the allegation.
21. In consideration for the terms set forth above, the United States will not institute a civil action alleging violations of the ADA based on the Department of Justice Complaint DJ No. 202-12C-367, except as provided in paragraph 18, above.
22. Failure by the United States to enforce this entire Agreement or any of its provisions shall not be construed as a waiver of its right to enforce other provisions

of the Agreement.

23. If any term of this Agreement is determined by any court to be unenforceable, the other terms of this Agreement shall nonetheless remain in full force and effect.
24. This Agreement is not intended to remedy any other potential violations of the ADA or any other law that is not specifically addressed in this Agreement and does not affect the Montessori Academy's continuing responsibility to comply with all aspects of the ADA.
25. This Agreement shall be binding on the Montessori Academy, its agents and employees. In the event the Montessori Academy seeks to transfer or assign all or part of its interest in any facility covered by this Agreement, and the successor or assign intends on carrying on the same or similar use of the facility, as a condition of sale the Montessori Academy shall obtain the written accession of the successor or assign to any obligations remaining under this Agreement for the remaining term of this Agreement.
26. This Agreement constitutes the entire agreement between the United States and the Montessori Academy on the matters raised in the Agreement and no other statement, promise or agreement, either written or oral, made by any party or agents of any party, that is not contained in this written agreement, including its attachments, shall be enforceable.
27. A signatory to this document in a representative capacity for either party represents that he or she is authorized to bind that party to this Agreement.
28. The effective date of this Agreement is the date of the last signature below.

29. The Montessori Academy will not retaliate against, or coerce in any way any person trying to exercise the rights of any person under this Agreement.

30. The duration of this Agreement will be five (5) years from the effective date.

For Beginning Montessori Academy

For the United States of America:

SHIV MEDIWAKE, Administrator  
Beginning Montessori Academy 1969 Paseo  
Gabriela  
San Dimas, Ca 91773

SAMUEL BAGENSTOS  
Principal Deputy Assistant Attorney  
General

Dated: \_\_\_\_\_

RENEE M. WOHLLENHAUS, Acting  
Chief  
Disability Rights Section  
Civil Rights Division

Eugenia Esch  
Trial Attorney  
Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
Washington, DC 20530  
Telephone: (202) 514-3816

Dated: \_\_\_\_\_

Attachment

**APPENDIX A**

**NONDISCRIMINATION POLICY UNDER THE AMERICANS WITH  
DISABILITIES ACT**

In accordance with the requirements of Title III of the Americans with Disabilities Act of 1990, as amended the Beginning Montessori Academy, California will not discriminate

against any individual on the basis of disability. The Beginning Montessori Academy will make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford its services and facilities to individuals with disabilities, unless the modifications would fundamentally alter the nature of its services. The Beginning Montessori Academy will not exclude any individual with a disability from the full and equal enjoyment of its services and facilities, unless the individual poses a direct threat to the health or safety of others, or him/herself, that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services. The Beginning Montessori Academy will not exclude any individual from the full and equal enjoyment of its services and facilities because of the individual's association with a person with a disability.

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[Cases & Matters by ADA Title Coverage | Legal Documents by Type & Date |](#)  
[ADA Home Page](#)

August 8, 2012

To: Workman, Tracy S.[Tracy.S.Workman@disney.com]; Michelena, Justin[Justin.Michelena@disney.com]  
From: Michelena, Justin  
Sent: Sat 2/15/2014 11:20:48 AM  
Importance: Normal  
Subject: Conversation with Workman, Tracy S.

Michelena, Justin [10:45 AM]:

Welcome to work!

Workman, Tracy S. [10:45 AM]:

why thank you

welcome to this day!

Michelena, Justin [10:45 AM]:

Thank you! What do you want this day to be?

Workman, Tracy S. [10:46 AM]:

everything!

look this up in lilo:

**431461616260**

Michelena, Justin [10:46 AM]:

btw... its a big day for DAS

Workman, Tracy S. [10:47 AM]:

why is that?

Michelena, Justin [10:47 AM]:

effective immediately, we are not accommodating our Guests with FP, FP+, Re-Ads, PEPs, NOTHING pre-arrival

Workman, Tracy S. [10:48 AM]:

yay

Michelena, Justin [10:48 AM]:

hooray!

Workman, Tracy S. [10:48 AM]:

that reservation i gave you i think its a traveller

Michelena, Justin [10:51 AM]:

you know the training manager in the notes is probably Steph haha

Michelena, Justin [10:53 AM]:

holy damn!

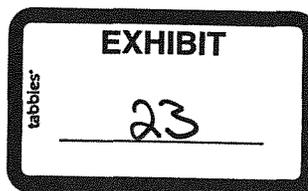
That res

lol

Workman, Tracy S. [11:08 AM]:

she has coments in magic under last name [REDACTED]

[REDACTED]



On Feb 10, 2014, at 3:56 PM, "Waters, Marilyn J"  
<[Marilyn.J.Waters@disney.com](mailto:Marilyn.J.Waters@disney.com)> wrote:

The last time we did this, we just gave them a MagicBand with 30 non-standard FastPass+ entitlements. That might be better?

Marilyn Waters

Walt Disney World Resort

External Communications/Public Affairs

Office 407-828-3814

Mobile [REDACTED]

[Marilyn.j.waters@disney.com](mailto:Marilyn.j.waters@disney.com)

This e-mail message is confidential, intended only for the named recipient(s) above and may contain confidential information. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender at (407) 828-2527 and delete this e-mail message from your computer. Thank you.

**From:** <DiPietre>, Jacob DiPietre <[Jacob.DiPietre@disney.com](mailto:Jacob.DiPietre@disney.com)>

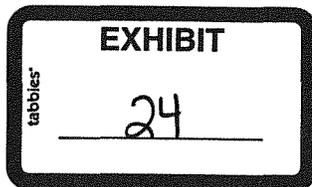
**Date:** Monday, February 10, 2014 3:54 PM

**To:** Walt Disney <[marilyn.j.waters@disney.com](mailto:marilyn.j.waters@disney.com)>, "Jones, Mark" <[Mark.Jones@disney.com](mailto:Mark.Jones@disney.com)>

**Cc:** Nancy Gidusko <[Nancy.L.Gidusko@disney.com](mailto:Nancy.L.Gidusko@disney.com)>, "Lowery, Betty" <[Beatriz.Lowery@disney.com](mailto:Beatriz.Lowery@disney.com)>

**Subject:** Fwd: Guest Assistance Card

Mark,



**To:** Evans, Todd[Todd.Evans@disney.com]; Armor, Alison[Alison.Armor@disney.com]  
**Cc:** Badin, Julio[Julio.Badin@disney.com]  
**From:** Gossett, Keith  
**Sent:** Wed 8/7/2013 4:41:19 PM  
**Importance:** Normal  
**Subject:** Draft DAS Card Feedback

Todd - A few items...

The first paragraph seems a bit off to me. "Intended for Guests who are unable to tolerate extended wait times". Depending on the length of the Standby wait this is not necessarily true. To be fully accurate it should include something like "...unable to tolerate extended waits in our standard queues".

"FASTPASS" and "FastPass" both appear on the document. Should they be spelled in the same manner?

Does the card need to indicate that not all Attractions participate in this service? (We'll need to make sure the "why" behind which Attractions do, and which Attractions do not is covered in the Cast training.)

The spacing after the bullets in "Terms and Conditions" is not consistent.

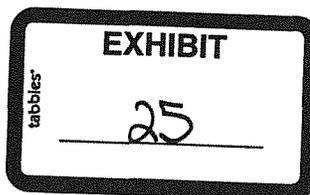
To the extent this actual card makes it into our documentation perhaps Mickey's photo should be replaced by the terms "Guest Photo"

Does the card need to include some mention regarding whether the person in the photo may/may not experience the question? I am not sure we agreed to make that a requirement but I think we will have the occasional rub between the receiving Attractions Cast Member and the Guest when the person in the photo is not standing in front of them. This is likely a training component but I just wanted to throw it out there if there is a good way to address it on the card.

The card has no mention of any of our Entertainment shows and spectaculars. Should this be included in some manner?

Lastly, it feels like there would be benefit to include a disclaimer that states something to the effect of. "Based on Guest demand and utilization of this service it is possible to experience waits greater than the posted Standby wait." This happens today, and will absolutely happen tomorrow.

Thanks  
Keith



**To:** Armor, Alison[Alison.Armor@disney.com]  
**From:** Evans, Todd  
**Sent:** Wed 1/2/2013 9:34:15 AM  
**Importance:** Low  
**Subject:** FW: [REDACTED]

Keith, shared this and it's interesting one, besides the GAC card abuse, the choice for someone to go to outside tour service and loss of revenue is also a concern.

Todd

**From:** Gossett, Keith  
**Sent:** Sunday, December 23, 2012 2:29 PM  
**To:** Evans, Todd  
**Subject:** Fw: [REDACTED]  
**Importance:** Low

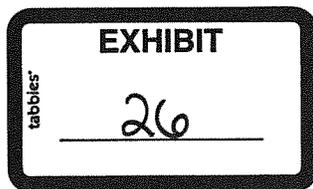
Todd - FYI only...this former CM and VIP guide has an outside tour business. She has had clients such as Justin Timberlake and the CEO of Twitter. She uses green light GACs to gain access to the Attractions. Just another wrinkle in the fun we deal with on this coast.

K

**From:** Krug, Marilyn  
**Sent:** Sunday, December 23, 2012 11:07 AM  
**To:** Gossett, Keith; Storbeck, Jon  
**Cc:** Sweetman, Jenny  
**Subject:** FW: [REDACTED]

Know this is something on the radar...to keep you in the loop.

**From:** Dew, John  
**Sent:** Sunday, December 23, 2012 11:07 AM  
**To:** Miller, Lisa L.  
**Cc:** Sweetman, Jenny; Atkins, Dave; Bettfreund, Travis J.; Garcia, Chuck; Krug, Marilyn; Robb, Tamarah; Strong, Dustin M; Woodward, Ronnell



**Subject:** [REDACTED]

Hi Lisa,

Just got word that [REDACTED] just entered Racer's with an unofficial VIP tour utilizing (2) different GACs

FYI...

**John Dew**

Guest Relations

Disneyland Resort

Tel.714.781.3389

BB.714.720.1424

**To:** Evans, Todd[Todd.Evans@disney.com]  
**From:** Armor, Alison  
**Sent:** Fri 7/5/2013 9:55:38 AM  
**Importance:** Normal  
**Subject:** Fwd: Disability Access Service Update

Sent from my iPad

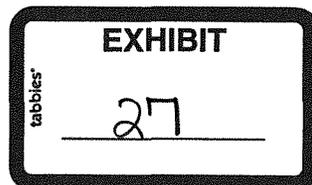
Begin forwarded message:

**From:** "Badin, Julio" <Julio.Badin@disney.com>  
**Date:** July 4, 2013 4:41:33 PM EDT  
**To:** "Armor, Alison" <Alison.Armor@disney.com>  
**Cc:** "Gossett, Keith" <Keith.Gossett@disney.com>, "Sweetman, Jenny" <Jenny.Sweetman@disney.com>, "Lake, James H." <James.H.Lake@disney.com>, "Thorsen, Kappy" <Kappy.Thorsen@disney.com>  
**Subject:** Disability Access Service Update

Alison,

Happy 4<sup>th</sup> of July! I wanted to send you a quick update on our status with the new DAS process.

Next week we're scheduling a meeting to discuss the Guest Relations screening procedures related to issuing the new DAS card. We've included you on the meeting invite and Todd as well. Our concern is that we need to be clear on how the Guest Relations Cast will interact with Guest requesting the new service. If you combine the DAS card with FASTPASS or Fastpass+ we believe that many of our local Guest may still find value in procuring one of these cards. It basically doubles the amount of attractions you do not need to wait in line for. It's a 2 hour VTC. We sincerely hope you can be a part of the meeting and any other partner you feel would be useful in the conversation. Our goal is to actually come up with a rough procedure. Included on the invite will be Jenny Sweetman, Betty Appleton, Marilyn Krug, Mark Jones, Elisa Martinez (Legal), Keith Gossett (he may still be on vacation), Todd Evans and yourself.



On Thursday of next week the DLR Attractions Ops Managers and selected area managers will be meeting for a 7 hour work session to clarify DAS card procedures at every DLR attraction. In our discussions this week, we have a couple of versions we are going to put together for review. One option is to have several DAS/Info board type locations throughout the Lands where Guest can go to a Cast Member who could help with attractions/show/entertainment related questions and facilitate planning of the DAS card. The Cast at the attraction would just have to validate the card use at their attraction. We like this option as it could consolidate the expertise necessary to specific Cast which could drive up the guest experience and minimize errors. We also think that it could be less labor intensive overall rather than having this function at every 30 minute and over location. We also believe that not having the Guest go all the way to the entrance could help with autism issues as well as crowding around the attraction entrance. Option 2 will be the entire attraction DAS fulfillment process at each participating attraction. We will be asking our Workforce Management team help us think about overall labor implications for both options.

The team will develop an attraction grid with the major components of the DAS program by attraction (e.g., DAS entry location, DAS participant Y/N, etc.)

Below are several questions we will be trying to address as we think about the DAS process at the attractions.

- How does an attraction handle fluctuations of wait times near the 30 minute mark?
  - o Does the attraction stay off the DAS program or do we just keep them on the program during a minimum period of time?
- How can we leverage existing labor in both options to minimize incremental labor?
- Should we test a paging system concept/text to phone at difficult attractions like Space Mountain to address the attractions specific restrictions? (e.g., only certain number of rockets in the mountain with GWD)
- How will Guest try to abuse the processes that we are proposing to put in place?

Guest Relations process related questions

- Is there a pre-arrival process to simplify the Guest arrival experience with respect to DAS issuance?
- What would it take to the DAS cared to the right Guest only?
- How do we leverage wheelchair rental to help with communication/education of Guest? Do they need some training? Literature?

I have concerns on developing a special process for Autism. We should really try to develop this process so it addresses the needs of the majority of our guest including those who have autism. Our goal will be to meet this requirement.

Thanks,

**Julio Badin**

General Manager, Park Operations & Guest Services

Disney California Adventure

W # 714.817.2522 (tie line 8.432)

Greg Hale  
April 28, 2015

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA

CASE NO.: 6:14-cv-1544-Orl-22GJK

A.L., by and through D.L., as Next  
Friend, Parent and Natural Guardian;  
D.L., Individually,  
Plaintiff,

vs.

WALT DISNEY PARKS AND RESORTS  
US, INC.

Defendant.

\* \* \* \* \*

DEPOSITION OF: GREG HALE  
DATE TAKEN: April 28, 2015  
TIME: 9:49 a.m. - 12:35 p.m.  
PLACE: 1375 East Buena Vista Drive  
4th Floor North  
Lake Buena Vista, Florida 32830  
REPORTED BY: SANDRA D. BROWN, FPR,  
Court Reporter and Notary  
Public

Greg Hale  
April 28, 2015

Page 2

A P P E A R A N C E S:

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APPEARING ON BEHALF OF THE DEFENDANT

Stratos Legal Services  
800-971-1127

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Greg Hale  
April 28, 2015

C O N T E N T S

TESTIMONY OF GREG HALE

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- - - - -

S T I P U L A T I O N S

It is hereby agreed and so stipulated by  
and between the parties hereto, through their  
respective counsel, that the reading and signing of  
the transcript are expressly RESERVED by the  
Deponent.

Greg Hale  
April 28, 2015

Page 4

1 P R O C E E D I N G S

2 \* \* \* \*

3 THE COURT REPORTER: Do you solemnly swear  
4 the testimony you're about to give shall be the  
5 truth, the whole truth and nothing but the truth?

6 THE WITNESS: I do.

7 GREG HALE,

8 having been first duly sworn, testified under oath as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. DOGALI:

12 Q Good morning, Mr. Hale.

13 A Good morning.

14 Q Can you state your full name, please?

15 A Gregory Brooks Hale.

16 Q And I know you've given at least one. How  
17 many depositions have you given in the past?

18 A Probably six to ten.

19 Q Any in the last three years, four years?

20 A Yes. I think I've given a slip and fall  
21 deposition on a case. And then the segway deposition  
22 that may go back more than four years. And Shields  
23 Bogg case was about three years ago.

24 Q In the segway, the Alt case or the --

25 A Yes.

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Greg Hale  
April 28, 2015

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1 Q -- Bowman. I don't remember the name of the  
2 other one.

3 A The Alt case.

4 Q I suppose you know or are generally familiar  
5 with the ground rules. I'm just going to ask you a  
6 number of questions that are going to relate one way  
7 or another to the DAS. If your -- you're the guest of  
8 honor, so if you need a break or something, let me  
9 know. If something doesn't make any sense that I ask,  
10 I encourage you to let me know that as well. And with  
11 that background, what's your current title with  
12 Disney?

13 A The chief safety officer and vice president  
14 of worldwide standards and auditing for Walt Disney  
15 Parks and Resorts.

16 Q When did you last have a different title?

17 A About four years ago. I was chief safety  
18 office but it was called worldwide safety and  
19 accessibility.

20 Q Is it a reorganization, a different role now  
21 or just same role, different title?

22 A It's a similar role. We've created another  
23 safety organization in parallel, so trying to  
24 distinguish titles a little bit between the two.

25 Q With respect to--- strike that.

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Greg Hale  
April 28, 2015

Page 6

1           **Is accessibility still part of your daily**  
2 **work on behalf of the Disney parks?**

3           A     Yes, it is.

4           **Q     Do you have somebody that reports to you**  
5 **whose duties are exclusively related to accessibility?**

6           A     Yes.

7           **Q     Who's that?**

8           A     Mark Jones, Jay Cardinali, and they have  
9 some people working for them as well.

10          **Q     With respect to the parks, is it fair to say**  
11 **the highest ranking people whose jobs are specifically**  
12 **accessibility-related are Mr. Jones and Mr. Cardinali?**

13           MR. SCANLON:  Objection to specifically.  Do  
14 you mean solely?

15 BY MR. DOGALI:

16          **Q     Start with solely.**

17          A     I would say domestically in the US, that's  
18 probably true.

19          **Q     To whom do you report?**

20          A     I report recently to Rachel Hutter, who is  
21 the new -- the vice president of safety for Worldwide  
22 Parks and Resorts.

23          **Q     Until recently or as of recently do you**  
24 **report?**

25          A     I'm sorry.  As of recently.

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Greg Hale  
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1 ride the entire ride. So that's a good example where  
2 the whole ride is fully accessible. There's no need  
3 to mainstream with everyone else. There's no need to  
4 get a GAC card for that.

5 **Q When the group that developed the DAS began**  
6 **meeting, is it already a working assumption that**  
7 **whatever form the replacement for the GAC took,**  
8 **wheelchairs would not be part of it?**

9 MR. SCANLON: Objection.

10 THE WITNESS: I don't know that I would say  
11 they would not be part of it. But, again, it  
12 wasn't necessary for the majority of our  
13 attractions for guests using mobility devices.

14 BY MR. DOGALI:

15 **Q For the meetings you participated in, was**  
16 **the decision not to include mobility disabilities**  
17 **already part of the DAS design as being considered?**

18 A Again, I wouldn't say it was directed by not  
19 including mobility. It was more directed at making  
20 sure we had a process that served the needs of guests  
21 who could not wait in traditional lines. And that's  
22 what it was designed for.

23 **Q Right now on a monthly basis or weekly**  
24 **basis, how many DASs are being issued?**

25 A I don't know.

Greg Hale  
April 28, 2015

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1 **were produced by Disney for the purpose of explaining**  
2 **the DAS?**

3 A Not that I recall. We did videos on how to  
4 access ride vehicles at Disneyland, but I don't recall  
5 one specifically for the DAS card.

6 Q Do you recall any videos produced by Disney  
7 for the purpose of outlining the guest relations  
8 experience when obtaining a DAS?

9 A I don't recall that.

10 Q If standard operating procedures were  
11 followed, would you know about that?

12 A I don't understand your question.

13 Q Would the production of such a video about  
14 the DAS and how it works come to your attention in the  
15 ordinary course?

16 A For external use?

17 Q Yes.

18 A I would think it would, yes.

19 MR. SCANLON: Do you want to take a short  
20 break?

21 MR. DOGALI: Yeah, it's a good time.

22 (Break taken.)

23 BY MR. DOGALI:

24 Q Has Disney ever performed a study or  
25 analysis of how guests with developmental disorders,

Greg Hale  
April 28, 2015

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1 including autism, experience the parks?

2 A I'm not aware of a study like that, no.

3 Q During any increment of time, whether it be  
4 a month or a year, how many persons with developmental  
5 disorders, including autism, are guests in the park?

6 A I have no way of knowing that.

7 Q Have you ever seen any projection or  
8 estimate of the number of GACs that were given out  
9 that were attributable to developmental disorders  
10 versus other types of conditions?

11 A No. I don't believe our GAC ever went into  
12 the disability. It only was the accommodations that  
13 were needed, not the disability.

14 Q However many DASSs may be issued now on a  
15 weekly or monthly basis, do you have any information  
16 about the percentage of them which is attributable to  
17 persons with cognitive impairments?

18 A Again, I think that's not part of the  
19 statistics as to what the underlying disorder is.  
20 It's more about the service that's needed for our  
21 guests.

22 MR. SCANLON: Are you using cognitive and  
23 developmental disorder interchangeably?

24 MR. DOGALI: In that setting, I did.

25 MR. SCANLON: Okay. I just wanted to make

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Greg Hale  
April 28, 2015

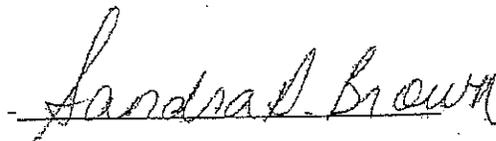
CERTIFICATE OF REPORTER

STATE OF FLORIDA:  
COUNTY OF ORANGE:

I, SANDRA D. BROWN, FPR, Court Reporter and Notary Public, certify that I was authorized to and did stenographically report the deposition of GREG HALE; that a review of the transcript was requested, and that the foregoing transcript pages 4 through 86 is a true and accurate record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 12th day of June, 2015.



SANDRA D. BROWN, FPR  
Court Reporter

Greg Hale  
April 28, 2015

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CERTIFICATE OF OATH

STATE OF FLORIDA:  
COUNTY OF ORANGE:

I, SANDRA D. BROWN, FPR, Court Reporter and Notary Public,  
State of Florida, certify that GREG HALE personally  
appeared before me on April 28, 2015, and was duly sworn.

Signed this 12th day of June, 2015.



SANDRA D. BROWN, FPR  
Notary Public - State of Florida  
COMMISSION NO.: FF 032582  
COMMISSION EXPIRES:  
July 14, 2017

Steve Riggs  
April 30, 2015

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA

CASE NO.: 6:14-cv-1544-Orl-22GJK

A.L., by and through D.L., as Next  
Friend, Parent and Natural Guardian;  
D.L., Individually,

Plaintiff,

vs.

WALT DISNEY PARKS AND RESORTS  
US, INC.

Defendant.

\* \* \* \* \*

DEPOSITION OF:	STEVE RIGGS
DATE TAKEN:	April 30, 2015
TIME:	9:33 a.m. - 12:48 p.m.
PLACE:	Celebration Business Center 1420 Celebration Boulevard Suite 200 Celebration, Florida 34747
REPORTED BY:	SANDRA D. BROWN, FPR, Court Reporter and Notary Public

Stratos Legal Services  
800-971-1127

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Steve Riggs  
April 30, 2015

Page 2

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APPEARING ON BEHALF OF THE PLAINTIFFS

KERRY SCANLON, ESQUIRE  
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The McPherson Building  
901 Fifteenth Street NW  
Washington, DC 20005

APPEARING ON BEHALF OF THE DEFENDANT

ALSO PRESENT: D.L.

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Steve Riggs  
April 30, 2015

C O N T E N T S

TESTIMONY OF STEVE RIGGS

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- - - - -

S T I P U L A T I O N S

It is hereby agreed and so stipulated by  
and between the parties hereto, through their  
respective counsel, that the reading and signing of  
the transcript are expressly RESERVED by the  
Deponent.

Steve Riggs  
April 30, 2015

Page 4

1 P R O C E E D I N G S

2 \* \* \* \*

3 THE COURT REPORTER: Do you solemnly swear  
4 the testimony you're about to give shall be the  
5 truth, the whole truth and nothing but the truth?

6 THE WITNESS: Yes, I do.

7 STEVE RIGGS,

8 having been first duly sworn, testified under oath as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. DOGALI:

12 Q Can you state your full name, please?

13 A Steven Riggs.

14 Q Have you ever given a deposition before?

15 A No, it's my first one.

16 Q It's, hopefully, a pretty straightforward  
17 process. The intention is not to be tricky or ask you  
18 anything like that. It's not necessarily a memory  
19 quiz. Just going to ask you how things went during a  
20 particular visit with my client and a number of  
21 questions about operating procedures and guest  
22 relations in the Magic Kingdom.

23 If you don't understand any of my questions,  
24 I encourage you to tell me. Just that didn't make  
25 sense, please rephrase it. And you're sort of --

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Steve Riggs  
April 30, 2015

Page 5

1 we're all here at your beck and call, so if you need a  
2 break at any time, we usually try to take one about  
3 every hour or so. But if you need one, just throw up  
4 a flag and we'll be on our way.

5 With that sort of background, what's your  
6 residence address?

7 A Resident. My home address?

8 Q Yes.

9 A It's 14312 Abington Heights, Orlando,  
10 Florida 32828.

11 Q Who is your employer?

12 A Walt Disney world.

13 Q What's the precise name of the entity that  
14 employs you?

15 A You mean, Walt Disney Company?

16 Q Yeah. Is it the Walt Disney Company, or is  
17 it Walt Disney Parks and Resort US or something else?

18 A I honestly cannot tell you the hierarchy. I  
19 mean, I work for the Walt Disney World Company.

20 Q With respect to the sort of Disney family of  
21 companies, how long have you been employed?

22 A Twenty-eight years.

23 Q Always in Florida?

24 A Yes.

25 Q What's your current title?

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Steve Riggs  
April 30, 2015

Page 6

1           A     I'm the area manager for Magic Kingdom guest  
2 relations.

3           **Q     How long have you held that role?**

4           A     I've had that for about two and a half  
5 years.

6           **Q     What was your title before?**

7           A     I was the parking ops manager.

8           **Q     At the entire transportation ticket center?**

9           A     At Magic Kingdom.

10          **Q     How long did you hold that role?**

11          A     A little over a year.

12          **Q     Before that?**

13          A     Before that, I was a senior duty manager for  
14 Walt Disney World.

15          **Q     What does that mean?**

16          A     That's, basically, you work for -- where  
17 currently I'm in what we call operations. That's what  
18 we call support side where we review policies,  
19 procedures. And, in my case, referring to duty  
20 manager operations.

21                 Each park you have a -- what we call a duty  
22 manager, someone who's responsible for the daily  
23 operations for the park. And my job is to oversee  
24 them and ensure they have what they need to perform  
25 their role.

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1 adjusting tickets. You work with a lot of different  
2 systems, so it shows you those systems like how you  
3 upgrade a ticket, downgrade a ticket. How do you sell  
4 tickets? Guest relations does a lot of that type of  
5 thing.

6 How do you do reports like in the magic  
7 file? Different stuff that we have. They walk you  
8 through all the systems, and you just rehearse it over  
9 and over in the class until you get comfortable with  
10 it.

11 **Q Do you follow a written set of course**  
12 **materials?**

13 A Yes.

14 **Q Are they course materials course specific to**  
15 **training, or are they the operating guidelines you use**  
16 **once you're in the role?**

17 A I think they are really one and the same. I  
18 think they use operating guidelines as the training  
19 material.

20 **Q How much of the curriculum involves**  
21 **interaction with persons with disability?**

22 A For that part, there's no training in the DU  
23 for that. That you learn when you're on the job with  
24 the trainer.

25 **Q Other than that sort of on-the-job**

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1 **experience, have you ever had any formal training**  
2 **similar to the Disney University experience, regarding**  
3 **interaction with persons with disabilities?**

4 A No formal training, no.

5 **Q Do you have any relatives with autism?**

6 A I have a nephew --

7 MR. SCANLON: I'm going to interpose, at  
8 least a caution here, that if any witness -- and  
9 you asked this question the other day and I  
10 allowed the witness to answer -- if any witness  
11 is asked about conditions that may be subject to  
12 privacy concerns and you ask for their name and  
13 address, I just advise the witness they can be  
14 careful. They don't have to provide that if they  
15 don't want to. I think it this -- I'm sure you  
16 can understand since you requested the same  
17 treatment on your side.

18 MR. DOGALI: I do understand.

19 THE WITNESS: I have a nephew that lives in  
20 Ohio. I don't know exactly what his condition. I  
21 do know when he was born that he had a lot of  
22 medical conditions. In fact, they didn't think  
23 he'd live past three. He's 30 now, so he's doing  
24 pretty well. But he does have a lot of mental  
25 challenges and physical challenges getting

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1 the principal champion or sponsor of the DAS when it  
2 was released?

3 A No.

4 Q Do you interact with Ms. Armor on a regular  
5 basis?

6 A Not really, no.

7 Q Is she in special activities?

8 A No. She's part of that support group with  
9 the line of business that basically helps support us.  
10 Whenever we have challenges, we go to them and say,  
11 hey, we have a challenge. And they work behind the  
12 scenes to try to see what the resolution might be.

13 Q Is that the group that Andie went to?

14 A Yes.

15 Q I'm sorry if I asked you this. What's  
16 Andie's last name?

17 A Andie Cochran. And when I say she went to  
18 that group, it's a big envelope. So she might not  
19 work directly with Alison, but there's other -- they  
20 work on supporting stuff that we do. There's  
21 different executive levels in that group.

22 Q When somebody in guest relations observed  
23 what they thought was a specific event of abuse of the  
24 GAC, such as your experience at the Haunted Mansion or  
25 the greeter who saw somebody leave and skip away, was

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1 **there a procedure to report that?**

2 A No. Like, example, Haunted Mansion, there's  
3 no reporting. It was just an observation that more  
4 people had GAC cards than was getting in the regular  
5 line. And I just thought this was crazy. And a  
6 situation with the person skipping, by the time it  
7 came to us the guests were gone. It's not like we're  
8 going to track them down and try to find them.

9 So that's when we call line of business and  
10 say we feel like people are abusing this and gave them  
11 examples.

12 **Q Was guest relations ever asked to track or**  
13 **tabulate events that your personnel thought were, at**  
14 **least, suspicious uses of the GAC?**

15 A No, we did not.

16 **Q The persons that were perpetrating this**  
17 **abuse, as you understood it to be happening,**  
18 **predominantly persons who had or represented mobility**  
19 **challenges?**

20 A As far as when they came in and said they  
21 needed help?

22 **Q Yes.**

23 A Again, we try not to question what mobility  
24 or what disabilities people have. So it's basically  
25 if someone comes in and says, I have a challenge

Steve Riggs  
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1 can do your best.

2 THE WITNESS: Actually, if you don't mind  
3 asking it again.

4 BY MR. DOGALI:

5 Q Is it your understanding that the DAS  
6 accommodates the special need of an autistic child in  
7 the park?

8 A Yes.

9 Q Why do you believe that?

10 A Because from what I know is someone who is  
11 autistic has a challenge waiting in queues, waiting  
12 with people like that. So this gives them an  
13 alternative instead of waiting in line with people,  
14 they can do something else instead of waiting in line.

15 For the time that these people would have  
16 waited in line, they can do other stuff. So they can  
17 do stuff to keep themselves occupied, busy, or even go  
18 on other attractions at the same time. So it keeps  
19 them busy, keeps them occupied, so they are not  
20 standing in one place or standing in line behind other  
21 people.

22 Q Has it always been your understanding that  
23 the fundamental need of an autistic child in the park  
24 is to be relieved of the line rather than to be  
25 relieved of an extended wait?

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1           A     The challenge -- and, again, this is just  
2     me -- is when you have somebody who is autistic, they  
3     have challenges waiting in line with other people,  
4     that they can -- sometimes they can start having their  
5     tantrums or whatever it might be, that they can hurt  
6     other people in line, they can have a meltdown. So by  
7     not having to wait in line, this gives them an  
8     alternative to do other stuff that will keep them busy  
9     and occupied so they will not be challenged to wait in  
10    line like all the other guests have to do. So this is  
11    a nice alternative for them.

12           **Q     Are there occasions when the guest relations**  
13    **personnel will suggest to autistic families how to use**  
14    **that time?**

15           A     One of our goals is to do planning,  
16    itinerary planning. So based off the guest, what they  
17    tell us they would like to do for the day, we'll look  
18    and see if we can help them set up what they might be  
19    able to do. So we might look at the map and start  
20    giving some ideals and direction on how they might be  
21    able to accomplish what they want to do for the day.

22           **Q     Are guest relations cast members actually**  
23    **trained to do that?**

24           A     It's just -- the good thing about guest  
25    relations cast members, they are hired in because of

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1 the passion of what they do. They really care about  
2 the guest. They usually have a very good  
3 understanding of the property or the park, so when  
4 somebody comes in with a question or has -- says this  
5 is what I want to do.

6 I wouldn't say we train them to do it, but  
7 they just innately come in with that ability because  
8 of their experiences already and their desire to be  
9 able to try and meet the needs of that guest. So they  
10 will look at it and based on what the guest tells  
11 them -- I'm sorry, I'm going fast -- what the guest  
12 tells them, then they will go ahead and try to plan  
13 out the day for them or give at least them advice on  
14 what the best route might be.

15 **Q Have you become familiar with situations in**  
16 **which an autism family has pushed back on the cast**  
17 **member by advising that just will not work for my**  
18 **autistic son or daughter? What happens next?**

19 MR. SCANLON: Objection as to vagueness as  
20 to, "what will not work."

21 BY MR. DOGALI:

22 **Q Do you understand my question?**

23 A So when you say, doesn't work, then I guess  
24 that would be the question. Because for us it does  
25 work. You know, understanding what's the best way to

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1 enter all the information again.

2 **Q Could a cast member retrieve that data by**  
3 **name?**

4 A No.

5 **Q What is magic file?**

6 A Talk about the -- it's the recovery file  
7 that we use for our guests.

8 **Q What do you mean by recovery file?**

9 A If we have a guest that comes in and maybe  
10 we're going to refund a ticket because they had a  
11 challenge or something -- actually, we won't refund  
12 but maybe do something with their ticket. Any time we  
13 give out some type of compensation, we like to go  
14 ahead and get the guest information and go ahead and  
15 report it in our magic file.

16 **Q Is every recipient of DAS in the magic file?**

17 A No.

18 **Q Is everyone who received FastPasses or**  
19 **re-admits in addition to their DAS in the magic file?**

20 A We should be putting that in the magic file.

21 **Q Why?**

22 A Because it's considered something different  
23 from the DAS, that this is more of additional  
24 assistance that we're giving a guest. Just as if  
25 we're giving some other kind of compensation or

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1 assistance, we like to track that.

2 **Q Are those FastPasses and re-admits**  
3 **considered additional accommodations for the person's**  
4 **need?**

5 MR. SCANLON: Objection to -- calling for a  
6 legal conclusion on the word "accommodations".

7 THE WITNESS: It's to assist the guest. If  
8 the guest, based off what they're telling us, if  
9 we decide that we think -- just like we would for  
10 any of other guest -- if because of their visit  
11 we can do something to help expedite the visit.  
12 Maybe because of how much time we spent with  
13 them, sometimes we make up time by giving them a  
14 FastPass or the re-add tickets to make up for the  
15 time we spent with them.

16 BY MR. DOGALI:

17 **Q When cast members are authorized to give out**  
18 **FastPasses or re-admits to someone who is not disabled**  
19 **and is not there about a DAS, does that go into the**  
20 **magic file?**

21 A Yes.

22 **Q When a return visitor comes in who received**  
23 **a DAS and some additional FastPass or re-admit, is the**  
24 **cast member instructed that there's a presumption**  
25 **they'll get the same thing again?**

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1           A     It really depends on the situation. Depends  
2 on -- for us at Magic Kingdom because people go to  
3 different parks. It would be a different story at a  
4 different park. It could be what was the attendance  
5 that day. Why did we give -- you know, it comes down  
6 to why we gave the additional FastPass or re-ad, and  
7 are those conditions the same or is it something  
8 different? So we really need to talk with the guest  
9 and find out if we need to do the same thing or if  
10 there's something better or different that we would  
11 do.

12           **Q     So they do not automatically give three**  
13 **FastPasses if that's what the person got last time?**

14           A     No. We like to at least find out why we  
15 gave those and see if, again, the condition is the  
16 same. For example, if it's a slower day, they might  
17 not need anything additional. Why did we give them  
18 out the last time? It might have just been because we  
19 took up more time. We felt like we took up a lot of  
20 time, and we want to try to make up for that time. So  
21 that's why we might have given it the first time.

22           **Q     Is there a list of persons who -- or for**  
23 **whom those additional items such as FastPass or**  
24 **re-admits are automatically issued a second time?**

25           A     Not that I'm aware of, no. We like to talk

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1 to each guest each time they come to find out what  
2 their needs are for that visit.

3 **Q Is there a category of person that when the**  
4 **magic file record comes up, that person is depicted as**  
5 **somebody who will automatically receive whatever they**  
6 **got last time in addition to a DAS?**

7 A No. I would say it's never automatic. We  
8 like to have ongoing discussions with each guest.

9 **Q Are your cast members when giving FastPasses**  
10 **or re-admits in addition to a DAS, trained to tell the**  
11 **guest that that's a one-time only accommodation?**

12 A I cannot speak for every interaction, but  
13 it's something that we encourage and let them know  
14 that this will help them for today. I'm not sure how  
15 the guest would perceive it or what they might think  
16 in the future.

17 **Q So the guest relations personnel are trained**  
18 **to advise the guest not to expect that FastPass or**  
19 **re-admit the next time?**

20 A I would not say trained. I think it's just  
21 something that is common practice that we tend to do.  
22 Just because we know we don't want a guest coming back  
23 next time expecting the same thing. So it's pretty  
24 common we just let them know that each time you come,  
25 please come by here and we'll discuss your needs to

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1 see what we can help you with.

2 Q Hypothetically, if my client goes to the  
3 Magic Kingdom tomorrow and comes to City Hall, he's  
4 received a DAS before. Can your cast member enter the  
5 name in the terminal and get information?

6 A Yes.

7 Q Including whatever it was he got last time?

8 A If it was entered in, yes, correct.

9 Q Any cast member can do that with his name,  
10 even if he does not have his old card?

11 A Correct.

12 Q What information will appear on that screen?

13 A It's basically to show what kind of services  
14 were given. So if a guest was issued three FastPasses  
15 to expedite their visit, it just depends on what the  
16 person enters in.

17 Q Will his photo be there?

18 A No.

19 Q Is there a group that has been meeting since  
20 the DAS was issued to review its effectiveness?

21 A I could not speak to that.

22 Q Do you -- have you ever heard that there is  
23 or isn't?

24 A No, I have not heard.

25 Q Are personnel in your chain of command the

Steve Riggs  
April 30, 2015

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1 A Right.

2 Q Is it your understanding that the DAS was  
3 intended to work for all persons with cognitive  
4 impairments?

5 A The idea of DAS was for current guests with  
6 disabilities who can't wait in a traditional line.

7 Q Did you talk specifically to Mr. Jones about  
8 that?

9 A No, I have not.  
10 (Exhibit No. 3 was marked for  
11 identification.)

12 Q I'll hand you a document that's marked as  
13 Exhibit 3. Do you remember ever seeing this chain of  
14 e-mails?

15 A I don't recall seeing it, but I see my name  
16 is on it. So at some point I'm sure I saw it.

17 Q The first page of the exhibit, there's this  
18 Friday, December, 29th, 8 a.m. That Steve Riggs  
19 there, that's you?

20 A Yes.

21 Q Andrea Cochran, is that Andie?

22 A Yes.

23 Q Who is Heather Havey?

24 A She's the -- she's one of the guest  
25 experience managers.

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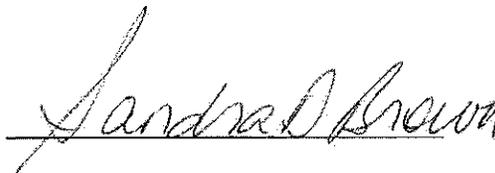
CERTIFICATE OF REPORTER

STATE OF FLORIDA:  
COUNTY OF ORANGE:

I, SANDRA D. BROWN, FPR, Court Reporter and Notary Public, certify that I was authorized to and did stenographically report the deposition of STEVE RIGGS; that a review of the transcript was requested, and that the foregoing transcript pages 4 through 111 is a true and accurate record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 12th day of June, 2015.



SANDRA D. BROWN, FPR  
Court Reporter

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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

- - -

A.L., BY AND THROUGH D.L., AS )  
NEXT FRIEND, PARENT AND NATURAL )  
GUARDIAN, AND D.L., INDIVIDUALLY, )

Plaintiffs, )

vs. ) Case No.:

WALT DISNEY PARKS AND RESORTS ) 6:14-CV-1544-ACC-GJK  
U.S., INC., )

Defendant. )

-----

DEPOSITION OF

MARK LEE JONES

LOS ANGELES, CALIFORNIA

JANUARY 27, 2015

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
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REPORTED BY: LAWRENCE SCHUMACHER, CSR NO. 1464

FILE NO.: A80DE99

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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

- - -

A.L., BY AND THROUGH D.L., AS )  
NEXT FRIEND, PARENT AND NATURAL )  
GUARDIAN, AND D.L., INDIVIDUALLY,) )  
Plaintiffs, )

vs. ) Case No.:

WALT DISNEY PARKS AND RESORTS ) 6:14-CV-1544-ACC-GJK  
U.S., INC., )  
Defendant. )

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Deposition of MARK LEE JONES, taken on behalf of  
Plaintiffs, at 1999 Avenue of the Stars, Suite 1600,  
Los Angeles, California, commencing at 9:10 A.M.,  
Tuesday, January 27, 2015, before LAWRENCE SCHUMACHER,  
CSR No. 1464.

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A P P E A R A N C E S :

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I N D E X

WITNESS: MARK LEE JONES

EXAMINATION	PAGE
By Mr. Dogali	6

EXHIBITS

LETTER	DESCRIPTION	PAGE
1	Letter to "Hi All" from "[REDACTED]"	102
2	Email dated Wednesday, November 06, 2013 8:25 A.M., From: [REDACTED] To: WDW.Guest.Communications@disneyworld.com	123
3(1-4)	Email chain, the first of which is dated Dec 20, 2013, 10:18 A.M. from [REDACTED] to Mark Jones	124
4	Email chain, the first of which is dated Friday, January 10, 2014 6:43 P.M. From: Mark Jones To: [REDACTED]	126
5	Email dated Thursday, October 02, 2014 8:28 A.M. From: Contact Us [forms@apps.registeredsite.com] To: Disabled Guest	130
6(1-3)	Document headed "Denise's List-Yahoo Groups"	132
7	Email dated Tuesday, October 08, 2013 1:36:38 P.M. From: Disability Services Disney Parks	138

1 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

2 PAGE LINE

3 37 17

4 41 13

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7 INFORMATION TO BE SUPPLIED:

8 (NONE)

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MARK LEE JONES

having first been duly sworn in  
accordance with CCP Section 2094,  
was examined and testified as  
follows:

EXAMINATION

BY MR. DOGALI:

Q. Good morning, sir.

A. Good morning.

Q. Can you start by stating your full name please?

A. Sure. My name is Mark Lee Jones.

Q. And who's your employer?

A. I work for Walt Disney Parks and Resorts.

Q. What's the precise name of that entity that  
employs you?

A. Walt Disney Parks and Resorts U.S. perhaps. I  
don't know the official name, but it's Walt Disney Parks  
and Resorts is how I identify my employer.

Q. I think I kind of know the answer to this one,  
but have you ever given a deposition before?

A. Yes.

Q. How many times?

A. One time.

Q. The one I attended?

1 A. Yes.

2 Q. Do you recall that one was -- was that one in a  
3 corporate representative capacity?

4 A. No, I don't believe so.

5 Q. Do you understand you're being deposed  
6 individually today as Mark Jones and not as a  
7 representative of Disney?

8 A. Yes.

9 Q. As was the case before, you're the guest of  
10 honor today, so if you need any breaks, holler, and  
11 you're entitled to all you need.

12 If I ask things that are unintelligible I  
13 encourage you to throw something at me or let me know  
14 that, and I will do my best.

15 Does that seem fair?

16 A. It does.

17 Q. How long have you been employed by the entity  
18 that currently employs you?

19 A. I've been with the company officially 17 years  
20 full time.

21 Q. Always employed by that same entity?

22 A. Yes.

23 Q. When -- what were your duties when you started  
24 17 years ago?

25 A. When I started I assisted in the establishment

1 of our program in delivering sign language interpretation  
2 to our guests visiting our theme parks and other events  
3 at the resorts in Florida that required interpretation  
4 for their -- for their experience.

5 Q. Your duties always encompassed, in one way or  
6 another, accessibility for disabled persons at the parks?

7 A. Yes.

8 Q. And as you -- well, strike that.

9 When you started out you were based in Florida?

10 A. Yes.

11 Q. For how long was that the case?

12 A. I was in Florida for approximately 12 years.

13 Q. Maybe five plus or minus years ago you moved to  
14 California?

15 A. Correct.

16 Q. Prior to doing so did your responsibilities  
17 encompass Disneyland as well as Disney World?

18 A. They did not officially encompass Disneyland.

19 Q. When you moved to California did they then  
20 encompass both parks -- both resorts?

21 A. Yes.

22 Q. What is your current title?

23 A. My current title is Manager, Domestic Services  
24 for Guests with Disabilities.

25 Q. Was that the title five years ago when you

1 relocated to Florida?

2 MR. SCANLON: Relocated --

3 MR. DOGALI: To California. I apologize.

4 THE WITNESS: Yes.

5 BY MR. DOGALI:

6 Q. To whom do you report?

7 A. Are you looking for the name of my immediate  
8 leader?

9 Q. Yes.

10 A. Okay, my immediate leader's name is Randy,  
11 R A N D Y, last name is Bevan, B E V A N.

12 Q. Is Randy a male?

13 A. Yes.

14 Q. What is Mr. Bevan's title?

15 A. I don't know that I know the exact title that he  
16 has, but he is the manager of Worldwide Analysis and  
17 Accessibility, I believe. And that's just -- it's  
18 something similar to that.

19 Q. Who is Mr. Bevan's leader?

20 A. Randy reports to Greg Hale. Greg, G R E G, last  
21 name Hale, H A L E.

22 Q. How many persons report to you as their leader?

23 A. I have three individuals that report to me.

24 Q. Who are they?

25 A. I have a Guest Service Manager, and I assume you

1 DAS there was a -- there were individuals out there who  
2 were not happy about what it was going to be. A report,  
3 though? I don't recall seeing a report that I would have  
4 received.

5 Q. Has Disney ever studied or analyzed the impact  
6 of the DAS on different guests within the autism  
7 spectrum?

8 MR. SCANLON: He's not appearing as a 30(b)6  
9 witness.

10 I caution you to -- when you answer a question  
11 that has Disney looked at something, given the size of  
12 the company as you testified.

13 THE WITNESS: Ask your question again please.

14 MR. DOGALI: That's a fair objection.

15 Q. Have you become aware or reached an  
16 understanding that Disney has ever studied the  
17 differential impact of the DAS on different guests within  
18 the autism spectrum?

19 A. No.

20 Q. If Disney's ever done that who would know?

21 A. I -- I'm only guessing on this, but that might  
22 fall into the -- the Industrial Engineering scope of  
23 responsibility since they do a lot of studies.

24 Q. It really is a guess on your part --

25 A. I'm guessing.

1 months the number of guests for whom your department  
2 exists is on a downward trend?

3 A. No.

4 Q. How many disabled guests attend the park a day?

5 A. I don't know. We -- we don't even track that.

6 Q. When a guest visits Guest Relations -- let's  
7 start for any purpose -- are they on video?

8 A. On video?

9 Q. Yes.

10 A. I don't think so. I -- I don't know. I don't  
11 think so, though.

12 Meaning cameras mounted in Guest Relations that  
13 videotapes the interaction specifically --

14 Q. Yes.

15 A. -- to the audio and the whole part of the  
16 interaction?

17 Q. Yes.

18 A. I don't think so. I don't know. I don't think  
19 so, though.

20 Q. There's video cameras that record the entrance  
21 area to the parks.

22 Is that true?

23 A. It's not my expertise but I think so.

24 Q. Who heads Guest Relations at Disneyland?

25 A. Let me think about who that would be.

1 A. Are autistic children disabled?

2 Q. I don't know. I asked you for an answer, not a  
3 question.

4 A. Okay. Well -- well, assuming that somebody with  
5 autism is needing a service, and assuming they have a  
6 disability, then -- then certainly Guest Relations is  
7 going to work with them individually. They're not going  
8 to only help somebody with autism and not help somebody  
9 in a wheelchair. Not -- they're going to help anybody  
10 with a question, whether they have a disability need or  
11 not. And that service is going to be offered  
12 individually and not categorized just because somebody  
13 might say they have a particular disability. The service  
14 that they might receive is not based on because they have  
15 a certain disability, it's based on what service they  
16 need or request from Guest Relations.

17 And again, back to -- I was speaking to

18 [REDACTED] knowing she [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED]. That is her knowledge base.

22 Q. Read the subparagraph 5.b., if you would.  
23 Apparently her efforts to recount what you and she  
24 discussed.

25 (Pause in proceedings.)

1 the same question: Does it appear to accurately reflect  
2 the discussion you had with [REDACTED]?

3 (Pause in proceedings.)

4 A. No.

5 Q. In what respect?

6 A. Well, again, because I was talking to [REDACTED]  
7 and [REDACTED] was [REDACTED]  
8 [REDACTED], I certainly made her  
9 aware that we had been training our cast members in how  
10 the new DAS process would work out and how they would  
11 assist our guests with any disability, including, in her  
12 case, her audience: those with autism.

13 Q. I'm not sure I understand. Is the idea that you  
14 would not have specifically told her, "They've been  
15 specifically trained about assisting those with cognitive  
16 disabilities"?

17 A. Correct, they would not have been trained.  
18 There was not a (sic) autism cognitive training that  
19 anybody received. They received the general training  
20 about DAS and using DAS and issuing DAS for guests with  
21 disabilities, whatever that disability might be.

22 Q. No. 9, if you would.

23 (Pause in proceedings.)

24 Does that appear to accurately reflect a  
25 conversation you had with [REDACTED]?

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REPORTER'S CERTIFICATE

I, LAWRENCE SCHUMACHER, CSR No. 1464, Certified  
Shorthand Reporter, certify:

That the foregoing proceedings were taken before me  
at the time and place therein set forth, at which time  
the witness was put under oath by me;

That the testimony of the witness, the questions  
propounded, and all objections and statements made at the  
time of the examination were recorded stenographically by  
me and were thereafter transcribed;

That the foregoing is a true and correct transcript  
of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the laws of  
California that the foregoing is true and correct.

Dated this 6th day of February, 2015.

*Lawrence Schumacher*



LAWRENCE SCHUMACHER, CSR No. 1464

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, LAWRENCE SCHUMACHER, CSR No. 1464, a Certified Shorthand Reporter in the State of California, certify that the foregoing pages 1 through 143, constitute a true and correct copy of the original deposition of MARK LEE JONES taken on January 27, 2015.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 6th day of February, 2015.



\_\_\_\_\_  
LAWRENCE SCHUMACHER, CSR No. 1464

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DEPOSITION TRANSCRIPT CORRECTION SHEET

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE/CORRECTION</u>
<u>24</u>	<u>1</u>	<u>team = theme</u>
<u>24</u>	<u>3</u>	<u>and = at</u>
<u>47</u>	<u>11</u>	<u>any = in a</u>
<u>47</u>	<u>11</u>	<u>They = If they</u>
<u>61</u>	<u>20</u>	<u>your = their</u>
<u>68</u>	<u>19</u>	<u>use = do</u>
<u>78</u>	<u>6</u>	<u>rule = role</u>
<u>81</u>	<u>22</u>	<u>use = abuse</u>
<u>83</u>	<u>10</u>	<u>Focus = focuses on</u>
<u>84</u>	<u>1</u>	<u>sgd = SGD</u>
<u>86</u>	<u>23</u>	<u>term of art ???</u>
<u>92</u>	<u>4</u>	<u>and = to</u>
<u>94</u>	<u>23</u>	<u>life = life and</u>
<u>95</u>	<u>19</u>	<u>direct = directly</u>
<u>112</u>	<u>2</u>	<u>him = her</u>
<u>114</u>	<u>9</u>	<u>Not</u>
<u>127</u>	<u>4</u>	<u>I said = I didn't say</u>
<u>134</u>	<u>9</u>	<u>offerings = organizations</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

*Mark Lee Jones*

Mark Lee Jones

3/31/15

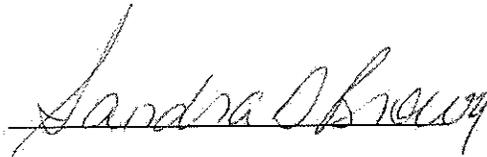
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CERTIFICATE OF OATH

STATE OF FLORIDA:  
COUNTY OF ORANGE:

I, SANDRA D. BROWN, FPR, Court Reporter and Notary Public,  
State of Florida, certify that STEVE RIGGS personally  
appeared before me on April 30, 2015, and was duly sworn.

Signed this 12th day of June, 2015.



SANDRA D. BROWN, FPR  
Notary Public - State of Florida  
COMMISSION NO.: FF 032582  
COMMISSION EXPIRES:  
July 14, 2017