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BROWARD METRO EDITION

Lawsuit on arena accessibility for disabled is dropped

Dismissal called a victory for Panthers, architect

By LARRY LEBOWITZ
Business Writer

An attorney representing disabled sports fans on Thursday dropped a federal lawsuit against the Florida Panthers over handicapped accessibility and sightlines at the new Broward arena.

The dismissal was a major victory for the Florida Panthers Holdings and the arena architects, Ellerbee Becket Sports of Kansas City, Mo., who have been accused of violating the Americans with Disabilities Act.

"They realized they didn't have a case," said Stanley Wakshalg, who represented Panthers Holdings and its chairman, H. Wayne Huizenga, in the lawsuit.

Attorney Michael F. Lanham filed the suit in September 1996 – before the initial construction drawings were complete – on behalf of 9-year old Timothy Johanson, who has cerebral palsy; Johanson's father, Walter, and 13-year old Veronica Juliano, who has muscular dystrophy.

The case was slated for trial in March and was in the midst of pretrial depositions. Lanham decided to drop the case after a mediation session on Thursday.

Unlike federal ADA lawsuits in other cities with new Ellerbee Becket arenas, the Broward County case was not backed by the influential Paralyzed Veterans Association local chapter. The veterans group filed suits against Ellerbee Becket arenas in Buffalo, Philadelphia and Washington, D.C.. Ellerbee Becket's headquarters, based in Minneapolis, also is fighting a sweeping lawsuit brought by the U.S. Department of Justice Department.

Panthers Holdings and Huizenga attempted to defuse the fight from the onset. They hired Kevin G. McGuire, Chairman and CEO of McGuire Associates, Inc. from New York. McGuire specializes in ADA issues for public assembly buildings and invited a cross-section of disabled people to discuss the early plans. The Huizenga organization asked the veterans group to comment on the early version of the plan.

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In late December, lawyers with the U.S. Justice Department's Disability Rights Section who had reviewed the drawings said the Broward Arena could be "a model of accessibility" for new areas nationwide.

The arena, scheduled to open in October 1998, will include 356 spaces for wheelchair patrons, each accompanied by an able-bodied companion, in a variety of price ranges and vantage points throughout the arena. Developers say wheelchair patrons will be able to see the ice when spectators in front of them stand.

The dismissal is to be filed this morning before Federal Magistrate Barry Seltzer in Fort Lauderdale. Both sides have reserved the right to seek legal fees.