

### Sheppard Mullin And Disability Rights Advocates Prevail On Appeal For New York City Subway Riders With Disabilities

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Sheppard, Mullin, Richter & Hampton LLP is pleased to announce that a panel of four judges from New York's Appellate Division unanimously affirmed a ruling by the lower Court, decided almost exactly a year ago, denying motions to dismiss by the Metropolitan Transportation Authority (MTA) and the City of New York (the City) in a case seeking to hold those entities accountable under the New York City Human Rights law for the widespread inaccessibility of the New York City subway system. The firm has been working on this case on a pro bono basis since 2017 as co-counsel with Disability Rights Advocates (DRA), one of the leading nonprofit disability rights legal centers in the nation.

"We are not surprised by the appellate court's decision holding that our clients' claims concerning the lack of accessible subways can proceed under our State's Human Rights Law," said Dan Brown, Sheppard Mullin litigator and Pro Bono Partner. "It's a great decision for all New Yorkers and its visitors, particularly those with disabilities, and for all who seek justice."

#### Background on the Case

Sheppard Mullin, DRA and several other disability rights groups filed a class action lawsuit in April 2017 alleging the MTA and the City were discriminating against subway riders with disabilities by maintaining a vastly inaccessible subway system. Only 25 percent of the New York City subway's 472 stations provide stair-free access, therefore the MTA excludes hundreds of thousands of New Yorkers with mobility disabilities each day from this vital transit system.

The MTA had argued that it was not subject to the City's anti-discrimination law and that the suit was barred by a statute of limitations because the subway system was built decades ago. The Appellate Court found otherwise, noting, "the lack of access to the subway system, a place of public accommodation, continues every time a person seeks to use the subway system, but is prevented from doing so based upon their physical disability."

[Click here](#) to read the DRA's press release.

[Click here](#) for a copy of the Court's decision.

#### Attorneys

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