

For the International Municipal Lawyer's Association - IMLA's 5 things to know for March 21st

1. Today the 8th Circuit reviewed a decision dismissing an ADA claim and affirmed the decision that the Plaintiff had not overcome the owner's proof that the costs of rendering an old building accessible was prohibitive. The Plaintiff claims to have been interested in meeting with a medical professional having offices in the building. The medical professional only accepted patients by appointment and the Plaintiff had none, but drove by and could see he couldn't access the building. Nevertheless, the court found the Plaintiff had standing, but that the costs of correction were prohibitive.

<http://media.ca8.uscourts.gov/opndir/18/03/161759P.pdf>

2. Here's a case that proves having a lawyer can be important. The Plaintiff sued a school board for discrimination, but apparently the district was the proper party. The lower court dismissed the case. With an attorney on appeal, the Plaintiff convinced the circuit panel that the lower court should allow the Plaintiff to amend. To be candid, from a practice standpoint, it probably would have made sense to agree to remand and allow an amendment once the Plaintiff had counsel.

<http://media.ca11.uscourts.gov/opinions/pub/files/201616018.pdf>

3. In Woburn Massachusetts, the City Attorney weighed in on a preemption issue involving Electro Magnetic Fields and a proposal to bury an electric line under the city's highways. The state had already weighed in and considered the EMF issue. Woburn's city attorney took the reins to protect her client by alerting the council to the preemption issue and hopefully saved the city thousands of dollars in litigation costs.

http://homenewshere.com/daily_times_chronicle/news/woburn/article_5cbb836e-2c6c-11e8-b429-6b33823f0124.html

4. In Baltimore, the City is defending its food truck regulations against a challenge mounted by the Institute of Justice a libertarian organization that challenges hundreds of government regulations. In this case a court concluded that a rule limiting food trucks from operating within 300 feet of an existing restaurant was "vague". Maybe the judge was looking for a restriction in meters?

<http://www.baltimoresun.com/entertainment/dining/bs-md-ci-food-truck-win-20180319-story.html>

5. Last but not least, in a case that proves the extent to which attorneys fees drive litigation in the civil rights arena – rather than the rights of those litigants – the Supreme Court at conference Friday will consider whether a litigant can continue a suit for nominal damages and attorneys fees in a suit challenging an ordinance that was never enforced and one that has been repealed. We don't make this stuff up and that's why there are links on our website to the sources for these podcasts.

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/17-869.html>

Join over 300 of your colleagues at the IMLA Seminar and Section 1983 defense program. Two people almost died in this year's Iditarod stranded on the ice and holed up against 50 mile per hour winds in temperatures cold enough to kill. Hear Gunnar Johnson talk about leadership lessons he learned from last year's Iditarod during our CLOF program on Sunday. Get more from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org . Have a great day and make it an inspirational one.