



Suit: Zygomates Snubs Disabled

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By Donna Goodison
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At 26, Jeffrey Smith is a young man who likes to stay active.

But a 1997 car accident that left him with a brain injury and wheelchair-bound makes that difficult at Les Zygomates, the East Wareham man contends in a lawsuit filed last week in federal district court.

Smith, who is suing the Boston wine bar and bistro for alleged violations of the 1990 Americans With Disabilities Act, says he was unable to patronize Les Zygomates because it lacked a wheelchair-accessible entrance.

The lawsuit is one of a slew of similar suits filed by Smith in the last few years against eateries and hotels.

Other suits are pending against Sam LaGrassa's and a Howard Johnson hotel in Boston, Davy's Locker and Days Inn in New Bedford, and a Swansea McDonald's.

A paraplegic, Smith has limited use of his arms and hands. He can stand, but can't walk and relies on an electric wheelchair to get around.

He's become an activist for the disabled as a result, according to his attorney, Nicholas Guerrera. His goal is to force ADA-compliance.

There are no claims for damages, Guerrera said. For Jeffrey, the issue is not money.

In 2002, Smith sued the Red Sox [team stats] for alleged ADA violations, saying architectural barriers prevented physically disabled people from visiting Fenway Park [map].

As part of a 2004 settlement, the Red Sox created a Ballpark Access Committee to improve accessibility and named Smith a member.

The ADA states no one shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities . . . or accommodations of any . . . public accommodation.


It's pure and simple discrimination when we don't allow certain people in buildings because they can't get into (them), said Myra Berloff, director of the Massachusetts Office on Disability.

Smith's suit also points to other alleged ADA infractions at Les Zygomates, including non-compliant seating and inaccessible restrooms.

Owner Ian Just could not be reached for comment.

Typically, restaurant owners are eager to bring their places into compliance, Guerrera said.

It's usually not something that's deliberately overlooked, but sometimes it requires a lawsuit to bring the problem to their attention, he said.

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