



Pizza shop owner says he's wrongly targeted in lawsuit

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September 05, 2008 02:06 am

SALEM — The owner of a pizza shop named in a federal lawsuit said he is being unfairly targeted by the man suing his landlord for better handicapped access.

"This guy never came into our restaurant," said Brian Schofield, owner of Wicked Cheesy Pizza at 327 S. Broadway. "He never came in to see a manager."

Schofield's landlord, 327 South Broadway LLC, is being sued in U.S. District Court by a Dracut man who claims the building violates the Americans With Disabilities Act.

Dino Theodore, 48, a lawyer with the Massachusetts Department of Industrial Accidents in Lawrence, filed the lawsuit against that building's owners and those of neighboring 344-346 S. Broadway in late August.

Schofield, who rents the building, said this week he is being unfairly named in the lawsuit. He said he has complied with all town building codes.

"We've done our part to comply and be handicap accessible," Schofield said. "I guess he's nit-picking. We have ramps, railings and access to the inside of the store."

Had Theodore come into the restaurant and mentioned there was a problem, it would have been addressed, Schofield said.

"He should have come to us and said, 'Hey, I'd like to (come into) your establishment. What can you do?'" Schofield said. "I think he's just going to businesses that are just not fitting his needs and suing them. I could see if he came to us and said, 'I can't get through your door' and I said, 'Too bad, I have my owner occupancy permit.' But no, that wasn't the case. He never contacted us at all."

Schofield said he started his family-oriented business six months ago.

"We serve pizza, we have a (Nintendo) Wii game center," he said. "It's a very family-oriented atmosphere."

Theodore's lawyer, Nicholas Guerrero, said he didn't know Schofield was only a tenant. The lawsuit says the limited liability company owns and operates the pizza shop.

"It's not my intention to damage people's business," Guerrero said.

But Guerrero defended his client and his lawsuit. He said Theodore previously filed a similar lawsuit against Hooter's, which used to occupy the space. That should have been notice enough, according to Guerrero.

After the lawsuit was the subject of an earlier newspaper story, Schofield said, customers have called and said they won't patronize his restaurant. He said people should know his building meets ADA regulations.

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