

'The Sheriff'

He left Poland at 12, with his sister and his grandmother. It was 1982; their homeland was a Soviet bloc country. Back then his name was Jaroslaw. Back then he could walk.

The three of them ended up outside of Los Angeles near his parents, who had settled there several years earlier. Jaroslaw Molski went to school. Years went by. And then he turned 18.

Three weeks later, on June 22, 1988, Molski was riding his motorcycle northbound on I-5 near Fresno. A man named Danny Ray Murphy was driving a semi truck the same direction. And about 20 miles north of where Highway 41 intersects the interstate, the two men smashed into each other.

Because there are no records of the accident, it's unclear what really happened on that day: The CHP purges their files every 10 years; the federal agency that collects information on trucking accidents only has records back to 1996.

The company that owned the truck, ME Taylors in Baytown, Tex., doesn't keep accident reports that far back, and the only person who could have remembered the wreck, the company's founder, passed away several years ago.

Additionally, the truck driver and the first two California Highway Patrol officers on the scene have all retired and either died or disappeared.

In the tangled aftermath of the accident, three things are known. First, the accident did irreparable damage to Molski's spinal cord, somewhere in the middle of his back, and left him a paraplegic: he cannot use his legs; he uses a urine bag.

Second, after the accident, Molski sued the truck company and its driver for between \$4.4 million and \$5.5 million. No one knows how much he actually got: Days before they went to trial in March 1990, the two sides settled.

Lastly, that one, seemingly mundane I-5 collision would someday affect thousands of people around the state. Ten years after the accident — almost to the exact day — Molski filed his first disability access lawsuit in federal court and his story with the rest of California began.

To date, Molski and his lawyers have filed 387 similar suits — about 95 against Central Coast businesses alone.

Each lawsuit chronicles a similar pattern: Molski — who often calls himself "The Sheriff" in court documents — says he recently visited the site, tried to open a door, or use a wheelchair ramp, or transfer onto a toilet, and has suffered mental, emotional, and physical harm because the facilities did not meet guidelines set by the Americans with Disabilities Act (ADA) of 1990.

Each suit claims damages of around \$4,000 a day until the violations are corrected. In actuality, Molski collects much less. Here on the Central Coast for instance, he often sends letters to defendants offering to settle for \$40,000; subsequent negotiations often cut that amount in half.

Of his suits filed between Paso Robles and Santa Ynez, Molski has settled two-thirds for an estimated \$1.2 million.

In a deposition in 2004 with a local winery's lawyer — whose name *New Times* has agreed to keep confidential — Molski admitted that his suits often stem from anger — specifically when he's excluded from doing something.

"[I'm angry because] I had to struggle with the door," he told the lawyer. "[This] was a very fancy wine tasting place that had this type of an entry for its disabled patrons. You know, I've lived many years

using a wheelchair and this kind of stuff really, really bothers me."

What do you mean by "stuff"? the lawyer asked.

"This type of a barrier. That someone would put some cheesy ramp like that in front of their fancy building simply so that they can say that their facility is wheelchair accessible, which in reality, it is not."

Molski was unavailable for further comment: He won't speak to the press. He gave two interviews in early 2004 — one to

dants' lawyers claim there's been hard feelings since Molski's parents left him and his sister in Poland.

Molski himself admits things haven't always been good between other family members. While under oath in 2004, he described his uncle's newly remodeled home and a disagreement he had with his aunt over the lack of wheelchair access. Quickly, Molski said, the argument got very heated and his step-cousin, Aurea "Candy" Mendez, got involved.

But he allegedly still had contact with that step-cousin: In a deposition, a lawyer for a Paso Robles winery says Molski's restraining order was renewed in 1999 after Mendez claimed he followed her car, pulled up next to her at a light, and said, "There she is, the fucking Mexican bitch," before driving away — charges that Molski denies.

In 1998, Molski met a woman from Illinois, Brygida Fluksa. Soon after they met, Brygida changed her last name to Molski. Despite that, Jarek still calls her his girlfriend. When questioned under oath, he denies that she's a relative, swears that they're not married, and insists it's legally her name.

By 2001, Molski had graduated with a law degree from UC San Diego, and was admitted to both the Washington state bar and the U.S. Tax Court. Since then, he has never been admitted to practice law in California. He has never had a law office. He has never made any money practicing law. In fact, he hasn't had a job since before his accident.

However, the same year he met Brygida, Molski bought a house in the middle-class suburb of Woodland Hills, just north of Los Angeles. It's a modest home, tucked into the back corner of a cul-de-sac, 2,262 square feet; three bedrooms, three baths; recently appraised at about \$407,000.

Sitting in front of the house is the faded blue Jeep Cherokee that Molski often takes to Central Coast wineries with Brygida and Stephania Kopera — Molski's grandmother, who lives at his house and in Poland. The red Mitsubishi Eclipse Molski sometimes drives sits in the driveway in front of a large set of ornamental iron gates. Behind the gates, an all-black Labrador-type dog barks at visitors who knock on the front door.

That's also where an older woman — most likely Kopera — appears in response to the knocking and tells visitors that Jarek isn't home, and won't be home until late.

There is no grass in the tiny front yard. A hose snakes over the dirt and waters a head-high, leafless tree.

One of Jarek's neighbors, who asked *New Times* to not use his name, described Molski as a friendly, quiet man who didn't come out much.

His other neighbors either didn't want to talk or just didn't have anything to say about a man they rarely see and have never talked to.

Which could be because Molski is a fairly self-conscious man: In that 2004 deposition, the lawyer asked if it caused Molski pain to put his wine glass on a head-high tasting counter. No, Molski answered. What about fatigue, stress, or strain? No, Molski said, it was embarrassing. Did Brygida or anyone else laugh at you? the lawyer asked.

"People stare at me whenever I — this is not just this winery," Molski responded.

"People basically look at this small little guy at this big counter with his hand like this, you know, 80 degrees up or whatnot, holding onto his glass, and I just look stupid."

What it costs, why they sue

On Aug. 18, 2003, Jarek Molski filed his first ADA lawsuits against San Luis Obispo County businesses. Four months later, he filed his first northern Santa Barbara County suit, against Firestone Vineyard in Los Olivos.

Over the next year, he sued apparently random groups of restaurants, wineries, and bowling alleys. First a smattering of Los Olivos and Solvang vineyards and cafés. Then some Five Cities and Cambrian

Wheels of fortune



Jarek Molski, a man with a troubled past, has settled about half of his Central Coast lawsuits for an estimated \$1.2 million.

BY ABRAHAM HYATT

David Goldstein, an investigative reporter at KCBS in L.A.; and one to the *Lompoc Record* — but since then he's turned down every request to talk, either directly or through his lawyer.

Still, some facts about Molski are known. First, there's the name: By 1996, Jaroslaw had become Jarek, as part of his citizenship process.

And then there was his relationship with his family. Investigators hired by defen-

"At some point I wasn't even having a discussion with her but with her mom, and she came to me and started beating me on my face and I fell from my wheelchair," he said.

Molski filed a restraining order against Mendez; one week later, she filed one against him, counter-claiming that the two fought because she wouldn't "do drugs or party" with him. Molski said he never went to his uncle's house again.

restaurants. Then Morro Bay. Back up to Paso Robles for more wineries. Down to Solvang for more restaurants.

By the end of 2005, Molski had sued about 95 businesses between Santa Ynez and Paso Robles.

A very small percentage of them, like Bill Mosby, winemaker/owner of Mosby winery in Buellton, are fighting those suits: "We're not going to settle. It's legalized extortion," Mosby said. "Morally I can't go along with that."

Five other businesses have also fought their lawsuits, and had federal judges throw the cases out. Since then Molski had refiled two of those suits in county courts.

But for most businesses, fighting wasn't an option, mainly for financial reasons. Today, more than 60 of the companies Molski sued have settled for an estimated total of \$1.2 million. That doesn't include lawyer fees and it doesn't include the cost of remodeling — which is often far more expensive than the settlement itself.

Many businesses were unwilling to provide *New Times* with the amount of their settlement, citing confidentiality agreements. However, other businesses were happy to name a number. Those businesses also confirmed that a vast majority of companies in each geographic area had settled for a similar amount.

The range was wide: One suit was settled for \$5,000; two others for \$40,000. But the majority of settlement agreements were reportedly within a few thousand dollars of \$20,000.

For this story, *New Times* called every business in San Luis Obispo and northern Santa Barbara counties that had been targeted by Molski. And even though their suits were a year old, many owners and managers were still angry. Over the phone, they questioned Molski's motives and railed against what they saw as a sneak attack. More often than not, they cursed him.

"He's a pariah. And you can quote that," said the owner of Paso Robles' Hunt Winery, Brian Hunt, who's disabled himself.

Other businesses talked about how they would have gladly remodeled, if only Molski had given them time to change before suing.

"We want to do the right thing, we took corrective action and that cost us a lot. But it was the right thing to do," said Kerry Vix, general manager at EOS Winery in Paso Robles. "It's being financially penalized when we've made the changes — that's not fair."

But those who file ADA suits don't agree.

Julia Adams works as a lawyer for Thomas Frankovich, Molski's attorney. Earlier this year she gave an interview on San Francisco's KSFU about the ADA litigation she's involved with. When asked why plaintiffs don't simply ask businesses to change instead of suing, Adams said most companies will only respond to a lawsuit.

"The way the law is set up, it's set up for private litigation," she said. "The only way change is going to be made is for people who are experiencing barriers and experiencing this discrimination to come forward."

Patrick Connally agrees: "They've got us up against the wall," he told *New Times*.

In 1996 Connally started a nonprofit with a long-winded name: Disability Rights, Education, Enforcement, Services: Helping You Help Others (DREES). Connally and several of his board members have used Frankovich and other lawyers to individually file hundreds of ADA suits around the state.



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Jarek Molski, litigant



'These lawsuits [are] a cottage industry. A small number of people have found a way to earn enormous sums of money through extortion.'

Assemblyman Sam Blakeslee



Images courtesy of KCBS-TV

DREES is also listed as an "organizational plaintiff" on the vast majority of suits Molski has filed over the last two years.

To show why a less aggressive attitude doesn't work, Connally described the last two access-education workshops DREES held for Bay Area businesses: Last year, he said, they called every motel and hotel in the yellow pages but no one showed up. This year's event took place on May 11 at the Marin County Fairgrounds. Connally said they called every restaurant in Marin and Richmond, and again, no one responded.

"Businesses aren't interested," he said.

Despite those arguments, pending legislation in Sacramento would create a grace period between when a company was informed of an ADA violation and when it could be sued. The bill, AB 20, was introduced by Tim Leslie, R-Tahoe City, and would also prevent a plaintiff from winning money in a lawsuit if the ADA violations didn't affect the use of a business.

Both local lawmakers — Assemblyman Sam Blakeslee, R-San Luis Obispo, and Senator Abel Maldonado, R-Santa Maria — have signed on as co-authors of AB 20.

Adams, with Frankovich's office, thinks that in principle, AB 20 has some good ideas. She acknowledges that even though the ADA has been around since 1990, many businesses are just now realizing what needs to be done to come into compliance. For them, she told her interviewer on KSFU, a notice period is a good idea.

"However, to then say that an individual shouldn't be able to recover damages, that doesn't do anything to further the law," she said. "People aren't going to bring litigation against businesses if they aren't going to get something in return, besides the accessibility."

"[That's] because they then have to live in those communities," she continued. "There has to be something in it for them that makes them want to tangle with businesses in their own backyard."

Assemblyman Blakeslee described that response as "disingenuous and self-serving."

"It's clear from looking at these lawsuits that this is a cottage industry. A small number of people have found a way to earn enormous sums of money through extortion," he said.

He said AB 20 would target these "drive-by plaintiffs" who don't live in the towns they sue, while protecting individuals in local communities who file legitimate access lawsuits.

"We all want to protect the disabled," he said, "but these lawsuits don't accomplish that."

No matter what happens with Blakeslee's legislation, or with the rest of Molski's federal lawsuits, DREES' Connally isn't worried about the future of ADA lawsuits. Like Adams, he often refers to the fight for disabled access as a civil rights battle.

He firmly believes that his and Molski's and Adams' and others' activism in and out of the courts is making a better world for himself and his disabled friends. And even beyond that: Connally likes to point out that most people reading this article will someday either become disabled or will take care of a loved one who becomes disabled. We're struggling for a better lifestyle for all of us, he said.

"We've had a good fight," he said. "It doesn't matter who wins or loses. We've made our place in history." Δ

Staff Writer Abraham Hyatt can be reached at ahyatt@newtimeslo.com. Santa Maria Sun Staff Writer Andrew Parker and News Editor Andrea Rooks contributed reporting for this story.