

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

SPENCER NEAL,

Plaintiff,

vs.

OHIO EXPOSITIONS COMMISSION,  
c/o ADAM HEFFRON, EXECUTIVE  
DIRECTOR,

Defendant,

&

STATE OF OHIO,  
c/o DAVE YOST, OHIO ATTORNEY  
GENERAL,

Defendant.

CASE NO.: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**FIRST AMENDED COMPLAINT FOR  
INJUNCTIVE RELIEF AND DAMAGES:**

**1ST CAUSE OF ACTION:** For Denial of  
Access in Violation of the Americans with  
Disability Act (“title II” and “ADA”), 42.  
U.S.C. §§ 12131 *et seq*, and its implementing  
regulation, 28 C.F.R. Part 35.

**2ND CAUSE OF ACTION:** For Denial of  
Access in Violation of the Americans with  
Disability Act (“title III” and “ADA”), 42.  
U.S.C. §§ 12181 *et seq*, and its implementing  
regulation, 28 C.F.R. Part 36.

**3RD CAUSE OF ACTION:** For Denial of  
Access in Violation of § 504 of the  
Rehabilitation Act of 1973, as amended, 29  
U.S.C. § 701, *et seq*.

**4TH CAUSE OF ACTION:** For Denial of  
Access by a Public Accommodation in  
Violation of Ohio Revised Code 4112.02, *et  
seq*.

**5TH CAUSE OF ACTION:** For Violation of  
the Ohio Consumer Sales Practices Act, R.C.  
1345, *et seq*.

**DEMAND FOR JURY**

Plaintiff Spencer Neal Complains of Defendant Ohio Expositions Commission, care of  
Adam Heffron, Executive Director, and Defendant State of Ohio, care of Dave Yost, Ohio  
Attorney General, collectively referred to as “Defendants”, a term that also includes all presently  
unknown agents and/or subcontractors operating public accommodations at the subject property,  
EXPO COMPLAINT - 1

1 and alleges as follows:

2 **JURISDICTION**

3 1. This is an action for declaratory, injunctive, and compensatory relief pursuant to Title II  
4 and Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12131, *et seq.*, 42 U.S.C. §§  
5 12181, *et seq.* (“ADA”), and its implementing regulation, 28 C.F.R. Part 35, 36, as well as § 504  
6 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.* (“Rehabilitation Act”),  
7 as well as State of Ohio claims, made pursuant to R.C. 4112.02, *et seq.*, and R.C. 1345, *et seq.*  
8

9 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

10 3. This action is within the jurisdiction of the Court:

11 a. Defendant State of Ohio is organized in the United States of America and in the  
12 State of Ohio; its registered agent is located in Franklin County, Ohio; and, upon  
13 information and belief, it is the owner, lessor, tenant and/or operator of the real  
14 property that is the subject of this cause of action in Columbus, Ohio. The State of  
15 Ohio employs 50 or more individuals.

16 b. Defendant Ohio Expositions Commission is organized in the State of Ohio; its  
17 registered agent is located in Franklin County, Ohio; and, subject to an agreement  
18 with the State of Ohio, upon information and belief, is the lessee, tenant and/or  
19 operator of the real property that is the subject of this cause of action in  
20 Columbus, Ohio. The Ohio Expositions Commission employs 50 or more  
21 individuals.

22 c. Plaintiff Spencer Neal is a resident of Akron, Ohio, and is sui juris. As a result of  
23 Spina Bifida, Mr. Neal suffers from paraplegia; he must use a wheelchair as he is  
24 paralyzed from the waist down. Under the ADA, Mr. Neal is a qualified  
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1 individual with disabilities due to him being substantially limited in the life  
2 activity of walking.

3 4. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b):

4 a. The events giving rise to this claim occurred in this Judicial District;

5 b. The real property which is the subject of this action may be found in this Judicial  
6 District.

7  
8 **BACKGROUND**

9 5. A qualified individual with a disability shall not be excluded from participation in or be  
10 denied the benefits, services, programs, or activities of a public entity, and no qualified  
11 individual with a disability shall face discrimination by any public entity on account of its  
12 facilities being inaccessible or unusable by such person. 28 C.F.R. 35.149.

13 6. Upon information and belief, the Defendants are public entities.

14 7. Upon information and belief, the Defendants are recipients of federal funds.

15 8. Defendants are the owners and/or operators, lessors and/or lessees, or agents of the  
16 owners, lessors and/or lessees, of the buildings and grounds which constitute public facilities  
17 and/or public accommodations, located in Columbus, Ohio, and subject to the requirements of  
18 Ohio state law requiring full and equal access to public facilities pursuant to Ohio Revised Code  
19 § 4112.02, *et seq.*, and subject to the Americans with Disability Act of 1990 (“TITLE III” AND  
20 “ADA”), 42. U.S.C. §§ 12181 *et seq.*, and to all other legal requirements referred to in this  
21 complaint.  
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25 9. At all times relevant to this complaint, Defendants are the lessees, or agents of the  
26 lessees, and/or lessors, of said premises, and own and operate the subject properties as public  
27 facilities in Columbus, Ohio. The subject properties are open to the general public and conduct  
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1 business therein. The businesses operating on said premises are public accommodations subject  
2 to the requirements of Ohio Revised Code § 4112.02, *et seq.*, and subject to the Americans with  
3 Disability Act of 1990 (“TITLE III” AND “ADA”), 42. U.S.C. §§ 12181 *et seq.*, and to all other  
4 legal requirements referred to in this complaint.  
5

6 10. At all times relevant to this complaint, Defendants are the landlords/lessors,  
7 tenants/lessees and the owners and operators of the subject public accommodations in Columbus,  
8 Ohio. As such, Defendants are jointly and severally responsible to identify and remove  
9 architectural barriers pursuant to Code of Federal Regulations section 36.201(b), which states in  
10 pertinent part:  
11

12 **§ 36.201 General**

13 (b) Landlord and tenant responsibilities. Both the landlord  
14 who owns the building that houses a place of public  
15 accommodation and the tenant who owns or operates the place of  
16 public accommodation are public accommodations subject to the  
17 requirements of this part. As between the parties, allocation of  
18 responsibility for complying with the obligations of this part may  
19 be determined by lease or other contract.

20 CFR §36.201(b)

21 10. Plaintiff does not know the true names of Defendants, their business capacities, their  
22 ownership connection to the property and business, nor their relative responsibilities in causing  
23 the access violations herein complained of. Plaintiff is informed and believes that the Defendants  
24 herein are a public accommodation, and are the agents, ostensible agents, masters, servants,  
25 employers, employees, representatives, franchisors, franchisees, partners, and associates, or such  
26 similar capacity, of each of the other Defendants, if any, and were at all times acting and  
27 performing, or failing to act or perform, within the course and scope of their authority as agent,  
28 ostensible agent, master, servant, employer, employee, representative, franchiser, franchisee,

1 partner, and associate, or such similar capacity, and with the authorization, consent, permission  
2 or ratification of each of the other Defendants, and is responsible in some manner for the acts and  
3 omissions of the other Defendants in legally causing the violations and damages complained of  
4 herein, and have approved or ratified each of the acts or omissions of each other defendant, as  
5 herein described.  
6

7 11. Mr. Neal is a regular attendee, customer, and patron of the Ohio State Fair (hereinafter,  
8 “the Fair”); he enjoys visiting the Ohio Expo Center and State Fairgrounds (hereinafter, “the  
9 Fairgrounds”), located at and around 717 East 17<sup>th</sup> Avenue in Columbus, Ohio, each year.  
10

11 12. Mr. Neal attended the Fair in 2022 (on July 29, 2022, and on July 30, 2022), in 2023 (on  
12 August 4, 2023), in 2024 (on July 26, 2024), and in 2025 (on July 23, 2025); he will continue  
13 attending the fair each year thereafter.

14 13. During Mr. Neal’s numerous visits to the Fair, he personally encountered and was  
15 discriminated by serious architectural barriers to access in violation of the ADA, the  
16 Rehabilitation Act, and Ohio law. *Examples* of violations of accessibility law which Mr. Neal  
17 encountered are further enumerated within Plaintiff’s Exhibit 1, a 2023 document titled “Site  
18 Accessibility Evaluation” for the Fairgrounds, authored by Advanced Access, LLC, an  
19 accessibility consulting company out of Columbus, Ohio. Upon information and belief, most, if  
20 not all, of the barriers encountered by Mr. Neal and identified by Advanced Access, LLC are still  
21 in existence.  
22

23 14. As further examples of egregious violation of accessibility law, Mr. Neal  
24 encountered the following barriers to access on July 23, 2025:  
25

- 26 a. At the Cardinal Gate Entry, there exists parking which Defendants hold out as  
27 accessible. However, none of the accessible parking had access aisles, and much  
28

1 of the accessible parking was in grass or gravel lots, which are not firm, stable,  
2 and slip resistant. Here, the lack of accessible parking prevented Mr. Neal from  
3 safely exiting his vehicle. Additionally, as there were no access aisles in the grass  
4 lot, which he was directed to, or accessible routes, Mr. Neal experienced great  
5 difficulty in traveling from his vehicle to the fair's entrance. At one point, Mr.  
6 Neal became stuck in a gravel divot; his wheelchair could not move forward  
7 without assistance.  
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EXPO COMPLAINT - 7

1           b. Once parked in the inaccessible grass lot, Mr. Neal was unable to use the public  
2           shuttle as there were stairs which he could not climb. Rather than riding to the  
3           entrance with the other patrons, Mr. Neal was forced to roll his wheelchair over  
4           rough terrain to gain access to the Fair.  
5

6           c. Once Mr. Neal entered the Fair, he attempted to use the restroom closest to the  
7           Cardinal Gate Entry. Mr. Neal could not use this restroom because there was no  
8           wheelchair accessible stall; there was only an ambulatory stall and his wheelchair  
9           could not fit. Additionally, Mr. Neal could not properly use the sinks as they were  
10          not insulated. These barriers and more, including accessible stalls not having grab  
11          bars, were common to most of the restrooms throughout the fair.  
12



1 d. Also, throughout the Fairgrounds, there were portable restrooms made available  
2 to those who could climb multiple stairs. There existed no portable restrooms in  
3 the same locations for the disabled, who were forced to traverse much further to  
4 use the restroom. Additionally, there existed no information as to where the  
5 closest accessible restroom was located.  
6



26 e. Mr. Neal had a terrible time when he attempted to patron the various food and  
27 beverage vendors throughout the fair. These presently unknown agents of the  
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1 Defendants took orders and served from various mobile food and beverage units.  
2 These units had counters and credit/debit card readers which were far too high off  
3 the grounds for a person using a wheelchair to safely use and interact with.  
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23 f. Throughout the Fairgrounds, Mr. Neal was forced to traverse over severely  
24 cracked and broken concrete and other trip hazards, including cords covers,  
25 making transportation difficult throughout the Fairgrounds. At some locations, the  
26 cord covers covered the entire accessible route. A person using a wheelchair  
27 could either risk traveling over these three-to-four inch covers or backtrack a great  
28

1 distance to find another safe route.



21 g. In various buildings, including the Cooper Arena, the George V. Voinovich  
22 Livestock and Trade Center, and the Taft Coliseum, there was no accessible  
23 seating in the stands. The only place for Mr. Neal to observe the arena was by  
24 positioning himself, ground level, behind large gates and/or walls; even then he  
25 still could not fully see the arena.

26  
27 15. The ADA violations which Mr. Neal encountered make wheelchair use dangerous, and  
28 difficult – or impossible – for Mr. Neal and other qualified individuals with disabilities to travel

1 safely to and from and within the Fairgrounds, and to utilize the services within the Fairgrounds.

2 The inaccessibility which Mr. Neal encountered was taxing on Mr. Neal's body, since  
3 negotiating inaccessible areas requires much twisting of the spine, and overuse of shoulders and  
4 wrists, and these various barriers to access disheartened and frustrated him. Travel in the  
5 Fairgrounds' inaccessible areas also caused unnecessary wear and tear on Mr. Neal's wheelchair.  
6

7 16. Mr. Neal annually travels to the Fair and has an intent to return to the Fairgrounds to  
8 enjoy all that the property has to offer, including other events at the Fairgrounds.

9 17. As Mr. Neal frequently travels to the City of Columbus for the Fair and for other  
10 activities, he will return to the Fairgrounds to patronize the facilities, if the Fairgrounds are made  
11 fully accessible to a disabled person in a wheelchair, and to also avail himself of the  
12 Fairgrounds' services.  
13

14 14. Should the Fairgrounds become accessible, Mr. Neal will utilize all the various  
15 amenities within the Fairgrounds again because he routinely visits all the different areas of the  
16 Fairgrounds while attending the Fair.  
17

18 15. Furthermore, Mr. Neal intends to return to the Fairgrounds annually to ascertain whether  
19 the Defendants removed the barriers to access which are the subject of this litigation.

20 16. On information and belief, the violations addressed in this complaint have not been  
21 resolved. Continuing violations and notice thereof demonstrate a discriminatory intent on the  
22 part of the Defendants.  
23

24 **COUNT I**

25 **VIOLATION OF THE ADA – TITLE II**

26 17. Paragraphs 1 - 16 are realleged and incorporated as if fully set forth herein.

27 18. The Defendants have discriminated and continue to discriminate against Mr. Neal and  
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1 other qualified individuals with disabilities by excluding them from participating in or denying  
2 them the benefits, services, programs or activities of the public entity, due to the Defendants'  
3 deliberate indifference and failure to remove architectural barriers, which is required by Title II  
4 of the ADA. The above facilities are inaccessible to disabled persons and violations of the ADA  
5 exist too numerous to list here. On information and belief, the Defendants have violated other  
6 miscellaneous and important technical requirements of the ADA and regulations promulgated  
7 pursuant thereto.  
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9       19. On information and belief, the barriers and other violations of the ADA still exist and  
10 have not been remedied or altered in such a way as to comply with the ADA.  
11

12       20. This Court has the authority to grant Mr. Neal's request for injunctive relief under the  
13 ADA, including an order to alter the Fairgrounds to make them readily accessible to and usable  
14 by disabled persons, to modify a policy, to require inspection of the facilities, and to close any  
15 part of the facilities until the requisite modifications are completed. 28 C.F.R. 36.501.  
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17       21. Mr. Neal's counsel is entitled to recover those attorneys' fees, experts' fees, costs and  
18 expenses incurred for this cause of action from the Defendants. 42 U.S.C. § 12205.  
19

20       22. Compensatory damages and other relief are also available to Mr. Neal due to the  
21 Defendant's deliberate indifference in failing to remove all the barriers to access, previously  
22 identified by Mr. Neal. 42 U.S.C. § 12133.  
23

24       23. WHEREFORE, Plaintiff Spencer Neal demands judgment against the Defendants and  
25 requests that the Court enter an Order:

- 26           a. Declaring that the property owned and administered by the Defendants and the  
27 policies, procedures and services provided by the Defendants in relation to the  
28 Fairgrounds are discriminatory and violate the ADA;

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- b. Requiring the Defendants to alter the facilities and remove all barriers to equal participation in the facility’s benefits, services, programs or activities; and to make them accessible to and usable by individuals with disabilities to the full extent required by Title II of the ADA;
- c. Directing the Defendants to evaluate and neutralize its policies, practices, and procedures toward persons with disabilities, for such reasonable time to allow the Defendants to undertake and complete corrective procedures;
- d. Mandating that the Defendants undertake the required self-evaluation and create a Transition Plan that shall be available to the public and indicate the official responsible for the implementation of such a plan. At a minimum, the Transition Plan will identify obstacles in the facilities that limit accessibility of its programs or activities; describe methods to be used to make the facilities accessible; and provide a schedule for achieving compliance with the Transition Plan and with the ADA;
- e. Mandating the Defendants to expeditiously make all reasonable and appropriate modifications in their policies, practices and procedures, provide effective signage, remove all architectural barriers that are readily achievable, and for barriers that are not readily achievable, that alternative means of access be provided; and to take all such steps as are reasonable and necessary to ensure that persons with disabilities are no longer excluded, denied services, segregated, discriminated, or otherwise treated differently or without accommodations;
- f. Awarding reasonable attorneys' fees, costs (including expert's fees) and other expenses of suit to Mr. Neal; and

1 g. Awarding compensatory damages and such other relief that the Court deems  
2 proper to the Plaintiff.

3 **COUNT II**

4 **VIOLATION OF THE ADA – TITLE III**

5 24. Paragraphs 1 – 23 are realleged and incorporated as if fully set forth herein.

6 25. As part of the Americans with Disabilities Act of 1990, (hereinafter the “ADA”),  
7 Congress passed “Title III - Public Accommodations and Services Operated by Private Entities”  
8 (Section 301 42 U.S.C. §12181, *et seq.*). Among the public accommodations identified for  
9 purposes of this title was:  
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11

12 (7) PUBLIC ACCOMMODATION - The following private  
13 entities are considered public accommodations for purposes of this  
14 title, if the operations of such entities affect commerce -

15 . . .  
16 (B) a restaurant, bar, or other establishment serving food or drink;

17 (C) a \*\*\* concert hall, stadium, or other place of exhibition or entertainment;

18 (D) an auditorium, convention center, lecture hall, or other place of public  
19 gathering;

20 (E) a bakery, grocery store, clothing store, hardware store, shopping center, or  
21 other sales or rental establishment;

22 (F) \*\*\* or other service establishment; and

23 (G) a terminal, depot, or other station used for specified public transportation.

24 42 U.S.C. §12181(7)(B)(C)(D)(E)(F)(G).

25 26. Pursuant to §302, 42 U.S.C. §12182, “No individual shall be discriminated  
26 against on the basis of disability in the full and equal enjoyment of the goods, services, facilities,  
27 privileges, advantages, or accommodations of any place of public accommodation by any person  
28 who owns, leases, or leases to, or operates a place of public accommodation.”

1 27. The specific prohibitions against discrimination set forth in §302(b)(2)(a),  
2 42 U.S.C. §12182(b)(2)(a) are:

3 (i) the imposition or application of eligibility criteria  
4 that screen out or tend to screen out an individual with a disability  
5 or any class of individuals with disabilities from fully and equally  
6 enjoying any goods, services, facilities, privileges, advantages, or  
7 accommodations, unless such criteria can be shown to be  
8 necessary for the provision of the goods, services, facilities,  
9 privileges, advantages, or accommodations being offered;

10 (ii) a failure to make reasonable modifications in  
11 policies, practices, or procedures, when such modifications are  
12 necessary to afford such goods, services, facilities, privileges,  
13 advantages or accommodations to individuals with disabilities,  
14 unless the entity can demonstrate that making such modifications  
15 would fundamentally alter the nature of such goods, services,  
16 facilities, privileges, advantages, or accommodations;

17 (iii) a failure to take such steps as may be necessary to  
18 ensure that no individual with a disability is excluded, denied  
19 services, segregated or otherwise treated differently than other  
20 individuals because of the absence of auxiliary aids and services,  
21 unless the entity can demonstrate that taking such steps would  
22 fundamentally alter the nature of the good, service, facility,  
23 privilege, advantage, or accommodation being offered or would  
24 result in an undue burden;

25 (iv) a failure to remove architectural barriers, and  
26 communication barriers that are structural in nature, in existing  
27 facilities . . . where such removal is readily achievable; and

28 (v) where an entity can demonstrate that the removal of  
a barrier under clause (iv) is not readily achievable, a failure to  
make such goods, services, facilities, privileges, advantages or  
accommodations available through alternative methods if such  
methods are readily achievable.

The acts of Defendants' various agents, specifically the private, non-governmental vendors and operators conducting business at the Fair who are currently unknown to Mr. Neal, created a violation of plaintiff's rights under the ADA, 42. U.S.C. §§ 12181 *et seq.*

28 28. The removal of the barriers complained of by plaintiff as hereinabove alleged  
EXPO COMPLAINT - 16

1 was at all times after January 26, 1992 “readily achievable” as to Fairgrounds pursuant to 42  
2 U.S.C. §12182 (b)(2)(A)(i)-(iv). On information and belief, if the removal of all the barriers  
3 complained of herein together was not “readily achievable,” the removal of each individual  
4 barrier complained of herein was “readily achievable.” On information and belief, Defendants’  
5 agents’ failure to remove said barriers was likewise due to discriminatory practices, procedures  
6 and eligibility criteria, as defined by §302(b)(2)(a)(i)-(iii); 42 U.S.C. §12182 (b)(2)(A)(i).

8 29. Per §301(9), 42 U.S.C. §12181 (9), the term “readily achievable” means “easily  
9 accomplishable and able to be carried out without much difficulty or expense.” The statute  
10 defines relative “expense” in part in relation to the total financial resources of the entities  
11 involved. Plaintiff alleges that properly repairing, modifying, or altering each of the items that  
12 plaintiff complains of herein were and are “readily achievable” by Defendants’ presently  
13 unknown agents under the standards set forth under §301(9) of the Americans with Disabilities  
14 Act. Further, if it was not “readily achievable” for Defendants’ presently unknown agents to  
15 remove each of such barriers, Defendants’ presently unknown agents have failed to make the  
16 required services available through alternative methods which were readily achievable.  
17

19 30. On information and belief, construction work on, use, and modifications of, the  
20 subject Fairgrounds and private vender operations, including their individual mobile units,  
21 occurred after the compliance date for the Americans with Disabilities Act, January 26, 1992,  
22 independently triggering access requirements under Title III of the ADA; compliance with the  
23 Americans with Disability Act Standards mandatory.  
24

25 31. Pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12188, *et*  
26 *seq.*, §308, plaintiff is entitled to the remedies and procedures set forth in §204(a) of the Civil  
27 Rights Act of 1964, 42 U.S.C. 2000(a)-3(a), as plaintiff is being subjected to discrimination on  
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1 the basis of disability in violation of this title or has reasonable grounds for believing that he  
2 is about to be subjected to discrimination in violation of §302. Plaintiff cannot safely return to or  
3 make use of the public facilities complained of herein so long as the premises and Defendants'  
4 agent's policies bar full and equal use by persons with physical disabilities.  
5

6 32. Per §308(a)(1) (42 U.S.C. 12188), "Nothing in this section shall require a person  
7 with a disability to engage in a futile gesture if such person has actual notice that a person or  
8 organization covered by this title does not intend to comply with its provisions." Pursuant to this  
9 last section, plaintiff has not returned to the Fairgrounds since July 23, 2025, but alleges that  
10 Defendants' agents have continued to violate the law and deny the rights of plaintiff and of other  
11 persons with physical disabilities to access this public accommodation. Pursuant to §308(a)(2),  
12 "In cases of violations of §302(b)(2)(A)(iv) . . . injunctive relief shall include an order to alter  
13 facilities to make such facilities readily accessible to and usable by individuals with disabilities  
14 to the extent required by this title."  
15

16 33. Plaintiff seeks relief pursuant to remedies set forth in §204(a) of the Civil Rights  
17 Act of 1964 (42 U.S.C. 2000(a)-3(a)), and pursuant to federal regulations adopted to implement  
18 the Americans with Disabilities Act of 1990, including but not limited to an order granting  
19 injunctive relief and attorneys' fees. Plaintiff will seek attorneys' fees conditioned upon being  
20 deemed to be the prevailing party.  
21

22 35. WHEREFORE, Plaintiff Spencer Neal demands judgment against Defendants' presently  
23 unknown agents and requests that the Court enter an Order:  
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- 25 a. Declaring that the property, which includes the amenities offered by Defendants'  
26 presently unknown agents, and the policies, procedures and services provided by  
27 the said defendants are discriminatory and violate the ADA;  
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1 qualifying disabilities - equal access to the benefits of participation in their services, programs  
2 and activities, by not providing the disabled with the same meaningful choices regarding self-  
3 sufficiency. Upon information and belief, the Defendants have violated the Rehabilitation Act  
4 through their deliberate indifference in failing to remediate certain barriers to access.  
5

6 39. Mr. Neal has been damaged by the City of Akron's refusal to remove barriers to equal  
7 access and enjoyment by disabled persons, which has the purpose and effect of discriminating  
8 against Mr. Neal and other similarly situated persons solely because of their disabilities.  
9

10 40. This Court has the authority to grant Mr. Neal's request for injunctive relief under  
11 the Rehabilitation Act, including an order to alter the Fairgrounds to make them readily  
12 accessible to and usable by disabled persons, to modify a policy, to require inspection of the  
13 Fairgrounds, and to close any part of the Fairgrounds until the requisite modifications are  
14 completed. 28 C.F.R. 36.501.  
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16 41. Mr. Neal's counsel is entitled to recover those attorneys' fees, experts' fees, costs and  
17 expenses incurred for this cause of action from the Defendants. 42 U.S.C. § 12205.  
18

19 42. Compensatory damages and other relief are available to Mr. Neal. 29 U.S.C. §  
20 794a(a)(2).  
21

22 43. WHEREFORE, Plaintiff Spencer Neal demands judgment against the Defendants and  
23 requests that the Court enter an Order:  
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25 f. Declaring that the property owned and administered by the Defendants and the  
26 policies, procedures and services provided by the Defendants are discriminatory  
27 and violate the Rehabilitation Act;  
28

g. Requiring the Defendants to alter the Fairgrounds and remove all barriers to equal  
participation in the Fairgrounds' benefits, services, programs or activities; and to

1 make them accessible to and usable by individuals with disabilities to the full  
2 extent required by the Rehabilitation Act;

3 h. Directing the Defendants to evaluate and neutralize their policies, practices, and  
4 procedures toward persons with disabilities, for such reasonable time to allow the  
5 Defendants to undertake and complete corrective procedures;

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7 i. Mandating the Defendants to expeditiously make all reasonable and appropriate  
8 modifications in their policies, practices and procedures, provide effective  
9 signage, remove all architectural barriers that are not readily achievable, that  
10 alternative means be provided; and to take all such steps as are reasonable and  
11 necessary to ensure that persons with disabilities are no longer excluded, denied  
12 services, segregated, discriminated, or otherwise treated differently or without  
13 accommodations;

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15 j. Awarding reasonable attorneys' fees, costs (including expert's fees) and other  
16 expenses of suit to Mr. Neal; and

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18 k. Awarding compensatory damages and such other relief that the Court deems  
19 proper to Mr. Neal.

20 **COUNT IV**

21 **DENIAL OF FULL AND EQUAL ACCESS**  
22 **IN VIOLATION OF OHIO REVISED CODE § 4112.02, et seq.**

23 44. Paragraphs 1-43 are realleged and incorporated as if fully set forth herein.

24 45. At all times relevant to this action, Ohio Revised Code § 4112.0254 has provided  
25 that persons with physical disabilities are not to be discriminated against because of physical  
26 handicap or disability. This section provides that:  
27

28 It shall be an unlawful discriminatory practice:

1 (G) For any proprietor or any employee, keeper, or manager of a place of  
2 public accommodation to deny to any person, except for reasons  
3 applicable alike to all persons regardless of race, color, religion, sex,  
4 military status, national origin, disability, age, or ancestry, the full  
5 enjoyment of the accommodations, advantages, facilities, or privileges of  
6 the place of public accommodation.

7 46. The Fairgrounds, including the mobile food and beverage operations operated by the  
8 presently unknown vendor agents of Defendants, are places of public accommodation pursuant  
9 to Ohio Revised Code § 4112.01(A)(9).

10 47. The Defendants and their agents committed an unlawful act pursuant to Ohio Revised  
11 Code §4112.02(G) by denying Mr. Neal the full enjoyment of its accommodations, advantages,  
12 facilities, or privileges, whereas, Mr. Neal had great difficulty due to extensive barriers for  
13 patrons confined to wheelchairs.

14 48. Pursuant to Ohio Revised Code § 4112.99, Mr. Neal is entitled to compensatory and  
15 punitive damages, and attorney fees and costs, in an amount to be determined at trial, but in any  
16 event not less than \$25,000.00, as well as issuance of an injunction requiring the Defendants and  
17 their agents to allow full and equal enjoyment of its goods, services, facilities, privileges, and  
18 advantages to disabled persons.

19 49. A separate act in violation of Ohio Revised Code § 4112.02(G) has been committed each  
20 day that the Defendants and their agents act or fail to act and/or knowingly and willfully fails and  
21 refuse to remove each architectural barrier or policy and procedure barrier presently existing at  
22 the subject public accommodation which denies full and equal access for persons with physical  
23 disabilities to said building(s), elements and facilities of the Fairgrounds. Mr. Neal has been  
24 denied full and equal access on an ongoing basis since the date of his first visit in 2022. As a  
25 legal result, Mr. Neal is entitled to seek appropriate relief, such as damages, pursuant to Ohio  
26 Revised Code § 4112.99.  
27  
28

1 50. During his visits to the Fair in 2022, 2023, 2024 and 2025, Mr. Neal suffered violations  
2 of Ohio Revised Code §4112.02(G) in that he was denied access to the facilities as stated herein  
3 at the Fairgrounds and on the basis that he was a person with physical disabilities.  
4

5 51. As a result of the denial of equal access to the Fairgrounds due to the acts and  
6 omissions of the Defendants and their agents in owning, operating and maintaining the subject  
7 public facilities, Mr. Neal suffered violations of his civil rights, as well as suffering from  
8 physical personal injury, shame, humiliation, embarrassment, frustration, anger, disappointment  
9 and worry, all of which are expectedly and naturally associated with a denial of access to a  
10 person with physical disabilities, all to plaintiff's damages as hereinafter stated.  
11

12 52. Mr. Neal has been damaged by the Defendants' wrongful conduct and seeks the  
13 relief that is afforded by Ohio Revised Code § 4112 for violation of his rights, including  
14 statutory damages according to proof.  
15

16 53. As a result of the Defendants' acts and omissions in this regard, Mr. Neal has been  
17 required to incur legal expenses and hire attorneys to enforce his rights and enforce the  
18 provisions of the law protecting access for persons with physical disabilities and prohibiting  
19 discrimination against persons with physical disabilities. Pursuant to the provisions of Ohio  
20 Revised Code § 4112, Mr. Neal therefore will seek recovery in this lawsuit for all reasonable  
21 attorneys' fees and costs incurred if deemed the prevailing party.  
22

23 **O.R.C. 4112.16 NOTICE OF VIOLATION OF ACCESSIBILITY LAW**

24 54. Pursuant to O.R.C. 4112.16 Notice of Violation of Accessibility Law, prior to  
25 filing a civil action alleging violation of State of Ohio accessibility law, the alleged aggrieved  
26 party *may* notify the owner, agent, or other responsible party, by personal service or by certified  
27 mail, of alleged accessibility law violations.  
28

1 55. On September 1, 2023, Mr. Neal served upon the Defendants' representatives, a Notice  
2 of Violation of Accessibility Law, made pursuant to O.R.C. 4112.16.

3 56. The Defendants' September 22, 2023, response failed to comply with O.R.C. 4112.16.

4 57. As a result of failing to adequately respond to Mr. Neal's Notice, Neal may commence  
5 his lawsuit for violations of State of Ohio accessibility laws.  
6

7 58. Due to the Defendants' deliberate indifference in continuing to allow barriers to access  
8 throughout the Fairgrounds, and failure to respond in accordance with the statute, Mr. Neal, if  
9 deemed the prevailing party, shall recover reasonable attorney's fees, in addition to any other  
10 remedies available to the plaintiff.  
11

12 59. At no time since plaintiff's receipt of Defendants' September 22, 2023, response have the  
13 Defendants provided evidence of remediation to the Fairgrounds' barriers to access. In fact, it is  
14 evident from Mr. Neal's visits to the Fair in 2024 and 2025 that, without judicial intervention,  
15 Defendants will not address the systemic public accommodation discrimination at the Fair.  
16

17 60. WHEREFORE, Plaintiff Spencer Neal demands judgment against the Defendants and  
18 requests that the Court enter an Order:

- 19 1. Declaring that the Fairgrounds, owned and operated by the Defendants, and the  
20 policies, procedures and services provided by the Defendants are discriminatory  
21 and violate Ohio civil rights law;  
22  
23 m. Requiring the Defendants to alter the Fairgrounds and remove all barriers to equal  
24 participation in the Fairground's benefits, services, programs or activities; and to  
25 make them accessible to and usable by individuals with disabilities to the full  
26 extent required by Ohio civil rights law;  
27  
28 n. Directing the Defendants to evaluate and neutralize their policies, practices, and

1 procedures toward persons with disabilities, for such reasonable time to allow the  
2 Defendants to undertake and complete corrective procedures;

- 3  
4 o. Mandating the Defendants to expeditiously make all reasonable and appropriate  
5 modifications in their policies, practices and procedures, provide effective  
6 signage, remove all architectural barriers that are not readily achievable, that  
7 alternative means be provided; and to take all such steps as are reasonable and  
8 necessary to ensure that persons with disabilities are no longer excluded, denied  
9 services, segregated, discriminated, or otherwise treated differently or without  
10 accommodations;
- 11  
12 p. Awarding reasonable attorneys' fees, costs (including expert's fees) and other  
13 expenses of suit to Mr. Neal; and
- 14  
15 q. Awarding compensatory and punitive damages and such other relief that the  
16 Court deems proper to Mr. Neal.

17 **COUNT V**

18 **VIOLATION OF THE OHIO CONSUMER SALES PRACTICES ACT,**  
19 **R.C. 1345, ET SEQ.**

20 61. Paragraphs 1-60 are realleged and incorporated as if fully set forth herein.

21 62. Mr. Neal is a consumer, the Defendants, as well as their presently unknown private  
22 agents, are suppliers, and the transactions which occurred here, the payment for admission and  
23 the utilization of the amenities at the Fairgrounds, are consumer transactions as defined by R.C.  
24 1345.01.

25  
26 63. The Defendant's actions violate the non-exhaustive list of per se violations set forth in  
27 R.C. 1345.02, specifically R.C. 1345.02(B)(1)(2)and (4), and 1345.03, specifically R.C.  
28 1345.03(B)(1)(3) and (6), as well as the Ohio Administrative Code, specifically A.C. Rule 109:4-  
EXPO COMPLAINT - 25

1 3-10, as incorporated into the Consumer Sales Practices Act. The Defendants' actions are unfair,  
2 deceptive and/or unconscionable.

3 64. For example, the Defendants advertise Fair accessibility online at

4 <https://www.ohiostatefair.com/p/visit/accessibility> as follows:

- 5
- 6 a. "The Ohio State Fair is committed to inclusion and accessibility."
- 7 b. "Accessible parking is available in the general parking lots. Please let the parking  
8 attendant know you are looking for accessible parking and they will direct you to  
9 the correct area."
- 10 c. That there exists "accessible restrooms" in the following buildings:
- 11
- 12 i. Brown Sheep Building
  - 13 ii. Cardinal Restroom
  - 14 iii. WCOL Celeste Center (open during concerts)
  - 15 iv. Ag-Pro Companies Taft Coliseum
  - 16 v. Cooper Arena
  - 17 vi. First Aid Center
  - 18 vii. Gilligan Livestock Complex
  - 19 viii. Nationwide® Land & Living. presented by Ohio Farm Bureau
  - 20 ix. Bricker Market Place Building
  - 21 x. Kasich Hall\*
  - 22 xi. Natural Resources Park
  - 23 xii. Rhodes Center lobby
  - 24 xiii. Voinovich Livestock & Trade Center
  - 25 xiv. Lausche Youth Exploration Space
- 26 d. "Accessible picnic tables are located throughout the property."

22 Defendants have gone to great lengths to advertise how accessible the Fairgrounds are. For  
23 example, see Defendants; YouTube video, titled "Accessibility at the 2025 Ohio State Fair" at  
24 [https://www.youtube.com/watch?v=64\\_l4ifte\\_Q](https://www.youtube.com/watch?v=64_l4ifte_Q). Defendants currently advertise that "The 2025  
25 Ohio State Fair is just around the corner and its going to be the most accessible Fair yet."

26 Defendants continue to advertise that, "Our team is here to make every fairgoer feel supported  
27 and included." Finally, Defendants assert that "Every Ohioan deserves the opportunity to  
28 EXPO COMPLAINT - 26

1 experience all the Fair has to offer.” In reality, these advertisements are false and very  
2 misleading; a fairgoer using a wheelchair has great difficulty attending the Fair.

3 65. As a direct and proximate result of the Defendants’ unfair, deceptive, and unconscionable  
4 acts and practices, Mr. Neal has suffered actual economic damages, compensatory, incidental,  
5 and consequential damages. Mr. Neal has suffered noneconomic damages in the form of  
6 frustration, anxiety, inconvenience, and other intangible loss. Mr. Neal has incurred costs and  
7 attorney fees. The Defendants’ actions are subject to trebling pursuant to R.C. 1345.09. Because  
8 the Defendants’ actions were volitionally and knowingly committed, said unfair, deceptive, and  
9 unconscionable acts and practices are subject to attorney fees pursuant to R.C. 1345.09.  
10

11 66. WHEREFORE, Plaintiff Spencer Neal demands judgment against the Defendants and  
12 requests that the Court enter an Order:  
13

- 14 a. Damages greater than \$25,000, including compensatory, incidental,  
15 consequential, and special damages;
- 16 b. Damages pursuant to R.C. 1345.01 et seq, including 1345.09 for actual economic  
17 damages, statutory damages, noneconomic damages, and costs and reasonable  
18 attorney fees, pursuant to R.C. 1345.09(F)(2);
- 19 c. A declaratory judgment finding acts and practices are unfair, deceptive, and  
20 unconscionable practices, pursuant to R.C. 1345.01 and 1345.09;
- 21 d. Any equitable relief allowed;
- 22 e. Interest, including prejudgment and post judgment interest;
- 23 f. And such other and further relief as the Court deems proper.

24  
25  
26 Respectfully submitted,

27 /s/ COLIN G. MEEKER

28 COLIN G. MEEKER (Ohio Bar No. 0092980)

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7  
8 Counsel for Plaintiff SPENCER NEAL

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a jury trial for all claims for which a jury is permitted.

11 **/s/ COLIN G. MEEKER**  
12 COLIN G. MEEKER (Ohio Bar No. 0092980)