



By: Erica Domingo, Esquire  
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DOUGLAS HEIR,

Plaintiff,

v.

BALLY'S CORPORATION; ABC  
CORPORATIONS 1-5 (fictitious names  
describing presently unidentified business  
entities); and JOHN DOES 1-5 (fictitious  
names of unidentified individuals,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
ATLANTIC COUNTY

Docket No. ATL-

Civil Action

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

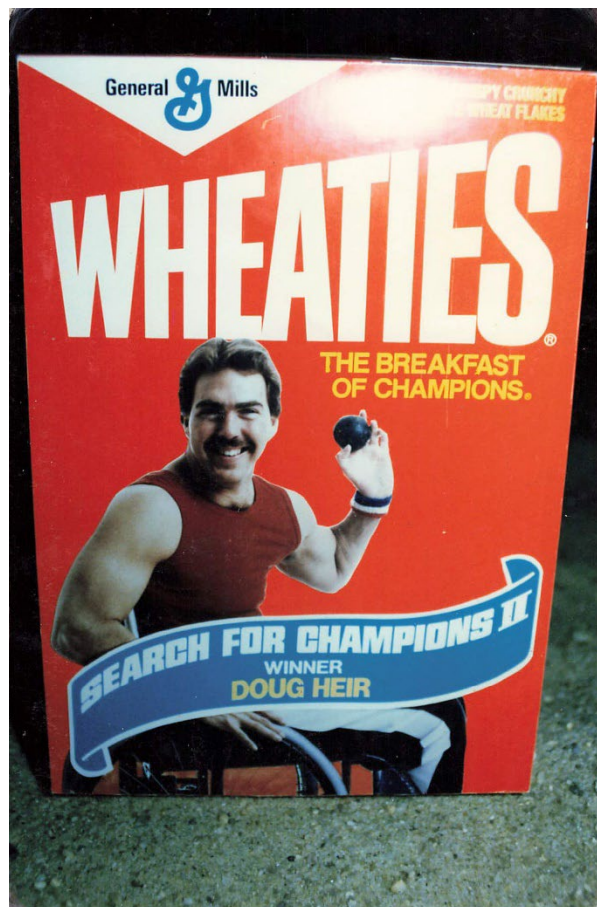
Plaintiff, Douglas Heir, by way of Complaint against the above-named parties, alleges as follows:

### **INTRODUCTION**

This case arises from the basic right to dignity, respect, and accommodation that our laws require be afforded to individuals with disabilities. At a time when we, as a country, are so focused on fairness, equality, and human rights, Plaintiff has faced unthinkable discrimination in a place of public accommodation.

Plaintiff, Douglas Heir (hereinafter "Doug" or "Plaintiff"), suffered a tragic accident at the age of eighteen that rendered him quadriplegic. Not one to give up, Doug turned tragedy into triumph, working tirelessly to become one of the world's most decorated athletes, earning hundreds of gold medals in javelin, shot put, and discus including at five different Olympic / Paralympic Games, and even being selected as the Captain of the U.S. Track and Field Team for

the 2000 Olympics/ Paralympics in Sydney, Australia. Doug was the first quadriplegic to be on a Wheaties cereal box.



Not just a world-class athlete, Doug attended law school, passed the New Jersey and Pennsylvania Bars, and began representing others who had suffered catastrophic injuries. Doug has many accolades including being chosen as one of the 10 Outstanding Young People in the World by the International Jaycees, past President of the National Spinal Cord Injury Association for four years, selected as America's Distinguished Alumnus of the Year by the Presidents of America's State Colleges and Universities. Doug has been honored by American Presidents, Fortune 500 Companies, and a wide variety of businesses, associations, and civic groups. Doug is a published author, former syndicated writer, and associate legal editor of The National Trial Lawyer.

Throughout all his trials and tribulations, his victories and failures, however, Doug always felt he was treated with the same respect as any other individual with or without a disability. That was until he attempted to valet park at Bally's Casino in Atlantic City in July and August 2022 and was denied the right to do so because of his disability. In his entire sixty (60) years, Doug had never felt the humiliation and embarrassment he suffered at Bally's when they refused to valet park his handicap van, in direct violation of the New Jersey Law Against Discrimination.

### **THE PARTIES**

1. Plaintiff, Douglas Heir, is an individual who, at all times relevant herein, resides in Camden County, New Jersey.
2. Plaintiff is an individual with a disability as defined by the New Jersey Law Against Discrimination, ("LAD"), N.J.S.A. 10:5-5(q).
3. In his over forty (40) years of living as an individual with a disability, Plaintiff had never faced disability discrimination prior to arriving at Defendant Bally's on or about July 30, 2022.
4. Defendant, Bally's Corporation (hereinafter "Bally's"), is a corporation or other form of business entity which, upon information and belief, is organized and existing under the laws of the State of New Jersey with its principal place of business located at 1900 Pacific Ave, Atlantic City, NJ 08401.
5. Defendant Bally's is a place of public accommodation as defined by the LAD, N.J.S.A. 10:5-5(l).
6. Defendant ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with Corporate Defendant, and/or currently unidentified business entities responsible for the creation and/or implementation of anti-discrimination or disability accommodation policies, and/or currently unidentified business entities who have liability for the damages suffered by Plaintiff under any theory advanced therein.

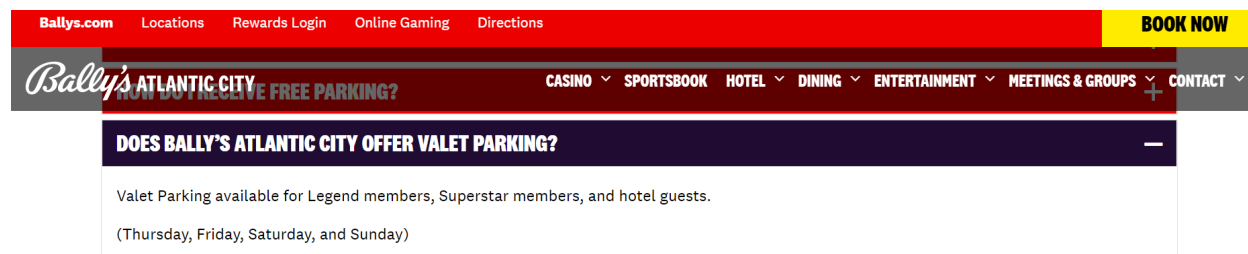
7. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of anti-discrimination or disability accommodation policies of Defendants and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

**FACTS**

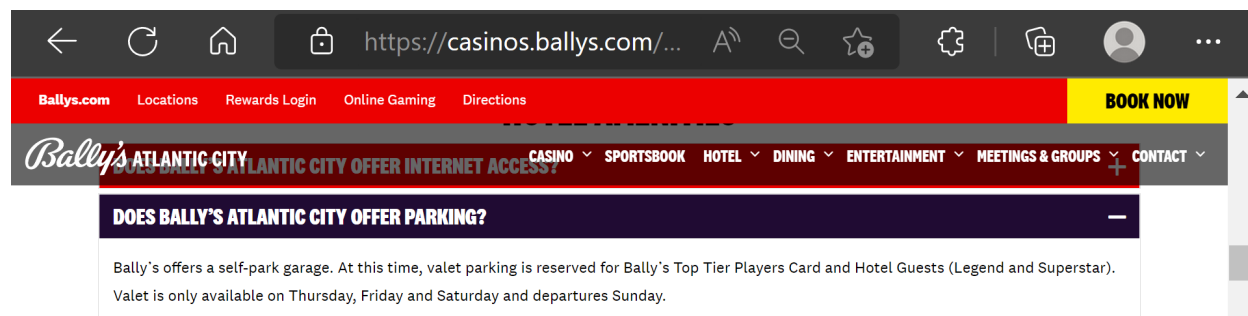
8. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

9. In accordance with the LAD, “[a]ll persons shall have the opportunity . . . to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation . . . without discrimination because of . . . disability . . . . This opportunity is recognized as and declared to be a civil right.” N.J.S.A. 10:5-4.

10. On its website, Defendant Bally’s sets forth:



11. It further states:



12. Plaintiff holds a Superstar Player’s Card at Bally’s and is considered a “VIP” there.



13. Plaintiff drives a 2020 Ford Transit-350 XLT van (“the Van”), as pictured below, which has been outfitted with hand controls to allow him to operate the vehicle. In addition, the standard gas and brake pedals remain operable on the Van.



14. Because of its clearance height of eight feet three inches, Plaintiff is typically unable to park the Van in a parking garage.

15. The Van also has a handicap placard/hang tag, which is clearly displayed and is visible on the rearview mirror.

16. Prior to Bally’s change in ownership in or about 2020, Plaintiff was regularly permitted to leave his van at the active valet area, where the attendants would then park it either in an open spot, move another vehicle to park his van, or along any open curb in the covered valet parking area without issue.

17. When he was ready to leave, Plaintiff would then take his ticket to the valet booth, and they would bring back his vehicle from wherever it had been parked.
18. Upon information and belief, Bally's does not currently have any designated handicap parking in their valet or VIP areas.
19. The VIP/valet area of Bally's has sufficient clearance height to accommodate "oversized" vehicles including Plaintiff's van.
20. On or about July 31, 2022, Plaintiff drove the Van to Bally's to attend the Elton John Tribute Show, for which Bally's had invited him with complimentary tickets.
21. When Plaintiff attempted to valet park the Van, an agent, employee, or servant of Defendant Bally's advised that they do not park "oversized" vehicles.
22. Plaintiff offered several alternatives, including, but not limited to, permitting the Van to park in the VIP parking, replacing a smaller vehicle in the VIP area that could fit in the parking garage, or along any open curb as had been past practice at Bally's.
23. Rather than attempt to accommodate Plaintiff with any of the multiple reasonable accommodations he offered, Plaintiff was denied the right to valet park at Bally's by both the valet attendant and the valet supervisor, who, at the time, were acting in their capacity as agents, employees, and/or servants of Bally's.
24. Specifically, when Plaintiff mentioned that it was unlawful to deny him a reasonable accommodation for parking at Bally's, the attendant told Plaintiff he did not care and was unaware of any such law. The attendant also advised Plaintiff that he will never be able to park at Bally's and to go find parking elsewhere.
25. As a result, Plaintiff had to park at Caesars Atlantic City, 2100 Pacific Avenue, where they valet parked the Van without issue, and then had to wheel himself to Bally's through the dangerous areas of Atlantic City and back when the concert was over at around 11:00pm with his companion.

26. On or about August 19, 2022, Plaintiff attempted to return to Bally's to play in one of their high roller rooms and eat dinner in the VIP lounge open only to Superstar and Legend Players, as he had received several offers from Bally's soliciting him to return and gamble there.

27. Upon his arrival in the active valet parking area, Plaintiff was waved off by an attendant, which he understood to be a non-verbal cue that he was not permitted to valet park.

28. After being ignored for several minutes, the same valet attendant who had denied Plaintiff valet parking on July 31, 2022 approached the Van and told Plaintiff there were no more spots left.

29. Attached hereto via link is a true and correct copy of audio and video footage taken at Bally's on August 19, 2022 by Plaintiff's companion who was in the van with him.

<https://youtu.be/gjSfJnmvIZk>

30. Plaintiff explained that he is quadriplegic and in a wheelchair and pleaded with the Bally's valet attendant to be able to park, but the attendant again insisted that there were no more spots.

31. When Plaintiff again suggested alternative locations for his vehicle to be parked or perhaps moving a regular-sized vehicle into the parking garage to accommodate the Van he was advised that no accommodations could be made for him and was told that they were "not moving those cars."

32. Plaintiff asked to speak to a supervisor, at which time the valet attendant stated, "he's going to tell you the same thing just like how he told you last time" . . . that Plaintiff could not park at Bally's.

33. Upon information and belief, employees of Defendant Bally's working as valet attendants are given discretion as to which "oversized" vehicles they choose to park.

34. On or about July 31, 2022 and August 19, 2022, employees of Defendant Bally's used that discretion to discriminate against Plaintiff and to avoid providing him with reasonable accommodations to which he is legally entitled.

35. Upon information and belief, employees of Defendant Bally's continued to attend to other vehicles and did not deny them parking on the dates that Plaintiff attempted to park with Defendants.

36. On each occasion, Plaintiff suffered severe embarrassment, ostracization, humiliation, degradation, rejection, trauma, sleeplessness, depression, and emotional distress, which has and will continue to affect his overall health and well-being.

37. Defendants' failure to valet park Plaintiff's Van on the aforementioned dates was a clear act of disability discrimination, in violation of Plaintiff's rights.

38. Defendants have permitted and continue to permit other "oversized" vehicles not bearing handicap tags or placards to park in the valet area or along the curbs as Plaintiff had requested as his reasonable accommodation.

39. By way of example only, on or about September 24, 2022, Plaintiff observed an "oversized" pickup truck that did not bear handicap license plates or placard permitted to park in the VIP/valet parking area at Bally's as depicted below:





40. On or about August 13 and 14, 2022, Plaintiff also observed other “oversized” vehicles that do not bear handicap license plates or placards that were permitted to remain in the VIP/valet parking area as their parking spot as depicted below:



(August 13 , 2022)





(August 14, 2022)

41. By way of further example, on or about September 23, 2022, Defendants permitted a non-handicapped van similar to Plaintiff's to park curbside in the VIP/valet parking area at Bally's where Plaintiff was not permitted to park as depicted below:





42. By way of further example, on or about September 26, 2022, Defendants permitted a non-handicapped box truck to park curbside in the VIP/valet parking area at Bally's where Plaintiff was not permitted to park as depicted on the left in the photo below:





43. As a proximate cause of Defendants' unlawful conduct, Plaintiff, Douglas Heir, sustained, and will continue to sustain in the future, damages and losses, including but not limited to severe emotional distress, physical injury, humiliation, embarrassment, mental anguish, and loss of personal dignity.

**COUNT I**  
**DISABILITY DISCRIMINATION IN VIOLATION OF**  
**NEW JERSEY'S LAW AGAINST DISCRIMINATION**

44. Plaintiff, Douglas Heir, repeats each previous paragraph of the Complaint as if set forth in full below and makes them a part of this Count.

45. Plaintiff was subjected to harassment and/or discrimination because of his disability, in violation of LAD.

46. Defendants' conduct would not have occurred if Plaintiff was not a member of a protected class based upon his disability.

47. That is, Defendants permitted individuals who do not have disabilities and who drive oversized vehicles to valet park.

48. Defendants knew or should have known of the discriminatory actions to which Plaintiff was subjected but failed to take effective remedial measures to stop the discrimination and/or failed to take reasonable steps to prevent the discrimination from occurring.

49. As a direct and proximate result of Defendants' conduct directed against Plaintiff in violation of LAD, Plaintiff has suffered damages and ongoing losses.

**WHEREFORE**, Plaintiffs demand judgment against the Defendants, jointly, severally and/or in the alternative, for damages including any gratuitous services provided to Plaintiffs, together with interest, expenses, attorney's fees, costs of suit, compensatory damages, punitive damages, equitable relief, injunctive relief, and for whatever other relief this Court deems equitable and just.

**COUNT II**  
**FAILURE TO ACCOMMODATE IN VIOLATION OF**  
**NEW JERSEY'S LAW AGAINST DISCRIMINATION**

50. Plaintiffs repeat each previous paragraph of the Complaint as if set forth in full below and makes them a part of this Count.

51. Defendants knew or should have known of Plaintiff's disability based upon:

- i. The handicap placard hanging from his mirror;
- ii. The hand controls Plaintiff used to operate his vehicle;
- iii. The wheelchair lift visible through the windows of his vehicle;
- iv. Plaintiff's own verbal representations to Defendants about his use of a wheelchair and being quadriplegic.

52. Defendants failed to reasonably accommodate Plaintiff's disability by denying him the right to valet park at their premises.


53. Defendants failed to engage in any interactive process with Plaintiff to determine whether they could have implemented any of the alternative reasonable accommodations proposed by Plaintiff.

54. Plaintiff's requested accommodation(s) did not create an undue hardship for Defendants.

55. As a direct and proximate result of Defendants' conduct directed against Plaintiffs in violation of LAD, Plaintiffs have suffered damages and ongoing losses.

**WHEREFORE**, Plaintiffs demand judgment against the Defendants, jointly, severally and/or in the alternative, for damages including any gratuitous services provided to Plaintiffs, together with interest, expenses, attorney's fees, costs of suit, compensatory damages, punitive damages, equitable relief, injunctive relief, and for whatever other relief this Court deems equitable and just.

GRUNGO  COLARULO  
— PRAY FOR PEACE. PREPARE FOR TRIAL® —  
Attorneys for Plaintiff

  
\_\_\_\_\_  
By: Erica Domingo, Esq.

Date: 01/10/23

# Civil Case Information Statement

## Case Details: ATLANTIC | Civil Part Docket# L-000051-23

**Case Caption:** HEIR DOUGLAS VS BALLY'S CORPORATION

**Case Initiation Date:** 01/10/2023

**Attorney Name:** ERICA DOMINGO

**Firm Name:** GRUNGO COLARULO LLC

**Address:** 1926 GREENTREE RD STE 110

CHERRY HILL NJ 08003

**Phone:** 8565284494

**Name of Party:** PLAINTIFF : Heir, Douglas

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** LAW AGAINST DISCRIMINATION (LAD) CASES

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: Douglas Heir?** NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Business

**Does the statute governing this case provide for payment of fees by the losing party?** YES

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** YES

**If yes, please identify the requested accommodation:**  
MOBILITY AIDS (WHEELCHAIR-GURNEY-BED)

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/10/2023  
Dated

/s/ ERICA DOMINGO  
Signed

