

**COMMONWEALTH OF MASSACHUSETTS
OF THE TRIAL COURT**

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
C.A. NO.:

**ELIZABETH LESPERANCE, AISLINN
BROOKS, MIKA PYYHKALA, and
NATIONAL FEDERATION OF THE
BLIND OF MASSACHUSETTS, INC.,** as an
Association on behalf of its members, including
ELIZABETH LESPERANCE and MIKA
PYYHKALA

kg

Plaintiffs,

v.

**BOBBY'S RANCH, INC.,
CORNERSTONE RANCH, LLC, and
MASSACHUSETTS DEPARTMENT OF
AGRICULTURAL RESOURCES**

Defendants.

COMPLAINT

Plaintiffs, by and through their attorney, Albert Elia of DISABILITY LAW UNITED,
respectfully allege for their Complaint as follows:

INTRODUCTION

1. Plaintiffs Elizabeth Lesperance and Mika Pyyhkala are both blind individuals
living in Massachusetts. In 2024, they were both discriminatorily denied access to participate in
guided trail rides offered by Defendants Cornerstone Ranch, LLC ("Cornerstone") and Bobby's

Ranch, Inc. (“Bobby’s”), respectively, because they are blind.

2. Defendants Cornerstone and Bobby’s each had policies and practices, denying blind individuals, including Plaintiffs Lesperance, Pyyhkala and members of the National Federation of the Blind of Massachusetts, Inc. (“NFBMA”), access to their programs and activities. Despite demands by Plaintiffs to revise those policies, Cornerstone and Bobby’s continue to have in place policies and practices that discriminatorily deny service to Plaintiffs and other blind individuals.

3. Defendants Cornerstone and Bobby’s continue to adhere to these policies, in part, due to the fact that Defendant Massachusetts Department of Agricultural Resources (“MDAR”) has failed to make clear to its licensees, including Defendants Cornerstone and Bobby’s, that individuals are permitted to participate in guided trail rides regardless of disability. Instead, MDAR has indicated to Defendant Cornerstone that blind individuals are either inherently unsafe on horseback or can be accommodated only through an adaptive riding program. On information and belief, MDAR provided similar guidance to Bobby’s.

4. Defendants Cornerstone, Bobby’s, and MDAR’s conduct violates federal and state law.

5. Plaintiffs seek an order declaring MDAR’s licensing requirements and/or guidance and Cornerstone and Bobby’s’s rider policies to be in violation of state and federal anti-discrimination law, and an order requiring Defendants to change them so as not to continue discriminating against blind riders. Plaintiffs also seek economic, non-economic, and exemplary damages, as well as reasonable attorneys’ fees and costs.

PARTIES

6. Plaintiff Elizabeth Lesperance is blind and resides at 146 Macintosh Lane in Fitchburg, Massachusetts, 01420. She is a member of NFBMA.

7. Plaintiff Aislinn Brooks is a non-blind individual, a friend of Ms. Lesperance, and resides at 78 Kendall Hill Rd, Sterling, MA 01564.

8. Plaintiff Mika Pyyhkala is blind and resides at 61 Middle Street, Apartment 2 in Boston, Massachusetts 02127. He is a member of NFBMA.

9. Plaintiff National Federation of the Blind of Massachusetts, Inc. (NFBMA”) is a Massachusetts non-profit corporation with its registered address at 29 Ellsworth Terrace in Lynn, Massachusetts, 01904. NFBMA promotes the security and equality of blind people and their full social and economic integration in their communities, including in recreational and other activities. It brings claims here on behalf of its members, including Plaintiffs Lesperance and Pyyhkala.

10. Defendant Bobby’s is a Massachusetts Corporation with a registered address at 6 Durkee Lane in Westford, Massachusetts, 01886.

11. Defendant Cornerstone is a Massachusetts LLC with a registered address at 29 Dowds Lane, P.O. Box 188 in Princeton, Massachusetts, 01541.

12. Defendant MDAR is a Department of the Commonwealth with headquarters at 225 Turnpike Road, Third Floor in Southborough, Massachusetts, 01772.

JURISDICTION AND VENUE

13. This court has jurisdiction pursuant to G.L.c. 12 § 11I, 93 § 103(b), 93A § 9(1), 151B § 9, 212 §§ 3 and 4, 214 § 1, 231A § 1, and 258 § 3.

14. Venue is proper in this court pursuant to G.L.c. 223 § 8(4) and 258 § 3 because Plaintiff Mika Pyyhkala lives in Suffolk County, and because MDAR is a department of the Commonwealth.

FACTS

Defendant Cornerstone

15. Defendant Cornerstone operates a horse ranch in Princeton, Massachusetts that offers guided trail rides to members of the general public who are at least ten years old. Plaintiffs are informed and believe that Cornerstone operates this ranch under a license granted by Defendant MDAR pursuant to G.L.C. 128 § 2B and 330 CMR § 16.03(1)(a).

16. It also permits younger riders to participate if they have ridden before.

17. The only requirement Cornerstone imposes on non-disabled riders on guided trail rides is to understand basic English instructions.

Plaintiffs Lesperance and Brooks's Experience

18. Plaintiff Elizabeth Lesperance has been blind since birth.

19. She is employed full-time as an underwriter for a local insurance company.

20. She is also very active and frequently engages in outdoor activities.

21. Plaintiffs Elizabeth Lesperance and Aislinn Brooks have been best friends since childhood.

22. In 2024, Ms. Brooks celebrated her fortieth birthday.

23. Ms. Lesperance wanted to do something special for the two of them to mark that life milestone and suggested a guided trail ride together at Cornerstone.

24. Ms. Brooks was excited by that idea, and so on August 7, 2024, Ms. Lesperance booked a forty-five-minute to one-hour guided trail ride for the two of them on August 21, 2024, from 12:30 pm to 1:30 pm (Booking #240971228).

25. When Ms. Lesperance booked the guided trail ride, she noted in the comments that she is blind and would be one of the guided trail riders.

26. She noted that as a courtesy, thinking that Defendant Cornerstone might take it into consideration when choosing a horse for her to ride, or when choosing a location for her to mount the horse.

27. She thought nothing more of it until, on August 20, 2024, less than twenty-four hours before the scheduled ride, she received both a text message and an email from Defendant Cornerstone: The text message said that “rides are not for blind riders,” and the email said that “we are unable to take a guest who is blind on a trail ride.”

28. Plaintiffs Lesperance and Brooks were heartbroken that their special time together was ruined by Defendant Cornerstone’s refusal to serve a blind person.

29. Ms. Lesperance sobbed for nearly ten minutes after reading Defendant Cornerstone Ranch’s messages.

30. When her then 10-year-old son heard her and asked what was wrong, she was further distressed by having to tell him that she wasn't going to be allowed to go on the trail ride because she is blind.

31. When asked for a refund, Defendant Cornerstone only refunded one hundred ten dollars of the one hundred forty-two dollars and seventy-eight cents that it charged when Ms. Lesperance booked the guided trail ride.

32. On September 30, 2024, Plaintiffs Lesperance and Brooks wrote to Defendant Cornerstone to demand that it change its policies so that they and other blind persons would be permitted to go on guided trail rides; that it compensate them for unlawful discrimination and their losses; and that it pay their reasonable attorney fees.

33. On November 8, 2024, Defendant Cornerstone responded, denying any wrongdoing and refusing to change those policies.

34. Plaintiffs Lesperance and Brooks would still like to go on a guided trail ride together and would do so at Cornerstone if it changes those policies.

Defendant Bobby's

35. Defendant Bobby's operates a horse ranch in Westford, Massachusetts, that offers guided trail rides to members of the general public who are at least nine years old and forty-eight inches in height. Plaintiffs are informed and believe that Bobby's operates this ranch under a license granted by Defendant MDAR pursuant to G.L.C. 128 § 2B and 330 CMR § 16.03(1)(a).

Plaintiff Pyyhkala's Experience

36. Plaintiff Pyyhkala has been blind since birth.

37. During childhood, he participated in many outdoor activities with his sighted peers, including boating, skiing, cross-country running, and horseback riding.

38. He is employed as a director of digital accessibility for a low-vision job placement and training center.

39. As an adult, he has continued skiing competitively, frequently engages in outdoor activities such as hiking, paragliding and parasailing, and is an avid traveler.

40. Feeling nostalgic about his childhood horseback rides, he sought to book a guided trail ride near his family's Acton, MA home in April 2024.

41. He found Bobby's online.

42. Because the Bobby's Ranch website stated that riders with disabilities should contact the Ranch ahead of time, He wrote to inform them that he is blind.

43. A representative of Defendant Bobby's replied that the ranch was not licensed or insured to accommodate blind riders and that Mr. Pyyhkala would not be permitted to book a ride.

44. The Bobby's Ranch website has since been updated to state that Defendant Bobby's is unable to accommodate some disabilities and would refer those riders to other stables. Since at least December 1, 2025, that website has stated: "Attention please: We are not a licensed therapeutic [sic] stable and thus cannot accommodate [sic] some disabilities ... If we are unable to accommodate [sic] you, we will be happy to refer you to a licensed stable that would better fit your needs."

45. On April 6, 2026, Mr. Pyyhkala wrote to Defendant Bobby's to demand that it change its policies so that he and other blind persons would be permitted to go on guided trail rides, that it compensate him for unlawful discrimination and his losses, and that it pay his reasonable attorney fees.

46. On May 5, 2026, Defendant Bobby's responded, denying any wrongdoing and refusing to change those policies.

Defendant MDAR

47. Defendant MDAR is a state agency responsible for overseeing and enforcing regulations for the use of horses in the Commonwealth, including health and safety standards for both horses and riders. 330 CMR § 16.03(4)(c).

48. It provides licenses required for riding schools and stables to operate in the Commonwealth. 330 CMR § 16.03(1)(a).

49. It is permitted to revoke or suspend a license if a riding school or stable is found to have violated its safety standards, effectively shutting down business operations. 330 CMR § 16.03(1)(g).

Plaintiffs' Experience

50. On September 30, 2024, Plaintiffs Lesperance and Brooks, through undersigned

counsel, sent a demand letter to Susan Connell, proprietor of Cornerstone, to demand, inter alia, that Mses. Lesperance and Brooks be permitted to participate in a guided trail ride.

51. On or about October 15, 2024, Ms. Connell contacted Michael Gold, Defendant MDAR's Equine Program Coordinator, regarding that demand letter.

52. On information and belief, Ms. Connell sought Defendant MDAR's guidance as to whether permitting a blind individual to participate in a trail ride would meet its requirements for providing safe instruction and operation under its safety standards.

53. Reportedly based on information provided by Defendant MDAR, Cornerstone's response to Plaintiffs Lesperance and Brooks's demand included the following statement: "Cornerstone contacted the Massachusetts Department of Agricultural Resources to obtain guidance as to whether permitting a blind individual to participate in a trail ride would meet its requirements for providing safe instruction and operating under its safety standards. The Department specifically advised Cornerstone that permitting a blind rider to ride would unquestionably be an unsafe practice. The Department's position is that to do so would be negligent and would reflect a lack of competency on the part of the licensee, which would result in disciplinary action up to and including revocation of a license."

54. Cornerstone continues to refuse Plaintiffs' access to participate in its guided trail rides.

55. In a sworn statement, Michael Gold, who identified himself as MDAR's Equine Program Coordinator, admitted that, during his conversation with Cornerstone regarding blind riders, he stressed multiple times that Cornerstone had an "obligation to ensure that safety is maintained and that rides should not proceed if safety cannot be ensured," and that he "discuss[ed] adaptive riding."

56. On information and belief, Defendant MDAR provided similar information to Bobby's before Bobby's refused to allow Mr. Pyyhkala to participate in a guided trail ride.

57. On information and belief, MDAR licensees, including Defendants Cornerstone and Bobby's, have relied and will continue to rely on MDAR's representations and guidance as a basis for denying blind persons access to guided trail rides.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violation of Title III of the ADA, 42 U.S.C. § 12181 et seq. (All Plaintiffs Against Defendants Cornerstone and Bobby's)

58. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

59. As blind individuals, Plaintiffs Elizabeth Lesperance and Mika Pyyhkala qualify as people with disabilities under Title III of the ADA ("Title III"). See 42 U.S.C. § 12102(1)(A).

60. Plaintiff Aislinn Brooks is an individual known by Defendant Cornerstone to have a relationship or association with Plaintiff Elizabeth Lesperance, a person Defendant Cornerstone knew has a disability. See 42 U.S.C. § 12182(b)(1)(E), 28 C.F.R. § 36.205.

61. Defendants Cornerstone and Bobby's are private service establishments or places of exercise or recreation that affect commerce, making them places of public accommodation under the ADA. 42 U.S.C. § 12181(7)(l).

62. As places of public accommodation, Defendants Cornerstone and Bobby's Ranch are prohibited from discriminating against blind consumers. See 42 U.S.C. § 12182(a).

63. Specifically, Title III prohibits places like Cornerstone and Bobby's from denying blind people "the opportunity . . . to participate in or benefit from [their] goods, services, facilities, privileges, advantages, or accommodations." See id. § 12182(b)(1)(A)(i); 28

C.F.R. § 36.202(a).

64. The existence of therapeutic riding stables or other separate riding programs for people with disabilities does not permit Defendants Cornerstone or Bobby's to deny Plaintiffs Elizabeth Lesperance or Mika Pyyhkala the opportunity to participate in its guided trail rides. 42 U.S.C. § 12182(b)(1)(C); 28 C.F.R. § 36.203(b).

65. As a place of public accommodation, Defendant Cornerstone is not permitted to deny those associated with blind consumers "equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities . . . because of the known disability of an individual with whom the individual or entity is known to have a relationship or association." See 42 U.S.C. § 12182(b)(1)(E).

66. By refusing Plaintiff Elizabeth Lesperance the opportunity to participate in a guided trail ride because she is blind, Defendant Cornerstone violated Title III of the ADA.

67. By refusing Plaintiff Mika Pyyhkala the opportunity to participate in a guided trail ride because he is blind, Defendant Bobby's violated Title III of the ADA.

68. By denying Plaintiff Aislinn Brooks the opportunity to participate in a guided trail ride with Ms. Lesperance because it knew of Ms. Lesperance's blindness and her association with Ms. Brooks, Defendant Cornerstone violated Title III of the ADA.

69. By maintaining policies generally denying blind individuals, including members of Plaintiff NFBMA, the opportunity to participate in guided trail rides, Defendants Bobby's and Cornerstone violated and continue to violate Title III of the ADA."

70. Legal relief is insufficient to address Defendants' violations.

71. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendants based on their blindness.

SECOND CAUSE OF ACTION

Violation of Title II of the ADA, 42 U.S.C. § 12131 et seq. (All Plaintiffs Against Defendant MDAR)

72. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

73. As blind people, Plaintiffs Elizabeth Lesperance and Mika Pyyhkala are each qualified individuals with disabilities eligible for participation in programs or activities provided by MDAR licensees Cornerstone and Bobby's, as defined by Title II of the ADA ("Title II"). See 42 U.S.C. § 12131(2).

74. As a department, agency, or instrumentality of the state of Massachusetts, Defendant MDAR is a public entity subject to Title II. See 42 U.S.C. § 12131(1)(B).

75. As a public entity, Defendant MDAR "may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may [it] establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability." See 28 C.F.R. § 35.130(b)(6).

76. Defendant MDAR also may not ... utilize criteria or methods of administration ... [t]hat have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability [or] ... have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities." See 28 C.F.R. §§ 35.130(b)(3)(i) and (ii)".

77. By failing to remind licensees of their obligation not to discriminate on the basis of disability against blind riders, by telling licensees that they have the discretion to refuse a blind rider solely because they are blind, and, especially, by discussing adaptive riding programs when asked about accommodating blind riders, Defendant MDAR utilizes criteria or methods of

administration that have the effect of subjecting qualified blind riders, including Plaintiffs and members of Plaintiff NFBMA, to discrimination on the basis of their blindness, or whose utilization has the effect of defeating or substantially impairing accomplishment of the objectives of MDAR's licensing and training program for stables and riding instructors with respect to blind riders,, including Plaintiffs and members of Plaintiff NFBMA, in violation of Title II and its implementing regulations.

78. Licensed guided trail ride providers, including Defendants Cornerstone and Bobby's, have relied and will continue to rely on MDAR's representations and guidance as a basis for denying access to their programs and activities for blind customers.

79. As a result of Defendant MDAR's actions and policies, Plaintiffs Lesperance and Pyyhkala, along with other NFBMA members, have been and will be denied access to horse riding activities based solely on the fact that they are blind.

80. As a result of Defendant MDAR's actions and policies, Plaintiff Brooks has been and will be denied access to horse riding activities accompanied by Ms. Lesperance based solely on her desire to ride accompanied by Ms. Lesperance – an individual who is known to be blind.

81. As a result of Defendant MDAR's actions and policies, Plaintiffs have suffered damages.

82. Legal relief is insufficient to address Defendant's violations.

83. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendant MDAR and its licensees based on their blindness.

THIRD CAUSE OF ACTION

Violations of Massachusetts Anti-Discrimination Law, G.L.C. 272 § 98 (All Plaintiffs Against All Defendants)

84. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

85. As blind individuals, Plaintiffs Elizabeth Lesperance and Mika Pyyhkala are protected by Massachusetts public accommodations law, G.L.C. 272 § 98.

86. Defendants Cornerstone and Bobby's are places of "public amusement, recreation, sport, exercise or entertainment" that are "open to and accept[] or solicit[] the patronage of the general public," making them places of public accommodations. G.L.C. 272, § 92A.

87. Massachusetts public accommodations laws specifically protect blind persons from "any distinction, discrimination or restriction on account of ... blindness ... relative to [their] admission ... to, or [their] treatment in any place of public accommodation, resort or amusement." G.L.C. 272, § 98.

88. Anyone who makes, aids, or incites any such distinction, discrimination, or restriction is liable for civil and criminal penalties, including minimum statutory damages and fines. G.L.c. 272, § 98.

89. By refusing Plaintiffs Lesperance and Pyyhkala the opportunity to participate in a guided trail ride because they are blind, Defendants Cornerstone and Bobby's made discriminations, distinctions, and restrictions on account of riders' blindness in violation of G.L.C. 272 § 98.

90. By refusing Plaintiff Brooks the opportunity to participate in a guided trail ride with Ms. Lesperance because it knew Ms. Lesperance was blind, Defendant Cornerstone made discriminations, distinctions, and restrictions on account of blindness relative to her admission to or treatment in a place of public accommodation, in violation of G.L.C. 272 § 98.

91. By conveying to its licensees that their license could be revoked if they allow a blind person to participate in a guided trail ride and suggesting that only adaptive riding programs are appropriate for accommodating blind riders, Defendant MDAR aids or incites discrimination,

distinctions, and restrictions on blind riders, including Plaintiffs Lesperance, Pyyhkala and members of Plaintiff NFBMA, by its licensed places of public accommodation, in violation of G.L.C. 272 § 98.

92. As a result of Defendants' actions and policies, Plaintiffs have suffered damages.

93. Legal relief is insufficient to address Defendant's violations.

94. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendants and MDAR licensees based on their blindness.

FOURTH CAUSE OF ACTION

Violations of Massachusetts Anti-Discrimination Law, G.L.C. 272 § 92A (Plaintiffs Lesperance, Pyyhkala, and NFBMA against All Defendants)

95. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

96. Massachusetts Anti-Discrimination law prohibits agents or employees of places of public accommodation "from "publish[ing], issu[ing], circulat[ing], distribut[ing] or display[ing], or caus[ing] to be published, issued, circulated, distributed or displayed, in any way, any . . . written or painted or printed notice or sign . . . intended to discriminate against or actually discriminating against persons . . . because of . . . blindness . . . in the full enjoyment of the accommodations, advantages, facilities or privileges offered to the general public" by such places. G.L.C. 272, § 92A.

97. Liability for fines and other punishments also extends to anyone who "aid[s] in or incite[s], cause[s] or bring[s] about, in whole or in part," a violation. G.L.C. 272, § 92A.

98. By sending Ms. Lesperance text and email messages stating that she could not participate in a guided trail ride because she is blind, Defendant Cornerstone violated G.L.C. 272 § 92A.

99. By sending Mr. Pyyhkala email messages stating that he could not participate in a guided trail ride, and by posting on its website that it does not accommodate certain disabilities, Bobby's violated and continues to violate G.L.C. 272 § 92A.

100. By conveying to its licensees that their license could be revoked if they allow a blind person to participate in a guided trail ride, and suggesting that only adaptive riding programs are appropriate for accommodating blind riders, Defendant MDAR aids in, incites, or brings about, in whole or in part, written refusals by its licensed places of public accommodations to allow blind persons, including Plaintiffs, and members of Plaintiff NFBMA to participate in guided trail rides, in violation of G.L.C. 272 § 92A.

101. As a result of Defendants' actions and policies, Plaintiffs have suffered damages.

102. Legal relief is insufficient to address Defendant's violations.

103. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendants and MDAR licensees based on their blindness.

FIFTH CAUSE OF ACTION

Violations of Massachusetts Anti-Discrimination Law, G.L.C. 151B § 4 (Plaintiffs Lesperance and NFBMA Against Defendant MDAR)

104. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

105. The protections of G.L.C. 272 §§ 92A and 98 are incorporated into G.L.C. 151B, which applies to "the commonwealth and all political subdivisions, boards, and commissions thereof." G.L.C. 151B, §§ 1(1) and 5.

106. G.L.C. 151B not only prohibits direct discrimination, but also prohibits anyone from aiding, abetting, inciting, compelling or coercing the doing of any of the acts it forbids or attempting to do so." G.L.C. 151B, §§ 5 and 4(5).

107. By conveying to its licensees that their license could be revoked if they allow a blind person to participate in a guided trail ride, and suggesting that only adaptive riding programs are appropriate for accommodating blind riders, Defendant MDAR aids, abets, coerces, or compels violations of G.L.C. 272 §§ 92A and 98, in violation of G.L.C. 151B § 4(5).

108. As a result of Defendant's actions and policies, Plaintiffs have suffered damages.

109. Legal relief is insufficient to address Defendant's violations.

110. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendant and its licensees based on their blindness.

SIXTH CAUSE OF ACTION

Violations of Mass. Equal Rights Act ("MERA"), G.L.C. 93 § 103 (Plaintiffs Lesperance, Pyyhkala, and NFBMA Against All Defendants)

111. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

112. As blind individuals, Plaintiffs Elizabeth Lesperance and Mika Pyyhkala both qualify as "handicapped persons," as defined in the Massachusetts Equal Rights Act ("MERA"). See G.L.C. 93 § 103(a) and 151B, § 1(17).

113. MERA guarantees that blind persons, "with reasonable accommodation, have the same rights as other persons to make and enforce contracts, . . . and to the full and equal benefit of all laws and proceedings for the security of persons and property, including, but not limited to, the rights secured under [Mass. Const. Art. 114]." G.L.C. 93, § 103(a).

114. Mass. Const. Art. 114 protects the right of any person to not "be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the commonwealth" solely because of a disability."

115. A violation of MERA is "established if, based upon the totality of circumstances, it is shown that any individual is denied any of the rights protected by [MERA]." G.L.c. 93, § 103(c).

116. By preventing Mr. Pyyhkala from participating in a guided trail ride, and by excluding him from participation in, denying him the benefits of, and subjecting him to discrimination with respect to its guided trail rides, Defendant Bobby's violated MERA.

117. By preventing Ms. Lesperance from participating in a guided trail ride that she had reserved and paid for, and by excluding her from participation in, denying her the benefits of, and subjecting her to discrimination with respect to its guided trail rides, Cornerstone violated MERA.

118. By conveying to its licensees that their license could be revoked if they allow a blind person to participate in a guided trail ride, and suggesting that only adaptive riding programs are appropriate for accommodating blind riders, Defendant MDAR causes blind persons, including Plaintiffs and members of Plaintiff NFBMA to be excluded from the participation in, denied the benefits of, and subject to discrimination under the programs and activities of its licensees, in violation of MERA.

119. As a result of Defendants' actions and policies, Plaintiffs have suffered damages.

120. Legal relief is insufficient to address Defendants' violations.

121. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendants and MDAR licensees based on their blindness.

SEVENTH CAUSE OF ACTION

Violations of Mass. Const. Art. 114

(Plaintiffs Lesperance, Pyyhkala, and NFBMA Against Defendant MDAR)

122. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

123. As blind people, Plaintiffs Elizabeth Lesperance and Mika Pyyhkala are "otherwise qualified handicapped individual[s]" under the Massachusetts Constitution. See Mass. Const. Art.

114.

124. MDAR licensing of guided trail ride providers and Guided trail rides operated by MDAR licensees are programs or activities that take place within the Commonwealth.

125. MDAR-licensed guided trail ride providers, including Defendants Cornerstone Ranch and Bobby's, have relied and will continue relying on MDAR's representations and guidance as a basis for denying access to their programs and activities for blind customers.

126. By conveying to its licensees that their license could be revoked if they allow a blind person to participate in a guided trail ride, and suggesting that only adaptive riding programs are appropriate for accommodating blind riders, Defendant MDAR causes blind persons including Plaintiffs and members of Plaintiff NFBMA to be excluded from the participation in, denied the benefits of, and subject to discrimination under the programs and activities of its licensees, in violation of Mass. Const. Art. 114.

127. As a result of Defendant's actions and policies, Plaintiffs have suffered damages.

128. Legal relief is insufficient to address Defendant's violations.

129. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendant MDAR and its licensees based on their blindness.

EIGHTH CAUSE OF ACTION

Violations of G.L.C. 93A

(All Plaintiffs Against Defendants Cornerstone and Bobby's)

130. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

131. Defendants Cornerstone and Bobby's conduct trade and commerce directly affecting the people of the Commonwealth by advertising and offering for sale their services in the form of recreational guided trail rides. See G.L.c. 93A, § 1(b).

132. Defendants Cornerstone and Bobby's, by conducting such trade and

commerce, are subject to G.L.c. 93A, which prohibits “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.” See G.L.c. 93A, § 2(a).

133. “an act or practice is a violation of M.G.L.c. 93A, § 2 if ... [i]t is oppressive or otherwise unconscionable in any respect; or ... [i]t fails to comply with existing statutes, rules, regulations or laws, meant for the protection of the public’s health, safety, or welfare ... [and] intended to provide the consumers of th[e] Commonwealth protection.” 940 C.M.R. §§ 3.16(1) and (3).

134. Unlawful discrimination based on an innate characteristic such as disability is oppressive or unconscionable.

135. Title III of the ADA protects blind consumers from discrimination. 42 U.S.C. §§ 12181(7) and 12182(a).

136. Massachusetts Anti-Discrimination Law protects blind consumers from discrimination. G.L.C. 272 §§ 92A and 98.

137. MERA protects blind consumers from discrimination. G.L.c. 93 § 103.

138. By refusing Plaintiffs Lesperance and Pyyhkala the opportunity to participate in a guided trail ride solely because they are blind, Defendants oppressively or unconscionably discriminated against them based on their innate and legally-protected characteristic of blindness, in violation of G.L.C. 93A.

139. By refusing Plaintiff Brooks the opportunity to participate in a guided trail ride with Ms. Lesperance solely because it knew Ms. Lesperance was blind, Defendant Cornerstone oppressively or unconscionably discriminated against her based on Ms. Lesperance’s innate and legally protected characteristic of blindness, in violation of G.L.C. 93A.

140. By refusing and continuing to refuse to allow blind consumer members of NFBMA,

including Plaintiffs Lesperance and Pyyhkala, the opportunity to participate in guided trail rides solely because they are blind, Defendants oppressively or unconscionably discriminated against them based on their innate and legally-protected characteristic of blindness, in violation of G.L.C. 93A.

141. By violating Title III of the ADA, Massachusetts Anti-Discrimination Laws, and MERA, Defendants violated G.L.C. 93A.

142. As a result of Defendants' actions and policies, Plaintiffs have suffered damages.

143. Legal relief is insufficient to address Defendant's violations.

144. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer from Defendants' unfair acts and practices towards blind consumers.

NINTH CAUSE OF ACTION

Violations of Mass. Civil Rights Act, G.L.c. 12 §§ 11H and 11I (All Plaintiffs Against Defendant MDAR)

145. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

146. The Massachusetts Civil Rights Act ("MCRA") protects members of the public, including blind members of the public, against interference or attempted interference with their constitutionally or statutorily protected rights by threats, intimidation, or coercion by any person, whether acting under color of law. G.L.c. 12, §§ 11H(a) and 11I.

147. Blind individuals, like Plaintiffs Elizabeth Lesperance, Mika Pyyhkala, and other members of NFBMA, are protected by Article 114 of the Massachusetts Constitution, which established the right of qualified blind persons to not "be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the commonwealth" solely because they are blind. Mass. Const. Art. 114.

148. Blind individuals, like Plaintiffs Elizabeth Lesperance, Mika Pyyhkala, and other

members of NFBMA are protected by the Massachusetts Equal Rights Act (“MERA”), which guarantees that blind persons, “with reasonable accommodation, have the same rights as other persons to make and enforce contracts, . . . and to the full and equal benefit of all laws and proceedings for the security of persons and property, including, but not limited to, the rights secured under [Mass. Const. Art. 114]”. G.L.c. 93 §103(a).

149. Blind individuals, like Plaintiffs Elizabeth Lesperance, Mika Pyyhkala, and other members of NFBMA are protected by Massachusetts Anti-Discrimination Law, G.L.C. 272 § 98, which specifically protects blind persons from “any distinction, discrimination or restriction on account of ... blindness ... relative to [their] admission ... to, or [their] treatment in any place of public accommodation, resort or amusement.” G.L.c. 272, § 98.

150. Blind individuals, like Plaintiffs Elizabeth Lesperance, Mika Pyyhkala, and other members of NFBMA are protected by Massachusetts Anti-Discrimination Law, G.L.C. 272 § 92A, which specifically protects blind persons from suffering as a result of the agents or employees of places of public accommodation ““publish[ing], issu[ing], circulat[ing], distribut[ing] or display[ing], or caus[ing] to be published, issued, circulated, distributed or displayed, in any way, any . . . written or painted or printed notice or sign . . . intended to discriminate against or actually discriminating against persons . . . because of . . . blindness . . . in the full enjoyment of the accommodations, advantages, facilities or privileges offered to the general public” by such places. G.L.c. 272, § 92A.

151. Blind individuals, like Plaintiffs Elizabeth Lesperance, Mika Pyyhkala, and other members of NFBMA are protected by the ADA from discrimination by places of public accommodation (Title III) or by public entities (Title II).

152. By attempting to arrange and go on guided trail rides, Plaintiffs Elizabeth

Lesperance and Mika Pyyhkala were trying to enjoy those rights. G.L.c. 12, § 11I.

153. By conveying to its licensees that their license could be revoked if they allow a blind person to participate in a guided trail ride, and suggesting that only adaptive riding programs are appropriate for accommodating blind riders, Defendant MDAR interfered and continues to interfere with those constitutionally and statutorily protected rights of blind persons by threats, intimidation, and coercion directed to its licensees, including Bobby's and Cornerstone, in violation of G.L.c. 12, §§ 11H and 11I.

154. As a result of Defendant's actions and policies, Plaintiffs have suffered damages.

155. Legal relief is insufficient to address Defendant's violations.

156. Absent an order to cease those violations, Plaintiffs and other NFBMA members will continue to suffer discrimination by Defendant MDAR and its licensees based on their blindness.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment on all counts against Defendants and provide the following:

- a. A declaration that Defendants violated Plaintiffs' rights;
- b. An order enjoining Defendants from violating Plaintiffs' statutorily and constitutionally protected rights;
- c. An order requiring Defendants to change their policies, practices and procedures to conform with federal and Massachusetts laws and the Massachusetts Constitution with respect to blind persons;
- d. An order for MDAR to inform its licensees regarding those changes and their obligation to accommodate blind persons seeking to avail themselves of licensees' services;

- e. An award of nominal, compensatory, and exemplary damages to Plaintiffs;
- f. An award of Plaintiffs' reasonable attorneys' fees and costs; and
- g. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

s/ Albert Elia

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