

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Spencer Neal

v.

Case No. 23-cv-314-PB
Opinion No. 2025 DNH 102

Omni Mount Washington, LLC

ORDER

Omni Mount Washington, LLC agrees that it has violated Title III of the Americans with Disabilities Act and that plaintiff Spencer Neal is entitled to injunctive relief to remedy those violations. In this order, I award injunctive relief for the violations that Neal has identified in his prior filings. Additional injunctive relief may be awarded in a subsequent order after Neal has submitted a supplemental expert report identifying any additional violations.

Omni is hereby ORDERED to become compliant with Title III of the ADA by modifying and/or remediating the deficiencies identified below at its place of public accommodation within the following timelines:

LOCATION	BARRIER	REMEDICATION PLAN	COMPLETION DEADLINE
PARKING LOT	Accessible parking signage	Ensure that accessible parking signage is compliant with	9 months from date of final judgment

		2010 ADAS Section 502.6.	
PARKING LOT	Insufficient number of accessible parking stalls	Ensure that parking lot is compliant with 2010 ADAS Section 208.2.	36 months from date of final judgment
ENTRANCE/ LOBBY	Slope of landing at main entrance exceeds 2%	Ensure that landing is compliant with 2010 ADAS Section 404.2.4.4.	36 months from date of final judgment
ENTRANCE/ LOBBY	Exterior door handles	Ensure that operating hardware at exterior doors is compliant with 2010 ADAS Section 404.2.7.	9 months from date of final judgment
ENTRANCE/ LOBBY	Maneuvering space between two doors at side entrance	Ensure that maneuvering space between two doors at the side entrance is compliant with 2010 ADAS Section 404.2.6.	36 months from date of final judgment
ENTRANCE/ LOBBY	Side entrance door vertical change greater than ¼ inch	Ensure that vertical change at side entrance is compliant with 2010 ADAS Section 404.2.5.	36 months from date of final judgment

ENTRANCE/ LOBBY	Guest check-in counter higher than 36" off the finished floor	Ensure that counter surface at guest check-in is compliant with 2010 ADAS Section 904.4.1	36 months from date of final judgment
ENTRANCE /LOBBY	Floor mats in lobby not secured in place	Secure carpet to floor surface in compliance with 2010 ADAS 302.2.	3 months from date of final judgment
ENTRANCE/ LOBBY	Interior door threshold has a vertical change greater than ¼ inch	Remove interior door threshold and ensure that it is compliant with 2010 ADAS Section 404.2.5.	36 months from date of final judgment
ENTRANCE/ LOBBY	Service counter is more than 36 inches above finished floor	Install a counter surface at guest check-in that is compliant with 2010 ADAS Section 904.4.1	36 months from date of final judgment
LOBBY (Men's Bathroom)	Door operating hardware is not accessible	Replace existing door operating hardware with hardware that is compliant with 2010 ADAS Section 404.2.7.	9 months from date of final judgment

LOBBY (Men's Bathroom)	Maneuvering clearance on the pull side of the door extends less than 18 inches beyond the latch side of the door	Ensure that maneuvering clearance on the pull side of the door is compliant with 2010 ADAS Section 404.2.4.1.	36 months from date of final judgment
LOBBY (Men's Bathroom)	Threshold has vertical change greater than $\frac{1}{4}$ inch	Remove door threshold and ensure that it is compliant with 2010 ADAS Section 404.2.5.	36 months from date of final judgment
LOBBY: (Men's Bathroom)	Turning space is not provided within the bathroom	Ensure that the turning space within bathroom is compliant with 1991 ADAS Section 4.22.3.	36 months from date of final judgment
LOBBY (Men's Bathroom)	Compliant knee space has not been provided under the sinks	Ensure that knee space under lavatory is compliant with 2010 ADAS Section 306.3.1.	36 months from date of final judgment
LOBBY (Men's Bathroom)	Stall is not compliant (toilet location, grab bars, etc.,)	Ensure that bathroom stall is compliant with 2010 ADAS Section 603.1; 604.4; 604.2;	36 months from date of final judgment

PORCH AREA	No accessible dining surfaces	Ensure that dining area complies with 2010 ADAS Section 226.1.	9 months from date of final judgment
PORCH AREA	Top of dining surface improper height above floor	Ensure that the tops of dining surfaces are compliant with 2010 ADAS Section 902.3.	9 months from date of final judgment
PORCH AREA	Compliant knee and/or toe clearance; inadequate floor space	Ensure that tables and ground space are compliant with 2010 ADAS Section 305.3; and Section 1005.4.	9 months from date of final judgment
GUEST ROOM 203	Door operating hardware exceeds maximum height.	Ensure that door operating hardware complies with 2010 ADAS Section 404.2.7.	36 months from date of final judgment
GUEST ROOM 203	Sign providing directional information is non-compliant.	Ensure that signage providing directional information is compliant with 2010 ADAS Section 216.3.	36 months from date of final judgment

GUEST ROOM 203	Light switches are too high	Ensure that light switches are compliant with 2010 ADAS Section 308.3.1.	36 months from date of final judgment
GUEST ROOM 203	Dresser drawer hardware is not accessible	Ensure that dresser drawer hardware is compliant with 2010 ADAS Section 309.4.	36 months from date of final judgment
GUEST ROOM 203	Lamp switch is not accessible	Ensure that lamp switch is compliant with 2010 ADAS Sectio 309.4.	36 months from date of final judgment
GUESTROOM 203	Shelf or storage facility is non- compliant	Ensure that shelf or storage facility is compliant with 2010 ADAS Section 308.2.1 and Section 308.3.1.	36 months from date of final judgment
GUEST ROOM 203	Route of travel within room does not provide minimum width of 36"	Ensure that route of travel is compliant with 2010 ADAS Section 403.5.1.	36 months from date of final judgment

GUEST ROOM 203	Clear floor or ground space near exterior window	Ensure that floor or ground space near exterior window is compliant with 2010 ADAS Section 305.3.	36 months from date of final judgment
GUEST ROOM 203	Table/desk in room does not have compliant knee or toe clearance	Ensure that table in room is compliant with 2010 ADAS Section 306.2.1.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Flush handle is located on wrong side of toilet	Ensure that flush handle on toilet is compliant with 2010 ADAS Section 604.6.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Rear grab bar (in bathroom) is 1" too high; incorrect length; wrong location;	Ensure that rear grab bar is compliant with 2010 ADAS Section 609.4 and Section 604.5.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Side grab bar (in bathroom) is not long enough; wrong location; too high;	Ensure that side grab bar is compliant with 2010 ADAS Section 604.5;	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Toilet is installed in wrong location; obstructed floor space around toilet;	Ensure that toilet is compliant with 2010 ADAS Section 604.3.2. and Section 604.2	36 months from date of final judgment

GUEST ROOM 203 (Bathroom)	Toilet paper is not installed within compliant range of toilet	Ensure toilet paper location is compliant with 2010 ADAS Section 604.7.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Water/drain pipes under bathroom sink are not adequately insulated	Ensure that water and drain pipes under sink are compliant with 2010 ADAS Section 606.5.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Towel bar is above maximum height allowed	Ensure that towel bar is compliant with 2010 ADAS Section 308.3.1.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Shower stall is not 60" deep; portable seat is not permitted in roll-in shower; missing folding seat; shower controls are in wrong location	Ensure that shower stall is compliant with 2010 ADAS Section 608.2.2; Section 608.4; Section 610.3.; Section 608.5.2; 608.3.2;	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Grab bar (in shower) in wrong location; handheld sprayer needs on/off control;	Ensure that handheld sprayer and grab bar in shower are compliant with 2010 ADAS Section 608.3.2 and Section 608.6.	36 months from date of final judgment

GUEST ROOM 203 (Bathroom)	Maneuvering clearance by bathroom door is obstructed by furniture	Ensure that maneuvering clearance at bathroom door is compliant with 2010 ADAS Section 404.2.4.1.	9 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Bathroom door operating hardware is not accessible	Ensure that bathroom door operating hardware is compliant with 2010 ADAS Section 404.2.7.	36 months from date of final judgment
GUEST ROOM 203 (Bathroom)	Bathroom window is not accessible because inadequate clear floor space	Ensure that bathroom window is compliant with 2010 ADAS Section 305.3.	36 months from date of final judgment
INDOOR POOL	Spa lift is noncompliant	Ensure that spa lift is compliant with 2010 ADAS Section 1009.2.	12 months from date of final judgment
INDOOR POOL	Pool lift is non-compliant (missing armrests); floor space is obstructed; inaccessible route;	Ensure that pool lift is compliant with 2010 ADAS Section 1009.2.6. and Section 305.3.	12 months from date of final judgment

INDOOR POOL	Shower compartment is missing folding or non-folding seat	Ensure that shower compartment is compliant with 2010 ADAS Section 608.4.	36 months from date of final judgment
INDOOR POOL (Shower)	Showering is missing handheld spray unit with 60" hose	Ensure that shower has handheld spray unit that complies with 1991 ADAS Section 4.20.6.	36 months from date of final judgment
INDOOR POOL (Shower)	Controls for shower are 1" too high	Ensure that operable parts of controls are compliant with 2010 ADAS Section 608.5.1.	36 months from date of final judgment
INDOOR POOL (Shower)	Coat hook in shower is too high	Ensure that coat hook in shower is compliant with 2010 ADAS Section 308.2.1.	36 months from date of final judgment
INDOOR POOL	Water/drain pipes under sink are not adequately insulated	Ensure that water and drain pipes under sink are compliant with 2010 ADAS Section 606.5.	24 months from date of final judgment
INDOOR POOL	Trash can under sink obstructs knee space	Ensure that knee clearance under sink is compliant with 2010 ADAS Section 306.3.1.	9 months from date of final judgment

INDOOR POOL	Toilet seat cover dispenser is in wrong location in stall	Ensure that toilet seat cover dispenser is compliant with 2010 ADAS Section 309.2.	36 months from date of final judgment
INDOOR POOL (Locker Room)	Locker room door opening doesn't have adequate floor maneuvering space	Ensure that locker room door opening is compliant with 2010 ADAS Section 404.2.4	24 months from date of final judgment
INDOOR POOL	Towel hooks in pool area; no clear floor space; installed too high.	Ensure that towel hooks are compliant with 2010 ADAS Section 305.3 and Section 308.2.1.	36 months from date of final judgment
INDOOR POOL	Coat hooks extend too close to route of travel; no clear floor space; installed too high	Ensure that coat hooks are compliant with 2010 ADAS Section 307.3.	36 months from date of final judgment
OUTDOOR POOL	Threshold at doorway to outside has vertical change greater than $\frac{1}{4}$ "	Ensure that threshold has vertical change that is compliant with 2010 ADAS Section 404.2.5.	12 months from date of final judgment

OUTDOOR POOL	Accessible route to outdoor pool has slopes exceeding 5%; and no compliant handrails	Ensure that accessible route to outdoor pool is compliant with 2010 ADAS Section 403.3. and Section 405.2.	12 months from date of final judgment
OUTDOOR POOL	Pool gate operating hardware is non-compliant; too high	Ensure that pool gate operating hardware is compliant with 2010 ADAS Section 309.4. and Section 404.2.7.	36 months from date of final judgment
OUTDOOR POOL	No accessible dining surfaces in outdoor pool area; compliant knee and/or toe clearance is needed at poolside	Ensure that dining surfaces are compliant with 2010 ADAS Section 226.1. and Section 306.2.1.	36 months from date of final judgment
OUTDOOR POOL	Handheld sprayer (in outdoor shower) is mounted too high; on/off controls; grab bar wrong location	Ensure that handheld sprayer is compliant with 2010 ADAS Section 608.6. and grab bar is compliant with 2010 ADAS Section 609.3	36 months from date of final judgment

OUTDOOR POOL	Water/drain pipes under sink are not adequately insulated	Ensure that piping under sink are compliant with 2010 ADAS Section 606.5.	36 months from date of final judgment
OUTDOOR POOL	Top rim of sink is 1" too high	Ensure that height of sink is compliant with 2010 ADAS Section 606.3.	36 months from date of final judgment
OUTDOOR POOL	Back gate operating hardware is not accessible; wrong height; inadequate maneuvering space	Ensure that back gate operating hardware is compliant with 2010 ADAS Section 309.4.; Section 404.2.7. and Section 404.2.4.1.	24 months from date of final judgment
OUTDOOR POOL	No accessible route to firepit	Ensure that route to firepit is compliant with 2010 ADAS Section 206.2.2.	36 months from date of final judgment
LAUNDRY AREA	Threshold at entrance has vertical change greater than ¼"	Ensure that threshold is compliant with 2010 ADAS Section 404.2.5.	36 months from date of final judgment

LAUNDRY AREA	Door operating hardware is not accessible	Ensure that door operating hardware is compliant with 2010 ADAS Section 404.2.7.	9 months from date of final judgment
LAUNDRY AREA	Inadequate maneuvering clearance near door (push and pull sides)	Ensure that maneuvering on the pull side of the door is compliant with 2010 ADAS Section 404.2.4.1.	36 months from date of final judgment
LAUNDRY AREA	Inadequate turning clearance	Ensure that turning space in laundry area is compliant with 2010 ADAS Section 304.3.1; and Section 304.3.2.	36 months from date of final judgment
LAUNDRY AREA	Height of workspace; non-compliant knee/toe clearance	Ensure that workspace is compliant with 2010 ADAS Section 902.3 and Section 306.2.1.	36 months from date of final judgment
LAUNDRY AREA	Paper towel dispenser too high	Ensure that paper towel dispenser is compliant with 2010 ADAS Section 306.3.3.	9 months from date of final judgment

LOWER LEVEL STORE	Route of travel less than 36" minimum width	Ensure that route of travel is compliant with 2010 ADAS Section 403.5.1.	9 months from date of final judgment
LOWER LEVEL STORE	Maneuvering clearance at door exceeds 2% slope	Ensure that maneuvering clearance at door is compliant with 2010 ADAS Section 404.2.4.4.	36 months from date of final judgment
LOWER LEVEL STORE	Inadequate clear floor space	Ensure that floor space complies with 2010 ADAS Section 305.3.	36 months from date of final judgment
LOWER LEVEL STORE	Coat hooks are too high	Ensure that coat hooks are compliant with 2010 ADAS Section 308.3.1.	36 months from date of final judgment
LOWER LEVEL STORE	No accessible fitting and/or dressing room	Ensure that dressing room is compliant with 2010 ADAS Section 222.1.	36 months from date of final judgment
LOWER LEVEL RESTROOM	Paper towel dispenser is too high from floor	Ensure that paper towel dispenser is compliant with 2010 ADAS Section 308.2.1.	9 months from date of final judgment

LOWER LEVEL RESTROOM	Water/drain pipes under sink are not insulated	Ensure that pipes under sink are compliant with 2010 ADAS Section 606.5.	24 months from date of final judgment
2nd FLOOR VENDING	Vending room door operating hardware is not accessible	Ensure that vending room door operating hardware is compliant with 2010 ADAS Section 404.2.7.	36 months from date of final judgment
2nd FLOOR VENDING	Compliant room identification sign is missing from latch side of door	Ensure that room identification sign is compliant with 2010 ADAS Section 216.2 and Section 703.4.2.	36 months from date of final judgment
2nd FLOOR VENDING	Vending controls are too high	Ensure that vending controls are compliant with 2010 ADAS Section 308.3.1.	24 months from date of final judgment
OTHER GUEST ROOMS	Not enough accessible rooms designed with mobility features	Ensure that hotel complies with 2010 ADAS Section 224.2.	36 months from date of final judgment
OTHER GUEST ROOMS	Accessible guest rooms are not dispersed among various classes of sleeping accommodations	Ensure that accessible guest rooms comply with 2010 ADAS Section 224.5.	36 months from date of final judgment

OTHER GUEST ROOMS	Vanity countertop space in accessible guest rooms is smaller than vanity counter-top space in non- accessible rooms	Ensure that vanity counter tops are compliant with 2010 ADAS Section 806.2.4.1.	36 months from date of final judgment
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SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

September 3, 2025

cc: Counsel of Record