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Disabled Man With Untrained Service Dog Denied Entry To Retail Store

(Miller v. Fortune Commercial Corporation)

A California Court of Appeal decision just affirmed a judgment in favor of a retail store finding that a disabled person had no right to bring an untrained service dog into a store for the sole purpose of accompanying someone who was making a purchase.

20 year old Joey Miller suffers from autism. Miller's parents bought a dog, Roxy, that they hoped could be trained as a service dog for the young man. When purchased, the dog had basic obedience training only. Shortly after acquiring the dog, the disabled young man and his father took the dog to a local grocery store. A store employee stopped them upon entry and told them they could not bring a pet into the store. Miller and his father drove to another store location, where the same thing happened.

Miller sued the grocery store owner, Fortune Commercial Corporation, for violation of his rights under the Unruh Civil Rights Act and Disabled Persons Act (DPA). The defendant, the grocery store, moved for summary judgment arguing: (1) The dog was not a trained service dog; (2) the young adult did not bring the dog to the store for the purpose of training

her; and (3) neither Miller nor his father were qualified to train a service dog.

The Court of Appeal held that the grocery store did not violate Miller's rights by barring the dog from its store. In a fact intensive and technical decision, the Appellate Court explained at great length why the actions of the defendant were lawful and why there was not a violation of the Unruh Act or the DPA. Whether this decision is a sign of how future claims will be handled is still up in the air. For now, this is good news for retail merchants in California.

For more information about this case, [click here](#).



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