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CITY MANAGER'S OFFICE
CITY OF CULVER CITY
KENDALL MULVIHILL

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October 23, 2021

City Manager John Nachbar
City of Culver City
9770 Culver Boulevard
Culver City, CA 90232

Dear Mr. Nachbar:

My name is Kendall Mulvihill. I was born with cerebral palsy and have been in a wheelchair since birth. Oh, please do not feel sorry for me as I am living my best life and am thriving.

I just turned 21, and my family recently moved into our first home, a Habitat for Humanity home on Globe Avenue in Culver City. You may have seen me around town, tooling around in my specially built, motorized, wheelchair.

I am writing you to ask that you rectify a situation on Washington Boulevard near Globe. As you likely know, a very nice unhoused person, I believe her name is Eva, currently has made a significant portion of the sidewalk her residence. I do not have any ill feelings for Eva, and I do not wish her harm. However, the area she resides in directly blocks my travel. The only reasonable way around Eva is for me to take my motorized wheelchair into the street.

As you also undoubtedly know, Culver City had a vehicle v. motorized wheelchair accident on Sawtelle Boulevard. That accident caused the death of Richard Kitabayashi. I do not wish to suffer the same fate.

Just as I do not wish Eva any ill will, I do not wish any ill will toward the City of Culver City. However, the City has been notified of the blocking of the sidewalk, and to date has done nothing to rectify the situation.

I imagine that Culver City has policies it must enforce, and it appears that Mayor Alex Fisch is not interested at all in helping the handicapped. On an unrelated note, Mayor Fisch reminds me of Donald Trump as he incessantly tweets nonsense.

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I was hopeful that the issue of blocking access to the sidewalks could be placed on the City Council's agenda, but I understand that Mayor Fisch wouldn't agree and there were not enough votes to have this matter heard.

While I do understand that the City has its policies, my understanding from speaking with a number of attorneys is that the Americans with Disability Act of 1990 trumps all City policies.

In fact, it is my understanding that the City has an affirmative duty to maintain access for the disabled. The City has been advised of the blockage of the sidewalk near the corner of Washington and Globe, and to date has not done anything to remove that blockage.

Again, my first option is not to file a suit in Federal Court against the City for the ADA violation. However, as the City seems not interested in complying with Federal Law, I may have no other option. I have consulted with two law firms who specialize in these types of actions, and both have indicated that I have a solid case against the City, if I choose to pursue it.

All I am asking is that the City follows Federal Law and allow access to me and others similarly situated. I'd be very appreciative if you could find Eva help and a place to live as well.

Please let me know what action(s) will be taken, and when. If I do not hear back from you within two weeks, I'll assume that the City is not interested in the disabled or the Americans with Disability Act, and regrettably, I will have to take the next step.

I look forward to an amicable resolution of this troubling matter, certainly without the need for judicial intervention.

Very truly yours,


Kendall Mulvihill

cc: Rolando R. Tijerina, Esq.
Action Lavitch, Esq.