## Knock, Knock. Who's There? Meter Maid. Meter Maid Who? Meter Maid her Sick

## By Reg P. Wydeven August 29, 2012

Growing up in Kimberly, we were lucky to have so many great local businesses. I remember my mom driving me to my future father-in-law's optometry office to have my eyes checked. We would then go next door to Marty's for a hamburger. We would sometimes stop at Eiting's or Gordy's to pick up some groceries. If we were lucky, we would stop at Mrs. Tiedemans' store for unique treats, like 'Lone Ranger' masks.

I also remember my mom driving us into Appleton to go to Conkey's book store, Shirley's or the ABC Kiddie Shop. When we went into the big city, however, we had to bring change to feed the parking meters.

In high school and college, we would go to the Appleton YMCA over Christmas break to play hoops. Every few hours we would have to run out into the snow to plug the meters again.

While a minor inconvenience, parking meters obviously provide a valuable source of revenue for municipalities. These funds are used for services, repairs or other improvements for their residents.

To make parking meters more convenient, the city of Santa Monica, California, installed "smart" parking meters throughout town in March. These smart meters allow drivers to use their smartphones or credit cards to buy metered time for parking. When a car leaves, a sensor within the parking stall resets the meter, so you can't swoop into the spot and use another driver's time.

This sensor uses a cell phone network to communicate for 2 to 4 seconds with the meter after detecting a vehicle coming or going. A spokesperson for the city of Santa Monica explained that, "The meters use basic wireless technology that is commonly available and utilized in WiFi and cellular communications."

It's because of this technology that Denise Barton is suing the city for \$1.7 billion. According to her lawsuit, Barton is alleging that the radiation from the smart parking meters is causing her health complications. Barton told ABC News that, "In April, they started turning on the new smart meters downtown and I started getting sick."

Barton claims the radiation from the meters caused tightness on the back, left side of her neck, ear infections and an irregular period. When calculating her \$1.7 billion of damages, she said, "I figured that's the value of my life and health considering how much I had to go through as a child." Barton purportedly suffered neurological damage following a car accident as a child. She explained that after arriving at her damages she decided to file suit, saying, "It's also the value of taking away my choice of the best way to protect my health without my consent."

Barton thinks that the City unilaterally installing the smart meters is "wrong." She also concedes her damage request, "seems a little big but they can't do things that affect people's health without their consent."

Santa Monica's liability adjuster is currently investigating whether the claim will be honored or rejected. Don Patterson, the city's assistant finance director, indicated that, "We're not concerned about any health risks. It basically uses a very weak WiFi signal that only communicates between the meter and the sensor in each space."

"The city doesn't regulate communication," Patterson elaborated. "What we're using is what basically is widely available cell phone technology. If you have WiFi in your house, it's the same technology. If you have a cell phone, then that portion of the technology is the same. It's all off-the-shelf technology," he said.

Barton filed her suit on August 6, and the city now has 45 days to officially respond. If Barton ultimately wins, Santa Monica will supposedly pay her damages using change from old fashioned parking meters.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2012 McCarty Law LLP. All rights reserved.