

ADA WEBSITE ACCESSIBILITY CASES CONTINUE TO GROW

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An increasing number of retailers are facing lawsuits or threats of lawsuits regarding website accessibility under the Americans With Disabilities Act (“ADA”), despite the fact that the ADA and its implementing regulations do not expressly address website accessibility.

The Department of Justice first announced in 2010 that it would issue formal regulations regarding website accessibility, but they now are not expected until 2018. In the meantime, the number of cases against retailers and others continue to mount, and judges show no propensity to dismiss or stay the cases while the DOJ works on its regulations. Last month, a federal magistrate judge in a website accessibility case against Harvard University and the Massachusetts Institute of Technology rejected arguments that the court should dismiss or stay those cases pending issuance of the DOJ regulations.

Further, for what is believed to be the first time in any court, a California judge recently granted summary judgment to a visually-impaired plaintiff who alleged that the website of luggage retailer Colorado Bag'n & Baggage was inaccessible in violation of the ADA. Judge Brian Foster awarded the plaintiff, Edward Davis, \$4,000 in damages. Davis is also entitled under the ADA to recovery of his attorneys' fees. Davis has filed at least nine lawsuits in San Bernardino County Superior Court and another two in federal court. Several have ended with settlements. He is represented by Victoria Knowles of the Newport Trial Group.

MEET THE TEAM



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