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11th Circuit Reverses Dismissal of ADA Claims

Earlier this week, the U.S. Court of Appeals for the Eleventh Circuit reversed the dismissal of a complaint against Dunkin' Donuts, holding that the plaintiff had adequately alleged a plausible claim under the federal Americans with Disabilities Act. The plaintiff in the case is blind, and he alleged that the Dunkin' Donuts website was not compatible with screen reading software. This week's decision will allow that claim to proceed in the district court. In its decision, the Eleventh Circuit declined to address Dunkin' Donuts' argument that *it* did not operate a place of public accommodation since it is merely the franchisor of Dunkin' Donuts shops. Expect that interesting issue to be revisited at the summary judgment stage should the case progress to that point.

Cases such as this have become increasingly common. You may be aware that visually-impaired persons are filing lawsuits claiming that the failure of companies that operate places of public accommodation to make their websites compatible with screen reading software violates the ADA and similar state laws. We have seen these lawsuits frequently result in a quick settlement. But, those settlements can be costly as the federal ADA and state laws provide for statutory damages (and, under some state laws, punitive damages), as well as attorneys' fees. To limit exposure, businesses that operate a place of public accommodation should preemptively ensure that their websites are compatible. While doing so may entail additional development expenses, it will also mitigate exposure to far costlier statutory damages and attorneys' fees.

The Eleventh Circuit's full decision is available [here](#).

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