

US Supreme Court Agrees to Hear Hotel ADA Case

News

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On March 27, the US Supreme Court granted Acheson Hotels LLC's petition for a writ of certiorari. The question presented is whether a self-appointed Americans with Disabilities Act “tester” has Article III standing to challenge a hotel’s failure to provide disability accessibility information on its website, even if the tester has no intention of visiting the hotel.

The plaintiff, Deborah Laufer, has filed more than 600 federal lawsuits against hotel owners and operators, arguing that hotels' websites are unclear about whether they are accessible to people with disabilities.

In October 2022, the First Circuit reversed a lower court's dismissal of Laufer's suit against Acheson Hotels and joined one side of a split among circuit courts over this issue.

Acheson’s petition argues: “A cottage industry has arisen in which uninjured plaintiffs lob ADA lawsuits of questionable merit, while using the threat of attorney’s fees to extract settlement payments. These lawsuits have burdened small businesses, clogged the judicial system, and undermined the Executive Branch’s exclusive authority to enforce federal law.”

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