

# Petitioner’s Brief Urges SCOTUS to Dismiss Case of ADA “Tester”

## News

June 7, 2023

Following the US Supreme Court granting the petition for certiorari by our client Acheson Hotels LLC, the team representing Acheson recently filed its opening brief. The question before the Court is whether a self-appointed Americans with Disabilities Act “tester” can challenge a place of public accommodation’s failure to provide disability accessibility information on its website, even if she does not intend to visit that place.

Deborah Laufer sued Acheson in 2020 after she allegedly visited the website of its hotel and found that the website did not provide sufficient information regarding whether the hotel was ADA accessible. A district court dismissed Laufer’s case due to her lack of injury. On appeal, the First Circuit held that Laufer did have standing to sue, joining a circuit split over the issue.

In our brief, we argue that, to establish standing, Laufer must establish a concrete, particularized, forward-looking injury. We argue that Laufer cannot do so because “she will not be injured by failing to receive accessibility information regarding a hotel she does not intend to visit.”

The team representing Acheson includes Partners Adam Unikowsky, Lindsay Harrison and Annie Kastanek and Associates Victoria Hall-Palerm and Nicole Allicock.

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