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February 01, 2019

Ninth Circuit Rules That Lack of Web Accessibility Regulations Does Not Bar ADA Suits



The U.S. Court of Appeals for the Ninth Circuit issued a decision on January 15, 2019 in a closely followed web accessibility case, [Robles v. Domino's Pizza, LLC](#), reaffirming Ninth Circuit precedent holding that companies whose online activities share a nexus with physical places of public accommodation may be held liable under the Americans with Disabilities Act for failing to make their websites and apps accessible to persons with disabilities.

Most notably, however, the decision expressly rejected the argument that the lack of regulatory clarity on the ADA's application to web content violates due process rights. The decision in *Robles* is likely to influence how courts in other jurisdictions consider due process arguments made by defendants in web accessibility suits. A case to watch is *Gil v. Winn-Dixie Stores, Inc.*, which raises similar accessibility issues and is currently pending before the U.S. Court of Appeals for the Eleventh Circuit. The Eleventh Circuit heard oral arguments in the case in October 2018, but has not yet issued a ruling. Regardless of how *Gil* is resolved, *Robles* will likely diminish the force of commonly-invoked arguments that the absence of formal web accessibility rules exempts defendants from ADA liability online. The reasoning in *Robles* also may be relied on in other contexts where statutory obligations are left relatively undefined.

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