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March 28, 2022

Eleventh Circuit Denies Rehearing in ADA Website Accessibility Case



Key updates:

- The U.S. Court of Appeals for the Eleventh Circuit has declined to reconsider its decision to vacate the trial court's judgment in *Gil v. Winn-Dixie Stores, Inc.*, ending litigation on one of the most significant website accessibility cases in the country. See our [recent blog post](#) regarding previous developments.
- On February 28, 2022, almost 200 advocacy groups, led by the American Council of the Blind and others, published a ["Joint Letter to Enforce Accessibility Standards"](#) to the head of the U.S. Department of Justice (DOJ) Civil Rights Division.

In December 2021, the Eleventh Circuit vacated a prior ruling that websites are not places of public accommodation under Title III of the Americans with Disabilities Act (ADA). Prior to this decision, the Eleventh Circuit was the only federal circuit court of appeal to explicitly hold that Title III of the ADA does not apply to websites, although federal courts were previously and remain split as to whether Title III extends only to websites with a "nexus" to a physical location or to stand-alone e-commerce sites. The Eleventh Circuit held that the matter was moot, as the initial injunction to bring the website into conformance with the updated Web Content Accessibility Guidelines had expired while the appeal was pending for over four years. Seeking clarity, Winn-Dixie asked the Eleventh Circuit for rehearing en banc to determine whether the appeal and initial ruling are moot. On March 2, 2022, the Eleventh Circuit denied Winn-Dixie's request. The lack of clear standards and regulations regarding web accessibility guidelines continue to contribute to thousands of website accessibility lawsuits being filed each year. While the DOJ under the current administration has pursued enforcement of website accessibility claims, there has been a lack of recent rulemaking or regulations on the topic. In light of the lack of rulemaking, on February 28, 2022, nearly 200 advocacy groups, led by the American Council of the Blind, the American Federation for the Blind, the National Federation of the Blind, and the National Disability Rights Network published a ["Joint Letter to Enforce Accessibility Standards"](#) to the head of the DOJ's Civil Rights Division. The groups asked the DOJ to "maintain this rulemaking process as a priority and finalize a rule by the end of the current administration." It remains to be seen whether the DOJ will act.

Authors

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