

Sheppard Mullin Secures Victory for San Diego County Credit Union

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On Tuesday, November 12, 2018, Sheppard Mullin achieved a complete defense victory on behalf of the San Diego County Credit Union in *Abelardo Martinez v. San Diego County Credit Union* in San Diego Superior Court. This case is the only known website accessibility lawsuit to go to trial in the state of California.

Thousands of website lawsuits are being filed every year by a few plaintiffs' law firms. The plaintiffs' bar is taking advantage of the fact that the Department of Justice has not enacted any accessibility standards for websites. Due to the lack of standards, it is very difficult for a company to show that it is in "compliance." In this unsettled area of the law, this is an important victory for the business community.

Background on the Case

In this lawsuit, Abelardo Martinez, a visually-impaired individual, alleged that San Diego County Credit Union's website was not compatible with his screen reader in violation of the Americans with Disabilities Act ("ADA") and the California Unruh Civil Rights Act ("Unruh Act"). Mr. Martinez is a professional litigant who has filed a myriad of similar lawsuits. He sought statutory damages, attorney's fees, and a permanent injunction requiring San Diego County Credit Union to make its website accessible to visually-impaired individuals.

At trial, the court granted San Diego County Credit Union's motion for nonsuit, concluding that neither the ADA nor the Unruh Act applies to websites as a matter of law. The Court's written ruling will be forthcoming.

The Sheppard Mullin team included partners Gregory F. Hurley and Michael J. Chilleen, and associate Brad Leimkuhler.

Attorneys

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Practice Areas

Financial Services Litigation

Litigation