

Sheppard Mullin Wins Jury Verdict in Second ADA Website Case

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Sheppard Mullin has again won an Americans with Disabilities Act (ADA)/California Unruh Act website access case brought by Pacific Trial Attorneys in San Bernardino, CA. The case, *Thurston v. OMNI Hotels Management Corporation*, centered around whether Omni Hotels' website was accessible to those with disabilities. The jury found that the plaintiff, Cheryl Thurston, did not even attempt to use Omni's website for the purposes of making a hotel reservation and all claims were dismissed.

Said lead Sheppard Mullin partner Greg Hurley, "We believe that this verdict is a recognition that these 'surf by' website claims are contrived and merely brought as a means to recover damages and attorney's fees. We hope to use this win – and our win from last year in *Abelardo Martinez v. San Diego County Credit Union* to help dispose of other ADA website cases we are defending."

The Sheppard Mullin team is also working on the petition for *certiorari* review to the US Supreme Court in the *Robles v Dominos* case out of the Ninth Circuit. That petition has been filed and has the amicus support of a dozen national trade organizations.

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

Background

Over the last four years, there have been more than 6,000 cases filed against businesses alleging that their websites and mobile apps violate the Americans with Disabilities Act (ADA) purportedly because their websites and mobile apps cannot be read by screen readers used by the visually impaired. Late last year, Sheppard Mullin litigated a website case filed by Pacific Trial Attorneys for Abelardo Martinez against the San Diego County Credit Union. Mr. Martinez had filed a myriad of similar lawsuits all seeking to recover fees for Pacific Trial Attorneys. The Court in the Martinez case granted a non-suit for the Credit Union, dismissed all claims concluding that neither the ADA nor California's Unruh Act applies to websites, and ordered Mr. Martinez and Pacific Trial Attorneys to pay the Credit Union more than \$3,400 in costs as the prevailing party.

Attorneys

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