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Acheson Hotels, LLC v. Laufer: ADA Web Accessibility at the Supreme Court

On Dec 5, 2023, the U.S. Supreme Court addressed a case involving a "civil rights tester," Deborah Laufer, who sued Acheson Hotels under the Americans with Disabilities Act (ADA). Laufer alleged that the hotel failed to provide accessibility information on its website. The Court unanimously dismissed the appeal, declaring the case

moot after Laufer voluntarily dropped her lawsuit.

Deborah Laufer has vision impairments and multiple sclerosis. She resides in Florida and filed a lawsuit in 2020 against Acheson Hotels in Maine. Laufer argued that the hotel violated ADA regulations by not providing adequate information about accessibility on its website. The ADA's "Reservation Rule" was the focal point of this case.

The defendant argued that Laufer did not have the right to sue Acheson Hotels for lacking accessibility information. However, the First Circuit Court of Appeals recognized that she had legal standing based on the Department of Justice's "Reservation Rule" under the ADA. Under the ADA's "reservation rule," hotels are required to describe the accessibility of their facilities to individuals with disabilities. This rule ensures that people with disabilities can independently assess a hotel's accessibility. Denying this information is legally considered an injury, granting the right to sue. The Court affirmed Laufer's legal right to access information and highlighted her injury, which included her feelings of frustration and humiliation due to the website's lack of accessibility. Additionally, the Court clarified that a post-lawsuit statement on the website did not constitute a settlement.

This case underscores the critical importance of digital accessibility. The case presents an opportunity for disability advocacy groups to drive education and awareness, empowering individuals with disabilities and prompting businesses to address accessibility concerns proactively. Companies should focus on conducting regular audits, implementing staff training, and engaging with disability communities. This collective effort ensures ADA compliance, fosters a more inclusive digital landscape, and benefits individuals with disabilities as well as the businesses themselves.



The Fight for Caregiver Admission Without Surcharge

Plaintiff Kristofer Napper is a person with a disability who relies on the assistance of caregivers for his Activities of Daily Living (ADL). Mr. Napper is a movie lover and has enjoyed many visits to AMC Theatres. However, he has encountered a significant barrier to enjoying the services offered by AMC as an individual with a disability. Mr. Napper filed a lawsuit against AMC Theaters on November 3, 2023, claiming that AMC Theatres violated Title III of the Americans with Disabilities Act (ADA) as

well as the Washington Law Against Discrimination, RCW 49.60, by charging him an additional, separate surcharge for a caregiver to accompany him, thereby discriminating against him as an individual with a disability.

Mr. Napper needs a caregiver to sit beside him to meet his care needs while at the movies. This proximity to his caregiver is essential to ensure that Mr. Napper can ask for and receive assistance when needed. With his personal care attendant next to him, Mr. Napper does not need to worry if he is unable to reach the controls on his power-operated wheelchair or use the voice controls to send a message on his phone, as he is unable to send messages manually. Because Mr. Napper cannot comfortably and safely attend movies without his caregiver seated with him, AMC Theatres has required him to purchase an additional ticket for his caregiver each time he attends the theater even though the caregiver is not there to enjoy the film but to perform a necessary job for Mr. Napper. This amounts to a surcharge required only for individuals with disabilities who need to receive services from caregivers, denying them equal access to the benefits and services of the theater enjoyed by individuals without disabilities.

WACDA, on behalf of Mr. Napper, seeks an injunction to ensure that patrons with disabilities who require the assistance of a caregiver have a full and equal opportunity to enjoy the services at AMC without an additional "surcharge." WACDA is committed to ensuring that the entire community, including assembly areas like movie theaters, is fully accessible and inclusive for people with disabilities.

WACDA in the News: One of Seattle's Most Influential People of 2024 Takes on Accessibility at Sports and Entertainment Venues

Washington Civil & Disability Advocate's founder, Conrad Reynoldson. Reynoldson founded the non-profit WACDA in 2017 to advocate for the disability community in Washington and beyond. [He was recognized by Seattle Business Magazine](#) for his significant efforts to solve problems selflessly. WACDA offers free legal services to individuals with disabilities who have faced discrimination or barriers to inclusion. Reynoldson has made his mark as a champion of equity through WACDA.

Reynoldson's mission is to ensure equal access to sports and entertainment venues, especially throughout Washington. Reynoldson also caught the attention of Chris Daniels of KOMO News. In his [recent interview](#), Reynoldson outlined WACDA's current focus: ensuring accessibility in public places under the protections of the Americans with Disabilities Act. Sports and entertainment venues present a unique challenge as construction, ticketing policies, and seating assignments vary from venue to venue. As WACDA moves forward with current cases involving accessibility at some of these locations, KOMO News' story presents an opportunity for Washingtonians to think again about issues of accessibility and inclusion that continue to impact their fellow sports and entertainment fans.



Is Your Parking Lot ADA Compliant?

Last summer, WACDA filed a lawsuit against Republic Parking Northwest, LLC and its principal company, Republic Parking System, LLC (collectively "Republic") for their non-ADA-compliant parking facilities.

Plaintiffs Rhonda Brown, Barry Long, Kris Napper, and Trever Bacher are individuals with disabilities who use wheelchairs. Plaintiffs also drive motor vehicles that are modified for wheelchair use. Republic operates parking facilities and offers parking services in various cities within Washington. Those include, but are not limited to, Seattle, Bellevue, and Tacoma. Like most people, the plaintiffs travel to and around those cities and need to be able to park safely. The plaintiffs have visited Republic parking lots and encountered barriers that prevented their full and equal enjoyment of Republic's parking facilities. These barriers include, among others, an insufficient number of standard and van-accessible parking spaces, inadequate size specifications for existing spaces, excessive slopes with the spaces and access aisles, noncompliant accessible routes, and inaccessible kiosks.

Plaintiffs seek injunctive relief to compel Republic to fix its non-ADA-compliant parking facilities. This relief would ensure

Republic would implement the required minimum design specifications of the ADA at its parking facilities. This lawsuit will ensure that Republic parking facilities will be accessible to community members with mobility disabilities. Moreover, it serves as a reminder to other places of public accommodation that these facilities must be readily accessible to individuals with disabilities.

Census' Proposed New Disability Criteria Sparks Controversy



Disability rights advocates have sharply conflicting opinions over proposed changes to how the U.S. Census counts disabilities among respondents. Some suggest these changes could be a step back in terms of the representation of Americans with disabilities. For decades, the Census has included questions that ask respondents if any members of their household have difficulty with physical abilities like seeing, walking, and hearing. Respondents have only been asked to answer "Yes" or "No," with an affirmative answer counted as indicating a person with a disability lives in the household.

The proposed change would eliminate this binary system of data-gathering. Instead, it would introduce a system that asks

respondents to answer if members of their household have "no difficulty," "some difficulty," "a lot of difficulty," or "cannot do at all" regarding the same physical abilities. Only those who answer that they or a member of the household experience "a lot of difficulty" regarding an ability or "cannot do [it] at all" will be counted as having a disability.

Proponents of the change highlight the new system's ability to gather more nuanced data and note that this is more consistent with how such data is collected in other countries. Critics of the proposed change argue that this method will drastically undercount individuals with disabilities by failing to account for those who have a less impactful disability, or whose disability stems from moderate difficulty with a variety of physical functions. Some estimates claim that as many as 40% of people living with a disability will not be counted as such under these proposed criteria. Many are concerned that the change creates a grave risk of undercounting a population in dire need of proportional attention and resources. A proposed change that would inquire about persons whose disability is not purely physical would not only be more inclusive but would more accurately account for the actual number of individuals with disabilities in our community.

