



LITIGATION DEFENSE AND COUNSELING CAPABILITIES RE:

## WEBSITE/MOBILE APP ACCESSIBILITY CLAIMS

UNDER THE AMERICANS WITH DISABILITIES ACT (“ADA”) AND SIMILAR STATE AND LOCAL STATUTES

### ADA WEBSITE/MOBILE APP ACCESSIBILITY DEFENSE

Claims alleging violations of the Americans with Disabilities Act (“ADA”) by consumer-facing websites and mobile apps have exploded. Typically brought by consumers with visual, hearing, or other physical disabilities, these lawsuits and demand letters claim company websites and mobile apps cannot be properly accessed and/or the information on them cannot be properly understood.

Now is the time for companies to act to protect themselves from lawsuits alleging their websites and mobile apps are in violation of Title III of the ADA, or to hire experienced counsel to help them navigate their way out of these actions if they have already been sued. For many industries and companies, the question is not *if* they will be sued, but when.

First, our **ADA Website/Mobile App Defense and Compliance Team** is happy to consult and guide you through a quick assessment of your company’s potential website lawsuit exposure and then guide you to remedies to help fix any issues before litigation arises.

However, if you have been sued, our team has extensive experience in defending companies in many different industries against these types of claims. Not only are we prepared to litigate them in court, but we can also act swiftly to settle matters when appropriate (which happens frequently), or even in pre-litigation if demand letters are received. Our lawyers have represented clients across the country facing these types of suits, including in New York, New Jersey, California, Colorado, Massachusetts, Florida, and Pennsylvania. In addition to experience handling ADA lawsuits, we also handle state claims, including under California’s Unruh Act and New York’s Human Rights Law. We act quickly to stem the damage and limit attorneys fees, and we help counsel our clients about methods of quick website remediation (including helping with vendor selection) if that is requested.

We have one of the deepest and most experienced teams in the U.S., having represented clients in the following industries:

- Banks and other financial services companies
- Retailers
- Hospitality and food/beverage companies
- Luxury goods

## ADA Website and Mobile App Defense and Compliance Team



**Roy W. Arnold**

Partner, Business Litigation  
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**Roy W. Arnold** is co-chair of the firm's Class Action Defense Team. As a substantial part of his practice, he has developed an active, national practice defending retailers, banks, insurers, REITs and other businesses from ADA Title III claims involving websites, mobile apps, bank automated teller machines, point of sale devices, parking lot slopes and signage, and a variety of other issues. He also provides practical and cost-effective counseling to clients to improve their ability to defend and/or resolve these claims.

To date, he has successfully defended or resolved more than 60 website matters, more than 25 bank ATMs cases, dozens of parking lot cases and a number of mobile app and POS device matters. These cases have been filed in Pennsylvania, New York, Florida, Colorado and California.



**Charles S. Marion**

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**Charles S. Marion** primarily focuses his practice in the areas of complex business litigation, intellectual property litigation (including breach of non-compete and/or non-solicitation agreements, and trade secret disputes), franchise litigation, and product liability.

He advises and defends clients whose websites are alleged to violate the ADA, including handling litigation and counseling clients on steps to take to limit exposure to claims. Chuck also frequently writes and presents webinars and other programs on the subject, including:

- "New Ruling Reiterates that Websites and Mobile Apps Need to be ADA Compliant," Client Alert, January 2019
- "An Explosion in ADA Website Accessibility Lawsuits: Is Your Company Facing Legal Exposure," Webinar, May 2018
- "Does Your Website Comply with the ADA? Does It Even Need To?," Webinar, Nov. 2017



**Samuel D. Levy**

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**Samuel D. Levy** is an experienced business and trial lawyer, handling commercial cases from inception through trial and appeal.

Samuel's practice encompasses international and domestic litigation and arbitration in commercial and business matters, including ADA compliance, complex contract, licensing and distribution, antitrust, intellectual property, business disputes affecting and counseling concerning retail and luxury goods companies, securities, real estate, and general business matters.

Samuel handles ADA compliance cases on behalf of international luxury goods companies accused of having inaccessible websites. In addition, he provides highly skilled business counsel to foreign manufacturers on operating in and complying with U.S. federal and state laws.



**Ana Tagvoryan**

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**Ana Tagvoryan** has over a decade of experience defending complex consumer individual and class action claims in and out of the courtroom across the nation. Her complex corporate litigation practice concentrates on regulatory and statutory compliance issues (including ADA website accessibility matters), consumer fraud, data privacy, online and telephone marketing, false advertising, and e-commerce. Ana is also the Chair of the consumer privacy and TCPA (Telephone Consumer Protection Act) class action defense groups.

Ana has lectured extensively on class actions, e-commerce and privacy, the Internet of Things, social media law, e-Discovery, FCC regulations, class actions, and other legal matters, and regularly writes in leading industry publications concerning class action trends and consumer privacy matters.



## Craig M. Flanders

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**Craig M. Flanders'** litigation practice encompasses sophisticated international and domestic commercial disputes, including federal statutory claims, including ADA website accessibility, class actions, trade secret, breach of contract, intellectual property, and other business torts.

Craig's clients include some of the largest companies in the world, including financial institutions, hedge funds, private equity funds, manufacturers, and an array of public and private companies,

Craig has appeared in federal and state jurisdictions throughout the United States including arguments in front of the Second, Third, and Ninth Circuits, as well as the New York Supreme Court, Appellate Division, and various trial courts. Craig also regularly partners with lawyers across the country in local counsel or co-counsel engagements to service clients.



## Jayme L. Butcher

Vice Chair, Commercial Litigation  
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**Jayme L. Butcher** has built her practice helping clients in a wide variety of areas, including trade secrets and other intellectual property issues, complex business issues (including breach of contract, fraud, and other business torts), and employment issues. She has first chair trial experience in courts across the country and has also led commercial arbitrations at the American Arbitration Association and at FINRA, the Financial Industry Regulatory Authority.

Jayme has experience obtaining preliminary injunctions, summary judgments, and other relief on behalf of her clients, and has handled ADA accessibility actions. A "Woman of Influence" as named by the *Pittsburgh Business Times*, she works closely with her clients to help them reach their goals by developing clearly defined litigation strategies that complement her clients' business objectives.



## Anthony Mingione

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**Anthony Mingione** devotes his practice to litigating complex commercial matters and providing business solutions to legal problems in the workplace. He regularly advises and helps clients litigate on many areas of law including protecting trade secrets and other confidential materials, conducting investigations, ADA matters, and other employment and labor issues. He also is a frequent speaker, including on the following recent topics:

- An Explosion in ADA Website Accessibility Lawsuits: Is Your Company Facing Legal Exposure
- The ADA Amendments Act: The Implementing Regulations are Final; Now What?
- Changes in Trade Secrets Law
- Rise of the "Gig Economy"
- Recent Events Affecting the Enforcement of Non-Compete Agreements
- The Termination Process: An Employer's Right to Fire and Its Limitations



## Martin S. Krezalek

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**Martin Krezalek** concentrates his practice on complex business litigation, with a particular focus on advising clients in closely-held ownership and partnership disputes. Martin also represents clients whose websites have been accused of violating the ADA, and frequently writes on that subject. Additionally, Martin has extensive experience representing clients within the creative & advertising industry and the financial services industry. A recent article (with Sam Levy) is: "A Call for Regulation: The DOJ Ignored Website Accessibility Regulation and Enterprising Chaos Ensued" (*NY Law Journal*, Nov. 2018)

### RECOGNITIONS

- 2015-2018, New York Metro "Rising Star" in Business Litigation, listed in *Super Lawyers*