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## WLF Asks High Court to Stop Lower Courts from Rewriting the ADA

*(Domino's Pizza LLC v. Robles)*

**“Whether and how to impose a federal accessibility regime on America’s vast digital economy is a question of such political and economic magnitude that only Congress can answer it.”**  
—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today asked the U.S. Supreme Court to review, and ultimately overturn, a decision of the U.S. Court of Appeals for the Ninth Circuit that essentially rewrites the Americans with Disabilities Act of 1990 (ADA).

Congress enacted the ADA in 1990, before the cyberspace era. Title III of the ADA forbids “public accommodations” from discriminating against the disabled. Yet the Ninth Circuit extended the scope of Title III liability to Domino’s Pizza—not for its brick-and-mortar restaurant, but for its Internet website and mobile app.

Rather than phone his local Domino’s for pizza delivery or pick up, Robles sought to order pizza via Domino’s website and mobile app. Contending that Domino’s website and app lacked adequate written descriptions for every digital image, Robles sued Domino’s under the ADA for preventing him from completing an online order. The district court dismissed the suit. On appeal, the Ninth Circuit decided that Title III extends to Domino’s website and mobile app, allowing the suit to go forward. That holding conflicts with the decisions of at least three other federal appeals courts.

In its *amicus curiae* brief, WLF argues that the Ninth Circuit’s decision amounts to an impermissible rewrite of the ADA. Under our constitutional system, only Congress—not courts or federal agencies—may amend federal law. And because the Supreme Court expects Congress to speak clearly if it wishes to regulate new matters of vast economic and political significance, the Supreme Court’s review is crucial to ensure that courts do not fill any statutory void in the ADA with judge-made legislation.

*Celebrating its 42nd year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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