

Hospitality Sector – Federal Appeal

SERVICES

Premises Liability

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Ashley A. Noel

July 18, 2022

Boyle | Shaughnessy Law attorneys, Thomas H. Houlihan, Jr. and Ashley A. Noel, recently obtained a favorable decision from the United States Court of Appeals for the Second Circuit on behalf of their client who owned and operated a hotel in Connecticut. Attorney Carly Sirota also assisted with the appeal.

The plaintiff, a self-proclaimed Americans with Disabilities Act tester and resident of Florida, sued the defendant alleging that its online reservation systems violated certain provisions of the ADA. However, the plaintiff did not allege in her complaint that she had any reasonable intention to visit the defendant's hotel and/or the surrounding area. The defendant moved to dismiss the case at the district court level contending that the plaintiff lacked standing to bring the lawsuit because she had not sustained a concrete and particularized injury under Article III of the Constitution. The district court denied the defendant's motion to dismiss ruling that the plaintiff did sustain an injury each time she visited the online reservation systems and was allegedly deprived of the required information.

The defendant then sought an interlocutory appeal of the district court's decision to the Second Circuit. On appeal, the Second Circuit found that the plaintiff did not have standing to bring her lawsuit against the defendant. In particular, Attorneys Houlihan and Noel successfully argued that, even assuming the plaintiff had been deprived of information that she was entitled to under the ADA, she must also allege downstream consequences from failing to receive the required information in order to have Article III standing. Attorneys Houlihan and Noel emphasized the facts that the plaintiff's complaint lacked a reasonably specific plan to visit Connecticut and, therefore, there were no downstream consequences to the plaintiff's alleged lack of information.

Ultimately, the Second Circuit reversed the district court's ruling, and Attorneys Houlihan and Noel secured a dismissal on behalf of their client.