

Federal Court Rules That Online-Only Retailer's Website Is Not a 'Place of Public Accommodation' Under the ADA

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On February 9, 2024, a federal judge in the Western District of Pennsylvania departed from earlier rulings in the district to hold that an online retailer's website and its other digital properties did not constitute a "place of public accommodation" under Title III of the Americans with Disabilities Act (ADA).

Earlier rulings in this important judicial district, where several different plaintiffs' law firms have brought a high volume of website access and other disability access claims, had permitted such claims to proceed.

Quick Hits

- A judge of the U.S. District Court for the Western District of Pennsylvania recently ruled that only businesses whose websites have a connection to a physical store location open to the general public are covered by Title III of the ADA.
- Because the Western District of Pennsylvania is a hotbed for ADA accessibility claims, demand letters, and lawsuits, the court's ruling could provide a solid basis to resist the claims in both the judicial district and elsewhere in the Third Circuit.

In *Murphy v. Spongellé LLC*, the court reviewed prior decisions, as well as those of other district courts in the Third Circuit, which had generally held that a website could only be considered a place of public accommodation if a plaintiff alleged that a nexus existed between the website and the defendant's physical store location. In other words, the Third Circuit requires an allegation that a website's inaccessibility interferes with the "full and equal enjoyment" of the goods and services offered at a corresponding physical location. If a business is purely virtual or lacks a place open to the public, such a nexus is not possible. In dismissing the plaintiff's website accessibility claim in *Spongellé*, the court reiterated that because the Third Circuit had not extended the ADA's protections to websites beyond the nexus requirement, the district court could not do so.

Although the Third Circuit has not definitively addressed whether a website can be considered a "place of public of accommodation" under Title III of the ADA, it has previously held outside of the

website context that Title III's protections against discrimination extend only to cases of discrimination connected to a physical location.

This ruling reverses what had been the prevailing trend in this judicial district, and it provides a basis for online retailers or other businesses without connections to physical store locations to resist the many website access demand letters and lawsuits based in the district.

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