

For Immediate Release
Tuesday, April 25, 2017
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The Manning Law Firm and Payton/Dann file suit alleging McDonald's website and mobile app violate Americans with Disabilities Act, California's Unruh Civil Rights Act

Lawsuit claims restaurant chain's website and mobile app are not fully accessible to and independently usable by the blind or visually-impaired.

CHICAGO, April 25, 2017 —The Manning Law Firm of Newport Beach California has joined with former Ohio Attorney General Marc Dann of Chicago's PaytonDann Law Firm to file suit in federal court alleging that the McDonald's restaurant chain is in violation of the Americans with Disabilities Act (ADA) and California's Unruh Civil Rights Act (UCRA). The suit was filed because the company's website and mobile app are not fully accessible to or independently usable by people who are blind or visually impaired. The action was filed on behalf of Sean Gorecki, a legally blind California resident who, despite numerous attempts, has been unable to access goods and services regularly offered on McDonald's website and/or mobile app that are readily available to the non-visually impaired.

The Case, *Sean Gorecki vs. McDonald's Corporation*, Case No. 1:17-cv-03036, was filed in The United States District Court for the Northern District of Illinois Eastern Division because McDonald's is headquartered in Oak Brook, Illinois. Among other remedies, the suit seeks a permanent injunction ordering McDonald's to make its website and mobile app readily accessible to and usable by blind and visually-impaired individuals.

"McDonald's could easily make the legally-required accommodations called for in the suit," Atty. Dann said. "Every day thousands of blind and visually impaired people, including Mr. Gorecki, use screen reader software programs like Job Access With Speech (JAWS) for Windows devices or Apple's VoiceOver to access websites and apps. But in order to function properly, the information on a website or app must be formatted so the screen reader can render it into meaningful text. Numerous companies have built that capability into their sites and apps. McDonald's has chosen not to do so. That's an unfortunate business decision and, we contend, a clear violation of the ADA and the UCRA."

"The Department of Justice and case law, including *National Federation of the Blind v Target Corp.*, establish that websites and apps belonging to private companies fall within the ADA's accessibility requirements," Atty. Manning noted. "The NFB v Target case is compelling because after denying wrongdoing, Target began working with the NFB to ensure that blind and visually impaired consumers had equal access to products and information on Target.com. As a result, the case was settled, Target received Gold Level NFB-NVA Certification and the company is now recognized as a leader in web accessibility."

"The settlement was a win for the blind and visually impaired and for Target," Manning commented. "Mr. Gorecki, I, and the other members of his legal team believe we can achieve a similar outcome in our case."

The numerous problems Mr. Gorecki encountered when attempting to access McDonalds.com and the company's mobile app to purchase goods and services include:

- a) The home page has graphics, links, and buttons that are not labeled or are incorrectly labeled, or lack alternative text ("Alt-text").
- b) The Nutrition Calculator does not add items to the meal when a screen-reader user selects "add", and the values for the Nutrition Calculator are not clear.
- c) There are several links throughout the website that say "void (0)."
- d) The menus and sub menus have redundant coding that causes screen-readers to repeatedly state "menu sub-menu."
- e) Finding a location is not fully accessible due to the structure of the headings and the constant pop-up to urge the screen-reader user to enter e-mail and zip code to sign up for the mailing list.
- f) The website is structured in a confusing manner for screen-readers.

"McDonald's knows these deficiencies exist, but they've elected not to address them so Mr. Gorecki was left with no other recourse than to assert his rights under the ADA and the UCRA," Dann said.

In order to address the issues and bring the company into compliance with the law, the suit asks the court to order McDonald's to make its website and app accessible to the blind and visually impaired, regularly check the performance of both platforms, conduct end-user accessibility tests, and develop an accessibility policy as well as a process for reporting and resolving accessibility-related issues.

A copy of the complaint is available upon request. Attorneys Manning and Dann will be available for interviews and Mr. Gorecki may also be available to speak with the media on a limited basis.