



Social Justice & Diversity



U.S. Tennis Association Seeks to Dismiss Disability Bias Suit

BY PETER HAYES

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- USTA says plaintiff failed to allege he sought membership
- Plaintiff accused of ‘tsunami’ of meritless disability suits

The U.S. Tennis Association asked the Southern District of New York to toss a lawsuit claiming that its website violates the Americans with Disabilities Act, saying the plaintiff is a serial litigant who files “cut and paste complaints.”

Robert Weekes’ suit alleges the USTA website fails to make accommodations for the visually impaired, in violation of the ADA and New York City Human Rights Law. He seeks to have the case certified as a class action.

But Weekes has “filed a staggering 79 nearly identical” complaints, “unleashing a tsunami of meritless litigation in this district, and perverting the very purposes for which the ADA was enacted,” the USTA told the U.S. District Court for the Southern District of New York.

Weekes “quite incredibly claims” he is interested in buying “an eclectic collection of retail offerings, including military surplus items, men’s underwear, Cardi B and Megan thee Stallion merchandise, bath toys for kids to camping gear, horse tack and horse supplies, comics, slime packs, and women’s swimwear, over just a three-month period,” the USTA told the court May 6.

The lawsuit fails to state a claim under the ADA because Weekes doesn’t allege which products, goods, or services he wanted to purchase, or attempted to purchase, when he browsed the website, the USTA said.

The only commerce that can be transacted on the website is the purchase of an adult membership, with no other services or products offered, the USTA said.

Weekes alleges he “was highly interested in purchasing the products offered by defendant,” the association said, but he doesn’t allege that he has any interest in a tennis membership or made any attempt to purchase one, the USTA said.

The NHL’s Minnesota Wild Hockey Club reached a settlement of website ADA claims with an unrelated plaintiff in February, while the Anaheim Ducks continue to fight ADA claims by the same plaintiff that sued the Wild. Hockey goods manufacturer Bauer Hockey LLC reached a settlement of website ADA claims with another plaintiff on May 5.

Judge Paul A. Engelmayer is assigned to the case.

Mizrahi Kroub LLP represents Weekes. Denlea & Carton LLP represents the USTA.

The case is [Weekes v. U.S. Tennis Ass’n](#) , S.D.N.Y., No. 22-cv-01812, motion to dismiss 5/6/22 .

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