

## NEWS RELEASE

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**FOR IMMEDIATE RELEASE**

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## **HOTELS.COM SUED FOR DISCRIMINATION AGAINST THOUSANDS OF DISABLED TRAVELERS**

OAKLAND, Calif. – **Hotels.com**, one of the world's largest online travel agencies, is discriminating against people with disabilities by **refusing to guarantee reservations for wheelchair-accessible rooms**, according to a California **class action lawsuit filed today**. The lawsuit is one of the first of its kind in the country. Because of the substantial size of the California market, the case has national implications.

The complaint, filed in the California Superior Court for Alameda County, seeks to enjoin hotels.com from continued violation of the state's civil rights laws. No damages are being sought. Plaintiffs in this landmark case are represented by the public interest law firms **Disability Rights Advocates (DRA)** and **Public Justice** (formerly Trial Lawyers for Public Justice), and **Chavez & Gertler LLP**, a leading class action law firm in Mill Valley, Calif.

“I want to be able to reserve hotel accommodations online at hotels.com just like anyone else,” says **plaintiff Bonnie Lewkowicz**. “It would be impractical and even dangerous for me to rely on a hotel reservation service that does not guarantee the hotel room I am booking is accessible to someone in a wheelchair.”

Hotels.com grossed \$2.3 billion in 2006. It bills itself as a “one stop shopping source for hotel prices, amenities and availability” and claims to offer the “Lowest Rates – Guaranteed.” **The hotels.com website does not allow an individual to search for rooms accessible to the mobility impaired, does not define what qualifies a room as accessible, and does not uniformly report on the accessibility features which may or may not be offered.**

More importantly, hotels.com will not guarantee that a wheelchair-accessible room will in fact be available. Instead, **it treats accessibility as an optional “amenity,”** like a king-sized bed. Individuals with disabilities cannot find out whether an accessible room is available until after they travel to their destination and then check-in at the hotel.

“The failure to guarantee accessible hotel rooms means that a person in a wheelchair who pays for a room through hotels.com literally might not be able to enter the room after they arrive at the hotel,” said **Kevin Knestrick, attorney with DRA**, a non-profit law center based in Berkeley, Calif., that specializes in high-impact lawsuits on behalf of people with disabilities. “Hotels.com is excluding people with mobility disabilities from its services. This is hostility to disabled and elderly people, not hospitality.”

Studies show that 69 percent of adults with disabilities in the U.S. (more than 21 million people) traveled at least once in the past two years, and 52 percent (about 16 million people) stayed in hotels, motels, or inns during that time.

Lewkowicz and **co-plaintiff Judith Smith are both members of the AXIS Dance Company**, a not-for-profit troupe of disabled and non-disabled dancers based in Oakland, Calif. AXIS regularly tours throughout California and the nation. Ms. Smith and Ms. Lewkowicz need accessible hotel accommodations when traveling because they rely on wheelchairs for mobility.

Wheelchairs require large doorways and disabled travelers usually need grab bars and accessible bathrooms. Without such features, many cannot stay in a hotel room. Currently, virtually all hotels in California are required to maintain accessible hotel rooms for the use of patrons with disabilities.

“Disabled travelers are effectively denied access to hotel.com’s discounted rates and convenient side-by-side comparisons of available rooms,” explains **Victoria Ni of Public Justice**, a national public interest law firm specializing in cutting-edge litigation. “As a result, disabled travelers have to spend extra time and money just to secure a workable hotel reservation.”

In 2006, American online consumer travel sales generated \$79 billion. For American travelers, the Internet is an indispensable tool as both a resource for planning trips and as a booking agent. Adults with disabilities spend over \$10 billion annually on travel, and almost half of them consult the Internet to support their disability-related travel needs.

“It’s unfortunate that hotels.com doesn’t care about people with disabilities,” says Smith. “They gave us no choice but to seek the protection of the court.”

The full complaint in the case is posted on the Public Justice website at [www.publicjustice.net](http://www.publicjustice.net).

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## FACT SHEET: *Smith, et al. v. Hotels.com, LP*

### Case Information

**Case Name:** *Smith, et al. v. Hotels.com, LP*  
**Court:** Superior Court of California, County of Alameda  
**Date filed:** May 22, 2007  
**Case Type:** Class Action lawsuit for injunctive and declaratory relief only (no damages)  
**Claims:** Unruh Civil Rights Act (Cal. Civ. Code §§ 51 & 54) and Unfair Competition Law (Cal. Bus. and Prof. Code § 17200, *et seq.*)  
**Plaintiffs:** Judith Smith, Bonnie Lewkowicz, and AXIS Dance Company, on behalf of themselves and all others similarly situated  
**Defendant:** hotels.com, LP

### Plaintiffs' Attorneys:

**Disability Rights Advocates** ([www.dralegal.org](http://www.dralegal.org)) is a non-profit law center dedicated to protecting the civil rights of people with all types of disabilities, and is located in Berkeley, Calif. DRA advocates for disability rights through high-impact litigation, as well as research and education, including mobility, hearing, vision, learning and psychological disabilities.

**Public Justice**, formerly Trial Lawyers for Public Justice, ([www.publicjustice.net](http://www.publicjustice.net)) is America's public interest law firm, handling a broader range of high-impact, cutting edge litigation than any public interest firm in the nation. It is headquartered in Washington, D.C., and has an office in Oakland, Calif.

**Chavez & Gertler, LLP** ([www.chavezgertler.com](http://www.chavezgertler.com)) is an award winning, nationally known, and A-V rated law firm located just north of San Francisco in Mill Valley, Calif. The firm's seven attorneys represent plaintiffs in class actions and have been responsible for some of the largest recoveries ever achieved in consumer cases in California.

## Q & A

**Q: Why is this suit important?**

**A:** In 2006, American online consumer travel sales generated \$79 billion. Increasingly, the Internet has become an indispensable tool as both a resource for planning trips and as a booking agent for all travelers. Adults with disabilities spend over \$10 billion annually on travel, and almost half of these travelers consult the Internet to support their disability-related travel needs. Hotels.com is one of the five largest online travel agencies in the world. Many travelers utilize the website's ability to online comparison shop and make hotel reservations with the guarantee that reservations booked through hotels.com will be at the lowest rates available. People with mobility disabilities are excluded from that guarantee. California civil rights statutes are intended to remedy the historic isolation and segregation of, and discrimination against, individuals with disabilities from all aspects of society. Individuals with disabilities deserve full and equal access to the travel services of hotels.com.

**Q: What is the basis of the suit?**

**A:** Defendant is alleged to be in violation of several state laws that protect individuals with disabilities from discrimination, including the Unruh Civil Rights Act (California Civil Code § 51), California’s Disabled Persons Act (California Civil Code § 54), and the Unfair Competition Law (California Business and Professions Code § 17200, *et seq.*).

**Q: Who is in the Class?**

**A:** The class consists of “All disabled individuals in California who require an accessible room when they travel, and who have been and continue to be deterred from using hotels.com to make room reservations for accommodations in California because of hotels.com’s refusal to guarantee reservations for accessible hotel rooms.” This class asserts statewide claims for violation of California civil rights laws.

**Q: Who is the defendant?**

**A:** The defendant is hotels.com, LP, which owns and operates the hotels.com travel website. Hotels.com, LP, is a Texas limited partnership with offices in Dallas, Texas.

**Q: Who are the named plaintiffs?**

**A:** Judith Smith is a resident of Alameda County, Calif. She is physically disabled and uses a wheelchair for mobility. Ms. Smith is one of the founders and, since 1997, the Artistic Director of the not-for-profit organization AXIS Dance Company (AXIS).

AXIS is a traveling dance troupe based in Oakland, Calif. AXIS members include both disabled and non-disabled performers.

Bonnie Lewkowicz is a resident of Alameda County, California. She is physically disabled and depends on a wheelchair for mobility. Ms. Lewkowicz is also a founding member of and performer with AXIS.

**Q: What is an accessible hotel room?**

**A:** Accessible hotel rooms are rooms specifically designed to accommodate people with mobility impairments. Features such as a doorway large enough to permit a wheelchair to enter, hallways wide enough to allow a wheelchair to maneuver, and grab bars and accessible restrooms are not merely “amenities,” but necessities for individuals with mobility impairments. Without such features, many individuals with disabilities cannot stay in a hotel room. Currently, virtually all major hotels in California are required to maintain a certain number of accessible hotel rooms for the use of patrons with disabilities.

**Q: What are the goals of this lawsuit?**

**A:** The lawsuit seeks an injunction requiring hotels.com to modify its policies and practices so that it will guarantee reservations for accessible hotel rooms.

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