

LEGAL THEORY / CIVIL RIGHTS / DIGITAL ACCESS

No Place for the Nexus Doctrine

ADA Title III and public accommodation after digital migration

A civil-rights rule tied to a doorway fails when commerce has moved beyond the doorway.

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THE PARADIGM CASE

The person the doctrine cannot explain

A person with locked-in syndrome may communicate through eye movement while remaining unable to enter a physical storefront.

Digital services can be the practical route to banking, shopping, health care, education, and culture.

The paper does not claim a reliable United States prevalence estimate for classical locked-in syndrome. The legal problem does not depend on an invented count.

THE CONSEQUENCE

A doctrine designed around physical entry can deny coverage precisely where access matters most.

PART I

The statute and the split

One federal command, two incompatible coverage rules.



THE OPERATIVE COMMAND

Title III regulates participation

No covered entity may discriminate in the full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations.

The nouns are transactional and functional. The statute does not say that discrimination exists only when a customer crosses a physical threshold.

THE ENUMERATION

Twelve categories, not one architecture

Congress named twelve functional categories, from lodging and food service to sales, professional services, education, social services, and recreation.

- Several categories end with establishment or service language.
- The residual clauses identify what the entity does.
- Coverage remains limited by the twelve-category list.

CARPARTS

The First Circuit rejected the doorway rule

It would be irrational to protect a person who enters an office to buy services but not a person buying the same services by telephone or mail.

THE CONSEQUENCE

The court treated public accommodation as a service relationship, not a building test.

THE NEXUS DOCTRINE

The majority rule added a physical anchor

The Third, Sixth, Ninth, and Eleventh Circuits developed versions of a rule tying challenged services to a physical place.

The formulations differ, but each turns statutory coverage on a connection to physical premises that Congress did not write into the operative command.

A COVERED WEBSITE

Robles shows the doctrine's narrow path

Domino's website and app were covered because they connected customers to goods and services at physical restaurants.

That holding protects digital access when a physical storefront remains. It does not solve the case of a service that has migrated fully online.

PART II

Commerce migrated

The legal rule stayed attached to a building while the transaction moved elsewhere.

RETAIL MIGRATION

The retailer can disappear while the sale remains

A sales establishment can move its inventory, payment, customer service, and delivery systems online without changing the commercial function.

Under a strict nexus rule, removing the storefront can remove federal coverage even while the same company continues serving the same public market.

THE CONSEQUENCE

The less physical access a disabled customer has, the easier coverage can become to avoid.

INFORMATION MIGRATION

Libraries reveal the same inversion

-51% / +96%

The manuscript reports that physical library circulation fell by 51 percent from 2019 to 2023 while digital circulation rose by 96 percent.

A place-based rule can weaken as the covered function becomes more available through digital delivery.

THE CHANNEL IS CHOSEN FOR THE USER

Migration is often manufacturer-driven

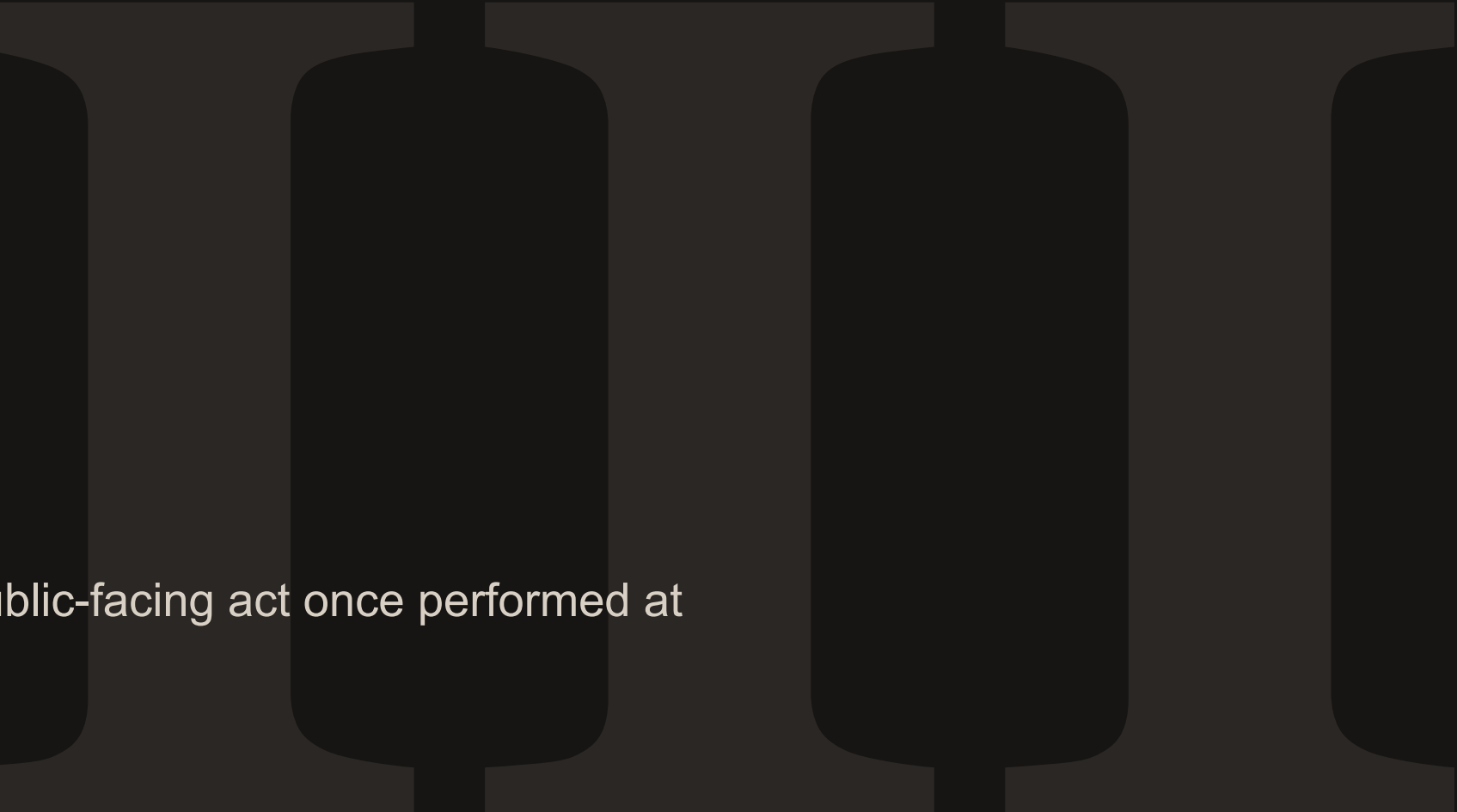
The customer does not always choose digital delivery. Firms relocate ordering, support, identity checks, tickets, and account management into apps and websites.

The nexus doctrine treats the resulting digital interface as less regulated even when the firm made it the required route to the service.

PART III

Functional equivalents

Digital systems increasingly perform the public-facing act once performed at the counter.



POSSESSION TRANSFER

The locker completes the sale

An Amazon Locker is equipment through which a customer receives property purchased online.

The digital order and the physical transfer are one transaction. Treating only the locker as legally significant separates the public service from the system that controls it.

THE INTERFACE IS THE COUNTER

A kiosk is not merely adjacent to the service

Ordering kiosks, ticket terminals, and self-service machines decide whether a customer can complete the public transaction.

The relevant question is what function the system performs, not whether its code can be separated from its casing.

TRANSPORTATION AND DELIVERY

Dispatch systems allocate access

An app that assigns a ride, delivery, or worker performs the routing function through which service is made available.

Calling that system placeless does not make its allocation decisions less consequential for disabled users.

NARROW THE HARD CASE

Pure digital is a shrinking category

Many services described as purely digital are connected to devices, retail channels, pickup systems, customer-support networks, or other physical operations.

Even under existing nexus logic, courts should examine the whole service system before treating the digital interface as detached.

PART IV

The doctrine contradicts its purpose

Its limiting rule screens out the people and transactions Title III was enacted to reach.

THE ACCOMMODATION PARADOX

Coverage can fall as dependence rises

A customer who cannot use the physical channel may depend most on the digital channel, yet the nexus doctrine makes the physical channel the condition of protection.

The doctrine therefore makes a person's need for accommodation evidence against coverage.

THREE PROHIBITIONS

The statute already names the mechanisms

- Screening out a class of disabled people.
- Using methods of administration that defeat access.
- Providing unequal participation in goods and services.

EXHIBITION AND COLLECTION

Cultural access can become structurally private

Streaming libraries and digital archives can perform the exhibition and collection functions named in categories (C) and (H).

When dominant collections are available only through inaccessible interfaces, exclusion follows from control over the gateway to culture.

THE SAME FUNCTION, DIFFERENT COVERAGE

Regulation becomes incoherent across channels

A transaction can be protected at a counter, protected through a website linked to that counter, and unprotected after the counter closes.

Nothing about the customer's need or the service function changed. Only the provider's architecture changed.

THREE ROUTES TO THE SAME SERVICE

The doctrine creates a three-door problem

1. Walk through a physical door: Title III applies.
2. Use a linked digital door: coverage may apply.
3. Use a digital-only door: coverage may disappear.

THE CONSEQUENCE

The provider chooses the doors. The disabled customer bears the legal consequence.

PART V

A functional test

Keep the statutory limits. Remove the invented architectural condition.

THE FUNCTIONAL PUBLIC ACCOMMODATION TEST

Ask three questions

1. Is the service operated by a private entity whose operations affect commerce?
2. Does its function fall within one of the twelve statutory categories?
3. Does it transact with or provide goods, services, privileges, advantages, or accommodations to the public?

ACCESS IS NOT LIMITED TO SIGHT OR MOBILITY

The test is sense-neutral

Coverage follows the public function. The required accommodation then depends on the barrier and the person affected.

A rule built around buildings privileges some access barriers while making other forms of exclusion harder to see.

COVERAGE IS NOT AUTOMATIC LIABILITY

Proportionality is already in the statute

Readily achievable and undue burden standards account for cost, difficulty, resources, and the nature of the operation.

Small entities remain covered, but their obligations are evaluated against their actual capacity.

FORWARD APPLICATION

Consumer AI is the hardest current test

Major consumer AI services operate through device ecosystems, retail channels, subscriptions, support systems, and public-facing transactions.

The paper argues that courts should examine those systems under the same functional and nexus analyses already used elsewhere.

HOW THE RULE CAN CHANGE

Implementation has three routes

- Circuit courts can reconsider physical-place precedents en banc.
- The Supreme Court can resolve the circuit conflict.
- Congress or the Department of Justice can make digital coverage explicit.

CONCLUSION

The rule should follow the public function

Digital migration did not eliminate public accommodation. It changed the machinery through which accommodation is offered.

A functional test keeps the statute's twelve categories and proportional defenses while ending a physical condition that the enacted text does not contain.

The complete 279-entry authority list follows in manuscript order.

THE CONSEQUENCE

The place is where the public service is made available.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

01/49

- 001 21 C.F.R. § 1300.04.
- 002 28 C.F.R. § 36.104.
- 003 28 C.F.R. § 36.202.
- 004 28 C.F.R. § 36.203.
- 005 28 C.F.R. § 36.204.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

02/49

006 28 C.F.R. § 36.301.

007 28 C.F.R. § 36.303.

008 28 C.F.R. § 36.304.

009 28 C.F.R. § 36.307.

010 28 C.F.R. pt. 35.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

03/49

- 011 28 C.F.R. pt. 36, app. A.
- 012 28 C.F.R. pt. 36, app. C.
- 013 28 U.S.C. § 1404.
- 014 29 C.F.R. § 1630.2.
- 015 29 C.F.R. § 531.34.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

04/49

- 016 29 U.S.C. § 203.
- 017 29 U.S.C. § 623.
- 018 34 C.F.R. pt. 104.
- 019 34 C.F.R. pt. 300.
- 020 42 U.S.C. § 2000e-2.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

05/49

021 45 C.F.R. § 84.4.

022 45 C.F.R. pt. 160.

023 45 C.F.R. pt. 164.

024 45 C.F.R. pt. 84.

025 47 C.F.R. § 79.4.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

06/49

026

75 Fed. Reg. 43460 (July 26, 2010).

027

76 Fed. Reg. 16999 (Mar. 25, 2011).

028

Academy of Motion Picture Arts & Sciences. (2019). 91st Academy Awards Nominations.

029

Academy of Motion Picture Arts & Sciences. (2020). 92nd Academy Awards Nominations.

030

Academy of Motion Picture Arts & Sciences. (2021). 93rd Academy Awards Nominations.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

07/49

031

Access Living of Metro. Chi. v. Uber Techs., Inc., 958 F.3d 604 (7th Cir. 2020).

032

Access Now, Inc. v. Blue Apron, LLC, No. 17-cv-116-JL, 2017 WL 5186354 (D.N.H. Nov. 8, 2017).

033

Acheson Hotels, LLC v. Laufer, 601 U.S. 1 (2023).

034

ADA Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553.

035

AG Order 3702-2016, 81 Fed. Reg. 53240 (Aug. 11, 2016).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

08/49

036

Alexander v. Choate, 469 U.S. 287 (1985).

037

Amazon.com, Inc. (2000). Annual Report (Form 10-K).

038

American Library Association. (2023). State of America's Libraries Report 2023.

039

American Library Association. (2024). The State of America's Libraries Report 2024.

040

American Medical Association & Manatt Health. (2023). State Telehealth Policy Trends: 2023 Year in Review.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

09/49

041

American Medical Association, Code of Medical Ethics. (n.d.). Ethical Practice in Telemedicine, <https://code-medical-ethics.ama-assn.org/ethics-opinions/ethical-practice-telemedicine>.

042

American Medical Association. (2022). AMA Digital Health Research Survey.

043

American Psychiatric Association. (2022). Diagnostic and Statistical Manual of Mental Disorders (5th ed. text rev.).

044

American Society of Transplantation. (2024). ISHLT Consensus Document on the Prevention and Management of Cardiac Allograft Rejection.

045

Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (codified as amended at 42 U.S.C. §§ 12101-12213).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

10/49

046

Andrews v. Blick Art Materials, LLC, 268 F. Supp. 3d 381 (E.D.N.Y. 2017).

047

Bagenstos, S. R. (2000). Subordination, Stigma, and "Disability". Va. L. Rev., 86, 397.

048

Blanck, P. (2021). On the Importance of the Americans with Disabilities Act at 30. J. Disability Pol'y Stud., 34, 176.

049

Bolger v. Amazon.com, LLC, 53 Cal. App. 5th 431 (2020).

050

Bostock v. Clayton County, 590 U.S. 644 (2020).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

11/49

051

Bragdon v. Abbott, 524 U.S. 624 (1998).

052

Brief for the United States as Amicus Curiae, Magee v. Coca-Cola Refreshments USA, Inc., No. 16-668 (U.S. 2017).

053

Cal. Bus. & Prof. Code § 17200.

054

Cal. Com. Code § 2301.

055

Calo, R. (2017). Artificial Intelligence Policy: A Primer and Roadmap. U.C. Davis L. Rev., 51, 399.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

12/49

056

Carparts Distribution Center, Inc. v. Automotive Wholesaler's Association of New England, Inc., 37 F.3d 12 (1st Cir. 1994).

057

Carr, David (2014). Barely Keeping Up in TV's New Golden Age, N.Y. Times (Mar. 9, 2014), <https://www.nytimes.com/2014/03/10/business/media/fenced-in-by-televisions-excess-of-excellence.html>.

058

Centers for Disease Control and Prevention. (2022). Altered Immunocompetence: General Best Practice Guidelines for Immunization.

059

Centers for Disease Control and Prevention. (2024). Disability Impacts All of Us (last updated July 15,), <https://www.cdc.gov/disability-and-health/articles-documents/disability-impacts-all-of-us-infographic.html>.

060

Centers for Disease Control and Prevention. (2024). Long COVID Household Pulse Survey Data.

Authorities and sources

13/49

061	Centers for Medicare & Medicaid Services. (2021). Telemedicine Health Care Provider Fact Sheet.
062	Centers for Medicare & Medicaid Services. (2024). Medicare Telehealth Services.
063	Chevron U.S.A., Inc. v. Natural Res. Def. Council, 467 U.S. 837 (1984).
064	Chime. (n.d.). Disclosures, https://www.chime.com/disclosures/ .
065	Chime. (n.d.). What Is Chime? Is Chime a Bank?, https://www.chime.com/blog/what-is-chime-is-chime-a-bank/ .

Authorities and sources

066	Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071.
067	Closed Captioning of Internet Protocol-Delivered Video Programming, Report and Order, 27 FCC Rcd 787 (2012).
068	Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, 136 Stat. 4459.
069	Crawford v. Uber Techs., Inc., No. 3:17-cv-02664 (N.D. Cal. 2018).
070	Cullen v. Netflix, Inc., 600 F. App'x 508 (9th Cir. 2015).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

15/49

071

Cullen v. Netflix, Inc., 88o F. Supp. 2d 1o17 (N.D. Cal. 2o12).

072

Davis, H. E., et al. (2o23). Long COVID: Major Findings, Mechanisms and Recommendations. Nature Rev. Microbiology, 21, 133.

073

de la Merced, Michael J. (2o09). Circuit City to Liquidate After Sale Efforts Fail, DealBook, N.Y. Times (Jan. 16, 2o09), <https://archive.nytimes.com/dealbook.nytimes.com/2009/01/16/circuit-city-to-liquidate-after-sale-efforts-fail/>.

074

Discrimination on the Basis of Disability in Health and Human Service Programs or Activities, 89 Fed. Reg. 4oo66 (May 9, 2o24) (codified at 45 C.F.R. pt. 84).

075

Dobransky, K., & Hargittai, E. (2o06). The Disability Divide in Internet Access and Use. Info. Comm. & Soc'y, 9, 313.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

16/49

076

Dobransky, K., & Hargittai, E. (2016). Unrealized Potential: Exploring the Digital Disability Divide. Poetics, 58, 18.

077

Dobransky, K., & Hargittai, E. (2021). Piercing the Pandemic Social Bubble: Disability and Social Media Use About COVID-19. Am. Behav. Scientist, 65, 1698.

078

Docket, Domino's Pizza, LLC v. Robles, No. 18-1539 (U.S.).

079

Doe v. Mutual of Omaha Ins. Co., 179 F.3d 557 (7th Cir. 1999), cert. denied, 528 U.S. 1106 (2000).

080

Earll v. eBay, Inc., 599 F. App'x 695 (9th Cir. 2015).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

17/49

081 Earll v. eBay, Inc., No. 5:11-CV-00262-JF, 2011 WL 3955485 (N.D. Cal. Sept. 7, 2011).

082 EEOC v. Res. for Human Dev., Inc., 827 F. Supp. 2d 688 (E.D. La. 2011).

083 Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7031.

084 Epic Games, Inc. v. Apple Inc., 559 F. Supp. 3d 898 (N.D. Cal. 2021), aff'd in part, rev'd in part, 67 F.4th 946 (9th Cir. 2023).

085 Equal Rights Ctr. v. Uber Techs., Inc., No. 1:17-cv-01272 (D.D.C. 2017).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

18/49

086 Erie Ins. Co. v. Amazon.com, Inc., 925 F.3d 135 (4th Cir. 2019).

087 Extension of Compliance Dates for Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 91 Fed. Reg. 20902 (Apr. 20, 2026).

088 Fabricant, Florence (2020). As Food Deliveries Boom, So Do Ghost Kitchens, N.Y. Times (Sept. 1, 2020), <https://www.nytimes.com/2020/09/01/dining/ghost-kitchens-delivery-pandemic.html>.

089 Farr, E., Altonji, K. A., & Harvey, R. L. (2021). Locked-In Syndrome: Practical Rehabilitation Management. PM&R, 13, 1418.

090 FEC v. Democratic Senatorial Campaign Committee, 454 U.S. 27 (1981).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

19/49

091

Fed. R. Evid. 201.

092

Fed. R. Evid. 801.

093

Federal Trade Commission. (1983). Policy Statement on Deception.

094

Federal Trade Commission. (2023). Advertising & Marketing on the Internet: Rules of the Road.

095

Federal Trade Commission. (2024). FTC Announces Crackdown on Deceptive AI Claims and Schemes , <https://www.ftc.gov/news-events/news/press-releases/2024/09/ftc-announces-crackdown-deceptive-ai-claims-schemes>.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

20/49

096 Federation of State Medical Boards. (2014). Model Policy for the Appropriate Use of Telemedicine Technologies in the Practice of Medicine.

097 Feldblum, C. R. (2000). Definition of Disability Under Federal Anti-Discrimination Law: What Happened? Why? And What Can We Do About It?. Berkeley J. Emp. & Lab. L., 21, 91.

098 Feldblum, C. R. (2010). The ADA's Second Bite at the Apple: The 2008 ADA Amendments Act. U.C. Davis J. Juv. L. & Pol'y, 10, 67.

099 Ferens v. John Deere Co., 494 U.S. 516 (1990).

100 First Consumer Fintech in US History Gains Full Regulatory Approval to Become a National Bank, PR Newswire (July 31, 2020), <https://www.prnewswire.com/news-releases/first-consumer-fintech-in-us-history-gains-full-regulatory-approval-to-become-a-national-bank-301104055.html>.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

21/49

101 Ford v. Schering-Plough Corp., 145 F.3d 601 (3d Cir. 1998), cert. denied, 525 U.S. 1093 (1999).

102 FTC v. Amazon.com, Inc., No. 2:23-cv-01495 (W.D. Wash. 2023).

103 Gerritsen v. Warner Bros. Ent. Inc., 112 F. Supp. 3d 1011 (C.D. Cal. 2015).

104 Gil v. Winn-Dixie Stores, Inc., 257 F. Supp. 3d 1340 (S.D. Fla. 2017).

105 Gil v. Winn-Dixie Stores, Inc., 993 F.3d 1266 (11th Cir. 2021), vacated as moot, 21 F.4th 775 (11th Cir. 2021).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

22/49

106

Goek, S. S. (2024). The State of U.S. Academic Libraries: Findings from the ACRL 2023 Annual Survey (2024), <https://www.ala.org/sites/default/files/2024-10/2023\>

107

Google Debuts 10th US Store in Tough Field for Technology Giants, CoStar (May 12, 2026), <https://www.costar.com/article/712768357/google-debuts-10th-us-retail-store-in-tough-field-for-technology-giants>.

108

Google Store Opens in San Diego, Marks 10th Physical Location, Fox 5 San Diego (May 8, 2026), <https://fox5sandiego.com/news/local-news/san-diego/google-store-san-diego/>.

109

Griggs v. Duke Power Co., 401 U.S. 424 (1971).

110

H.R. Rep. No. 101-485, pt. 2 (1990).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

23/49

111

Hachette Book Grp. v. Internet Archive, 664 F. Supp. 3d 370 (S.D.N.Y. 2023), aff'd, 115 F.4th 163 (2d Cir. 2024).

112

Hageseth v. Superior Court, 150 Cal. App. 4th 1399 (2007).

113

Helen Keller National Center Act, 29 U.S.C. § 1905.

114

Helen Keller Services. (n.d.). Helen Keller National Center: National Registry, <https://www.helenkeller.org/hknc/national-registry/>.

115

Hook Agency. (2026). What the Amazon's Slogan Really Means.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

24/49

116 House of Cards: Chapter 1 (Netflix Feb. 1, 2013).

117 Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/2.

118 In re Bed Bath & Beyond Inc., No. 23-13359 (Bankr. D.N.J. 2023).

119 In re Borders Grp., Inc., No. 11-10614 (Bankr. S.D.N.Y. 2011).

120 In re Circuit City Stores, Inc., No. 08-35653 (Bankr. E.D. Va. 2008).

Authorities and sources

25/49

121	In re Facebook, Inc., FTC File No. 092 3184 (2019).
122	In re Korean Air Lines Disaster of Sept. 1, 1983, 829 F.2d 1171 (D.C. Cir. 1987).
123	In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, MDL No. 3047 (N.D. Cal.).
124	In re Social Media Cases, JCCP No. 5255 (Cal. Super. Ct., L.A. Cnty.).
125	In re Toys "R" Us, Inc., No. 17-34665 (Bankr. E.D. Va. 2017).

Authorities and sources

26/49

126	Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1482.
127	Institute of Medicine. (2015). Beyond Myalgic Encephalomyelitis/Chronic Fatigue Syndrome: Redefining an Illness.
128	Institute of Museum and Library Services. (2023). Public Libraries in the United States Survey: Fiscal Year 2021.
129	Institute of Museum and Library Services. (2024). Public Libraries Survey: Fiscal Year 2022.
130	Kaminski, M. E. (2023). Regulating the Risks of AI. B.U. L. Rev., 103, 1347.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

27/49

131

Kaminski, M. E., & Jones, M. L. (2024). Constructing AI Speech. Yale L.J. Forum, 133, 1212.

132

Lazar, J. (2007). Accessibility of Major Internet Sites, A Look at 2003-2007. Trans. on Accessible Computing.

133

Lazar, J., et al. (2015). Ensuring Digital Accessibility Through Process and Policy.

134

Lee, P., et al. (2023). Benefits, Limits, and Risks of GPT-4 as an AI Chatbot for Medicine. New Eng. J. Med., 388, 1233.

135

Letter from Jeff Bezos to Shareholders (1998). (1998). reprinted in Amazon.com, Inc., 1998 Annual Report, https://s2.q4cdn.com/299287126/files/doc_financials/annual/Shareholderletter98.pdf.

Authorities and sources

28/49

136	Logomak. (2023). From A to Z: The Evolving Narrative of Amazon's Logo.
137	Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024).
138	Lydiard, R. B. (2006). The Role of Gastrointestinal Symptoms in Patients with Agoraphobia. J. Clinical Psychiatry, 67, 15.
139	Magee v. Coca-Cola Refreshments USA, Inc., 143 F. Supp. 3d 464 (E.D. La. 2015), aff'd, 833 F.3d 530 (5th Cir. 2016).
140	Magee v. Coca-Cola Refreshments USA, Inc., 833 F.3d 530 (5th Cir. 2016), cert. denied, 138 S. Ct. 55 (2017).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

29/49

141

Maiser, S., Kabir, A., & Sabsevit, D. S. (2016). Locked-In Syndrome #303. J. Palliative Med., 19, 460.

142

Marshall v. Sundial Assocs., Ltd., 588 F.2d 120 (5th Cir. 1979).

143

Martinez v. Cot'n Wash, Inc., 81 Cal. App. 5th 1026 (2022).

144

Massachusetts v. E*Trade Access, Inc., 464 F. Supp. 2d 52 (D. Mass. 2006).

145

Mehrotra, A., et al. (2020). The Impact of the COVID-19 Pandemic on Outpatient Visits: Practices Are Adapting to the New Normal. Commonwealth Fund (Aug. 13, 2020).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

30/49

146

Mejico v. Alba Web Designs, LLC, 515 F. Supp. 3d 424 (W.D. Va. 2021).

147

Mendez v. Apple Inc., No. 1:18-cv-07550, 2019 WL 2611168 (S.D.N.Y. Mar. 28, 2019).

148

Meta Bets on NYC with Flagship, Retail Dive (Mar. 19, 2026), <https://retaildive.com/news/meta-nyc-flagship-store/815198/>.

149

Meyer v. Uber Techs., Inc., 868 F.3d 66 (2d Cir. 2017).

150

Microsoft Corp. (n.d.). Xbox Series S Specs, Xbox.com, <https://www.xbox.com/en-US/consoles/xbox-series-s#specs>.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

31/49

151

Moody v. NetChoice, LLC, 603 U.S. 707 (2024).

152

Morgan v. Joint Admin. Bd., 268 F.3d 456 (7th Cir. 2001).

153

Morriss v. BNSF Ry. Co., 817 F.3d 1104 (8th Cir. 2016).

154

Murphy v. F.D.I.C., 208 F.3d 959 (11th Cir. 2000).

155

Murphy v. Spongellé LLC, 716 F. Supp. 3d 358 (W.D. Pa. 2024).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

32/49

156 N.Y. Gen. Bus. Law § 349.

157 N.Y. U.C.C. § 2-301.

158 Namisnak v. Uber Techs., Inc., 971 F.3d 1088 (9th Cir. 2020).

159 Nat'l Ass'n of the Deaf v. Harvard Univ., 377 F. Supp. 3d 49 (D. Mass. 2019).

160 Nat'l Ass'n of the Deaf v. Netflix, Inc., 869 F. Supp. 2d 196 (D. Mass. 2012).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

33/49

161

Nat'l Fed'n of the Blind v. Scribd Inc., 97 F. Supp. 3d 565 (D. Vt. 2015).

162

Nat'l Fed'n of the Blind v. Target Corp., 452 F. Supp. 2d 946 (N.D. Cal. 2006).

163

Nat'l Fed'n of the Blind v. Uber Techs., Inc., No. 14-cv-4086 (N.D. Cal. 2016).

164

National Federation of the Blind. (2024). Braille Monitor (Aug.-Sept. 2024), <https://nfb.org/images/nfb/publications/bm/bm24/bm2408/bm2408.htm>.

165

National Restaurant Association. (2023). Ghost Kitchens: The Evolution of the Restaurant Industry.

Authorities and sources

34/49

166

National Suicide Hotline Designation Act of 2020, Pub. L. No. 116-172, 134 Stat. 832.

167

NetChoice, LLC v. Bonta, 113 F.4th 1101 (9th Cir. 2024).

168

New Hampshire v. Maine, 532 U.S. 742 (2001).

169

New York State Human Rights Law, N.Y. Exec. Law § 296.

170

Newzoo. (2024). Global Games Market Report 2024.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

35/49

171

Niz-Chavez v. Garland, 593 U.S. 155 (2021).

172

Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 89 Fed. Reg. 31320 (Apr. 24, 2024) (codified at 28 C.F.R. pt. 35).

173

Nondiscrimination on the Basis of Disability; Notice of Withdrawal of Four Previously Announced Rulemaking Actions, 82 Fed. Reg. 60932 (Dec. 26, 2017).

174

Olmstead v. L.C. ex rel. Zimring, 527 U.S. 581 (1999).

175

Online Accessibility Act, H.R. 8478, 116th Cong. (2020).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

36/49

176

Orange Is the New Black: I Wasn't Ready (Netflix July 11, 2013).

177

Pallozzi v. Allstate Life Ins. Co., 198 F.3d 28 (2d Cir. 1999), cert. denied, 529 U.S. 1110 (2000).

178

Parker v. Metropolitan Life Ins. Co., 121 F.3d 1006 (6th Cir. 1997) (en banc), cert. denied, 522 U.S. 1084 (1998).

179

Paul, T. (2022). Comment, Is a Website Subject to Title III of the ADA? Why the Text Applies to Only Websites "Of" a Place of Public Accommodation, 8 J. Prop. L. 177.

180

Peloton Interactive, Inc. (2019). S-1 Registration Statement.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

37/49

181 Peloton Interactive, Inc. (n.d.). About Us, <https://www.onepeloton.com/company>.

182 Pennsylvania Dep't of Corrections v. Yeskey, 524 U.S. 206 (1998).

183 Pension Benefit Guar. Corp. v. LTV Corp., 496 U.S. 633 (1990).

184 Peoples v. Discover Fin. Servs., Inc., 387 F. App'x 179 (3d Cir. 2010).

185 Petition for Writ of Certiorari, Domino's Pizza, LLC v. Robles, No. 18-1539 (U.S. June 13, 2019).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

38/49

186 PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001).

187 Public Citizen v. U.S. Dep't of Justice, 491 U.S. 440 (1989).

188 Quill Corp. v. North Dakota, 504 U.S. 298 (1992).

189 Rehabilitation Act § 504, 29 U.S.C. § 794.

190 Reid, B. (2020). Internet Architecture and Disability. Ind. L.J., 95, 591.

Authorities and sources

39/49

191	Reid, B. E. (2014). Third Party Captioning and Copyright, G3ict (Mar. 17, 2014), https://ssrn.com/abstract=2410661 .
192	Restatement (Second) of Torts §§ 525, 530 (Am. L. Inst. 1977).
193	Restatement (Third) of Torts: Products Liability § 20 (Am. L. Inst. 1998).
194	Richardson v. Chi. Transit Auth., 926 F.3d 881 (7th Cir. 2019).
195	Robles v. Domino's Pizza, LLC, 913 F.3d 898 (9th Cir. 2019), cert. denied, 140 S. Ct. 122 (2019).

Authorities and sources

40/49

196

Robles v. Domino's Pizza, LLC, No. CV 16-06599, 2021 WL 2945562 (C.D. Cal. June 23, 2021).

197

Ryan Haight Online Pharmacy Consumer Protection Act of 2008, Pub. L. No. 110-425, 122 Stat. 4820.

198

S. Rep. No. 101-116 (1989).

199

S&C Helps Varo Bank Become First Consumer-Focused FinTech Company to Secure Full-Service National Bank Charter, Sullivan & Cromwell LLP (Aug. 18, 2020), <https://www.sullcrom.com/About/News-and-Events/Highlights/2020/August/SC-Helps-Varo-Bank-Become-First-ConsumerFocused-FinTech-Company-to-Secure-FullService-National-Bank-Charter>.

200

Scalia, A., & Garner, B. A. (2012). Reading Law: The Interpretation of Legal Texts.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

41/49

201

Schnetzer, L., McCoy, M. R., & Bergmann, J. (2023). Locked-in Syndrome Revisited. Therapeutic Advances Neurological Disorders, 16, 1.

202

Settlement Agreement Between the United States and Wells Fargo & Co. (May 31, 2011), https://archive.ada.gov/wells_fargo.

203

Settlement Agreement. (2021). Rite Aid Corp. , <https://www.justice.gov/crt/case/rite-aid-corporation>.

204

Seyfarth Shaw. (2017). Justice Department Says Vending Machines Are Not Places of Public Accommodation, ADA Title III (July 2017), <https://www.adatitleiii.com/2017/07/justice-department-says-vending-machines-are-not-places-of-public-accommodation-and-so-much-more/>.

205

Seyfarth Shaw. (2026). DOJ Throws Wrench Into Proposed ADA Website Accessibility Class Settlement, ADA Title III (Feb. 2026), <https://www.adatitleiii.com/2026/02/doj-throws-wrench-into-proposed-ada-website-accessibility-class-settlement/>.

COMPLETE MANUSCRIPT ORDER

Authorities and sources

42/49

206

Skidmore v. Swift & Co., 323 U.S. 134 (1944).

207

Smith, É., & Delargy, M. (2005). Locked-in Syndrome. BMJ, 330, 406.

208

Sony Interactive Entertainment. (n.d.). PlayStation 5 Digital Edition Console, PlayStation Direct, <https://direct.playstation.com/en-us/buy-consoles/playstation5-digital-edition-console-825-gb>.

209

South Dakota v. Wayfair, Inc., 585 U.S. 162 (2018).

210

Specht v. Netscape Commc'ns Corp., 306 F.3d 17 (2d Cir. 2002).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

43/49

211 Stiles, L., et al. (2022). POTS: The Forgotten Pandemic. Auton. Neurosci., 11, 102.

212 Stone, B. (2013). The Everything Store: Jeff Bezos and the Age of Amazon.

213 Sturges v. Crowninshield, 17 U.S. (4 Wheat.) 122 (1819).

214 Teladoc Health, Inc. (2023). Annual Report 2023 (Form 10-K).

215 Telemedicine Development Act of 1996, Cal. Bus. & Prof. Code § 2290.5.

Authorities and sources

216

Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications, 88 Fed. Reg. 30037 (May 10, 2023).

217

Tennessee v. Lane, 541 U.S. 509 (2004).

218

Tex. Bus. & Com. Code § 2.301.

219

Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (codified at 47 U.S.C. § 613).

220

U.C.C. § 2-301 (Am. L. Inst. & Unif. L. Comm'n 1977).

Authorities and sources

221

U.C.C. § 2-503 (Am. L. Inst. & Unif. L. Comm'n 1977).

222

U.C.C. §§ 2-711, 2-712, 2-713 (Am. L. Inst. & Unif. L. Comm'n 1977).

223

U.S. Department of Health and Human Services, Office for Civil Rights. (2023). Guidance on HIPAA & Telehealth.

224

U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2020). Medicare Beneficiary Use of Telehealth Visits: Early Data from the Start of the COVID-19 Pandemic.

225

U.S. Department of Justice, Civil Rights Division. (1994). ADA Title III Technical Assistance Manual (1993 & Supp.).

Authorities and sources

226

U.S. Department of Justice, Civil Rights Division. (2022). Guidance on Web Accessibility and the ADA , <https://www.ada.gov/resources/web-guidance/>.

227

U.S. Department of Justice. (2022). Settlement Agreement Between the United States of America and Uber Technologies, Inc..

228

U.S. Equal Employment Opportunity Commission. (1995). Compliance Manual.

229

U.S. Equal Employment Opportunity Commission. (2020). What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws.

230

United States v. Williams, 553 U.S. 285 (2008).

Authorities and sources

47/49

231	Unruh Civil Rights Act, Cal. Civ. Code § 51.
232	Van Dusen v. Barrack, 376 U.S. 612 (1964).
233	Varo Is First FinTech to Receive Full-Service Charter from the OCC, Consumer Fin. Monitor (Aug. 7, 2020), https://www.consumerfinancemonitor.com/2020/08/07/varo-is-first-fintech-to-receive-full-service-charter-from-the-occ/ .
234	Vornado Realty Trust. (2026). Meta Establishes New York City Retail Flagship at Vornado Realty Trust's 697 Fifth Avenue.
235	Walsh v. Dania, Inc., No. 23-cv-14380, 2024 U.S. Dist. LEXIS 24037 (N.D. Ill. Feb. 12, 2024).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

48/49

236

Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989).

237

Warren, T. (2020). Microsoft confirms Xbox Series S will arrive on November 10th in new official trailer, The Verge (Sept. 8, 2020), <https://www.theverge.com/2020/9/8/21427510/microsoft-xbox-series-x-november-10th-release-date>.

238

Watson v. Fort Worth Bank & Tr., 487 U.S. 977 (1988).

239

WebAIM. (2024). The WebAIM Million: An Annual Accessibility Analysis of the Top 1,000,000 Home Pages.

240

Weyer v. Twentieth Century Fox Film Corp., 198 F.3d 1104 (9th Cir. 2000).

COMPLETE MANUSCRIPT ORDER

Authorities and sources

49/49

241

White v. Square, Inc., 7 Cal. 5th 1019 (2019).

242

World Wide Web Consortium. (2018). Web Content Accessibility Guidelines (WCAG) 2.1, W3C Recommendation , <https://www.w3.org/TR/WCAG21/>.

243

World Wide Web Consortium. (2023). Web Content Accessibility Guidelines (WCAG) 2.2, W3C Recommendation , <https://www.w3.org/TR/WCAG22/>.

244

Yates v. United States, 574 U.S. 528 (2015).

245

Zaid v. Smart Fin. Credit Union, No. H-18-1130, 2019 WL 314732 (S.D. Tex. Jan. 24, 2019).