

The Only Door

Facial neutrality, indifference, and the inaccessible sole channel under ADA Title III

A growing class of sellers reaches every customer through one channel only, a website or an app, with no counter, aisle, or clerk anywhere in the transaction. When that sole channel is built so a blind, deaf, or motor-disabled customer cannot use it, the operator's first answer is that the site is identical for everyone. This paper argues the opposite: in the sole-channel case, facial neutrality does not defend the operator. It locates the violation.

"The site is the same for everyone." The claim of this paper is that the sentence is exactly backwards.

When the channel is the only one a customer can use, its sameness for all users is the condition the antidiscrimination duty was written to address.

The duty to make the one channel usable does not depend on proof the operator meant to exclude anyone. **It depends on the design's effect on a protected class.**

This paper sets the coverage fight aside and takes up the question that follows it.

NETFLIX A web-only service may itself be a public accommodation (Carparts reasoning).	ROBLES Coverage via nexus to physical stores; declines the no-location case.	GIL v. WINN-DIXIE Limited to physical places; later vacated as moot.
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Assume coverage. Then: what does the operator owe, and why does "everyone meets the same page" not answer for it?

Sources 42 U.S.C. §12181(7); Nat'l Ass'n of the Deaf v. Netflix, 869 F. Supp. 2d 196 (D. Mass. 2012); Robles v. Domino's, 913 F.3d 898 (9th Cir. 2019); Gil v. Winn-Dixie, 993 F.3d 1266 (11th Cir. 2021), vacated as moot, 21 F.4th 775; Gilly, sec. I.

The Staircase

The paradigm accessibility barrier, rebuilt in code



The stairs discriminate though no one chose to keep the wheelchair user out.

A sole staircase is the paradigm barrier, the image the statutes were written around. The inaccessible sole channel is that staircase rebuilt in code: the same page loads for everyone, and the screen reader meets a wall.

GRIGGS V. DUKE POWER (TITLE VII)

Practices "fair in form, but discriminatory in operation."

A different statute, offered only for the proposition it settles plainly: everyone meeting the same requirement **does not answer the discrimination question. It restates it.**

"Most often the product, not of invidious animus, but rather of thoughtlessness and indifference," of "benign neglect."

A statute aimed at indifferent design cannot require proof of a design to exclude. Its yardstick is **meaningful access, not formal sameness**.

The standard has a ceiling too: not every disparate effect wins. A neutral 14-day inpatient limit, usable by all, did not deny meaningful access, **evenhanded treatment, not equal results**.

CHOATE · partial

14 days of identical, usable care. The benefit stayed meaningfully available. Impact claim fails.

SOLE CHANNEL · total

Nothing usable at all, and no other route to the goods. Access drops to zero.

Where the inaccessible thing is the only thing, the failure is not partial. It is complete.

Choate's ceiling defeats the marginal impact claim. The sole-channel case is not marginal, **it is the case the meaningful-access standard reaches most cleanly.**

Where the Wrong Lives

Impact is the engine; the affirmative duties are the vehicle



"Systemic barriers call for systemic reasonable modifications." A screen-reader-incompatible portal is the textbook case.

Under Title II and §504, disparate impact is a named theory, one of three (with disparate treatment and failure to accommodate). Because the portal burdened **all** blind users, not one requester, it was analyzed as impact, no intent required.

PLEAD THE LABEL CAREFULLY

Payan also held the private right of action survives, *Sandoval* did not disturb *Choate*. It arises under Title II/§504, so it does not itself settle the Title III path. **The wrong label hands the operator a motion to dismiss.**

No freestanding impact count needed. Three affirmative duties carry the case.

01 • SCREEN-OUT BAR §12182(b)(2)(A)(i) An interface usable only by sight, hearing, or mouse is an eligibility criterion that screens out a class.	02 • REASONABLE MOD. §12182(b)(2)(A)(ii) Modify policies and practices to afford access, unless a fundamental alteration (PGA Tour v. Martin).	03 • AUXILIARY AIDS §12182(b)(2)(A)(iii) Furnish the aids for effective communication, the reg names screen readers and accessible IT.
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The duties reach the channel itself, the ADA applies to the services *of* a public accommodation, not services *in* one. **Impact is the engine; the affirmative duties are the vehicle.**

Sources 42 U.S.C. §12182(a), (b)(2)(A)(i)–(iii); 28 C.F.R. §36.303(b)(2), (c); PGA Tour v. Martin, 532 U.S. 661 (2001); Robles, 913 F.3d at 905; Gilly, sec. IV.B.

Neutrality as Confession

The sentence that describes the violation and imagines it a defense



Sameness does not rebut the duty. Sameness is the fact that calls the duty into being.

A single format offered to all is precisely what fails the customer who needs a different one. The operator who says everyone meets the same page has stated the condition the law addresses, and imagined it a defense.

The sole channel sharpens it past argument: with alternatives, an operator can gesture at them. **When the interface is the only way to the goods, there is nothing to gesture at.**

FUNDAMENTAL ALTERATION / UNDUE BURDEN

Real limits, but WCAG conformance is an available remedy and the lack of a specific reg does not erase the duty.

"NOT COVERED AT ALL"

A serious argument, but a coverage argument, and it lives in the chapter this paper set aside.

The operator who says everyone climbs the same stairs has not raised a defense. It has described the violation.

Table of Authorities

All authorities as cited in Gilly, T. (2026), The Only Door, Working draft, July 2026 (v5). Reproduced verbatim from the article's footnotes.

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