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Attorneys for Defendant
Zillow Group, Inc.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MOSHE MANESS, on behalf of himself and all
others similarly situated
Plaintiffs,
v.

ZILLOW GROUP, INC.,

Defendant.

Civil Action No. [to be assigned]

**DEFENDANT'S
NOTICE OF REMOVAL**

Electronically Filed

**TO: THE CLERK AND THE HONORABLE JUDGES
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

Defendant Zillow Group, Inc. ("Defendant") hereby files this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of New York, from the Supreme Court of the State of New York, County of Kings, where the action is now pending, as provided by Title 28, United States Code, Chapter 89 and states:

1. Plaintiff Moshe Maness ("Plaintiff") commenced this action on or about June 18, 2019 by filing a Complaint in the Supreme Court of the State of New York, County of Kings, captioned *Moshe Maness v. Zillow Group, Inc.*, Index No. 513513/2019 ("the State Court Action"), which is now pending in that court.

2. Defendant first received notice of the Complaint in the State Court Action on June 26, 2019, when Defendant's agent for service of process, CT Corporation accepted service of a copy of the Complaint. *See Exhibit A*, attached hereto. This Notice of Removal is being filed within the time limits set by 28 U.S.C. § 1446(b).

3. Attached hereto as **Exhibit B** is a copy of all process, pleadings and orders served upon Defendant in the State Court Action, pursuant to 28 U.S.C. § 1446(a).

4. The State Court Action is a civil action of which the District Courts of the United States have original jurisdiction by virtue of federal question jurisdiction granted by 28 U.S.C. § 1441(a).

5. Plaintiff is an individual and citizen of the State of New York, residing in the County of Kings, State of New York. *See Complaint* ¶ 4.

6. Defendant is a corporation, incorporated and existing under the laws of the State of Washington with its principal place of business at 999 Third Avenue, Suite 4600, Seattle, Washington 98104. *See Complaint* ¶ 7.

7. Plaintiff asserts claims under Title III of the Americans with Disabilities Act, and the Fair Housing Act. *See Complaint* ¶ 3. Plaintiff also asserts claims under the New York State Human Rights Law ("NYSHRL") and the New York City Human Rights Law ("NYCHRL") over which this court may exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) since the claims are analogous to the claims made under Title III of the ADA and the Fair Housing Act. *See Complaint* ¶ 2.

8. This Notice of Removal is being filed in the Eastern District of New York, the district court of the United States for the district and division within which this cause of action arose. (**Exhibit B**).

9. Attached hereto as **Exhibit C** is a copy of the Notice to Clerk of the Supreme Court of New York of Filing of Notice of Removal (without exhibits), the original of which is being filed with the Supreme Court of the State of New York, County of Kings, as required by 28 U.S.C. § 1446(d).

10. By filing this Notice of Removal, Defendant does not waive any defenses available to it at law, equity or otherwise.

WHEREFORE, Defendant respectfully requests that this action proceed in this Court as an action properly removed to it.

/s/ Daniella Adler

Daniella Adler
LITTLER MENDELSON, P.C.
900 Third Avenue
New York, NY 10022.3298
212.583.9600

*Attorneys for Defendant,
Zillow Group, Inc.*

Dated: July 26, 2019

FIRMWIDE:165693370.2 086181.1061

EXHIBIT A



**Service of Process
Transmittal**

06/26/2019

CT Log Number 535752544

TO: ZG SERVICE
ZILLOW GROUP, INC.
1301 2ND AVE STE 3100
SEATTLE, WA 98101-0003

RE: Process Served in New York

FOR: Zillow Group, Inc. (Domestic State: WA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: MOSHE MANESS, ETC., PLTF. vs. ZILLOW GROUP, INC., DFT. // TO: ZILLOW GROUP, INC

DOCUMENT(S) SERVED: NOTICE, SUMMONS, COMPLAINT,

COURT/AGENCY: Kings County: Supreme Court, NY
Case # 5135132019

NATURE OF ACTION: PUBLIC-ACCOMMODATION CAUSES OF ACTION FIRST CAUSE OF ACTION Violation of the N.Y.C. Admin. Code SS 8-101 et seq.

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Process Server on 06/26/2019 at 10:45

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: Within 20 days after the service of this Summons

ATTORNEY(S) / SENDER(S): Joseph Y. Balisok
Balisok & Kaufman, PLLC
251 Troy Avenue
Brooklyn, NY 11213
718-928-9607

ACTION ITEMS: CT has retained the current log, Retain Date: 06/26/2019, Expected Purge Date: 07/01/2019

Image SOP

Email Notification, ZG SERVICE zgserviceofprocess@zillowgroup.com

SIGNED: C T Corporation System
ADDRESS: 28 Liberty St
42 Floor
New York, NY 10005-1400
TELEPHONE: 212-590-9070

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X

MOSHE MANESS

Plaintiff/Petitioner,

- against -

Index No. 513513/2019

ZILLOW GROUP, INC

Defendant/Respondent.

-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: June 18, 2019

251 Troy Ave
Brooklyn, NY 11213

Name

Address

Joseph Y. Balisok

Firm Name

718 928 9707

Balisok & Kaufman, PLLC

Phone

joseph@lawbalisok.com

E-Mail

To: Zillow Group, Inc.
C/O C T Corporation Systems
28 Liberty Street
New York, New York 10005

6/6/18

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

MOSHE MANESS, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

ZILLOW GROUP, INC.,

Defendant.

X

Index No.:

SUMMONS

**Plaintiff designates Kings County
as Place of Trial. Basis of Venue
§ 503**

X

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer in Supreme Court, Civil Term, Kings County, New York, at 360 Adams Street, Brooklyn, New York, 11201. The Complaint of Plaintiff is herein attached and it is necessary to serve a copy of your Answer on Plaintiff at the address indicated below within twenty (20) days after the service of this Summons (not counting the day of service itself), or within thirty (30) days after service is complete if the Summons is not delivered personally to you within the State of New York. Plaintiff designates Kings County as the place of trial. The basis of venue is the Plaintiff's location and the property is within Kings County.

YOU ARE HEREBY NOTIFIED that, should you fail to Answer, a Judgment will be entered against you by Default for the relief requested in the Complaint.

Dated: Brooklyn, New York
June 18, 2019

Joseph Y. Balisok, Esq.

Joseph Y. Balisok

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BALISOK & KAUFMAN, PLLC
251 Troy Avenue
Brooklyn, NY 11213
Telephone: (718) 928-9607
Facsimile: (718) 534-9747
Attorneys for Plaintiff

To: Zillow Group, Inc.
C/O C T Corporation Systems
28 Liberty Street
New York, New York 10005

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

MOSHE MANESS, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

ZILLOW GROUP, INC.,

Defendant.

X

Index No.:

CLASS-ACTION COMPLAINT

X

INTRODUCTION

1. Plaintiff brings this lawsuit on behalf of himself and all others similarly situated and asserts the following against Defendant.

2. Plaintiff's claims arise under the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.* (the "NYCHRL") and the New York State Human Rights Law, N.Y. Executive Law §§ 290, *et seq.* (the "NYSHRL").

3. Plaintiff's claims also sound under the American With Disabilities Act, 42 U.S.C. §§ 12181, *et seq.* (the "ADA") and the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.* (the "FHA").

4. Venue is proper in Kings County Supreme Court because Plaintiff is a resident of Kings County and Defendant conducts business in Kings County.

5. The amount in controversy exceeds the jurisdictional limits of all lower courts.

6. Plaintiff, MOSHE MANESS, at all relevant times, is and was a resident of Kings County and is over the age of 18.

7. Defendant is a Washington State corporation authorized to do business and receive process in New York State.

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8. Plaintiff suffers from congenital fibrosis of the extraocular muscles, a rare condition that makes Plaintiff severely visually impaired.

9. Plaintiff's condition severely limits his major life activity of sight.

10. Plaintiff's condition is a disability under the ADA, FHA, NYSHRL, and NYCHRL.

NATURE OF THE CASE

11. This putative class-action lawsuit looks to end the systemic and patterned housing and public-accommodation discrimination perpetrated by Defendant in violation of the City, State, and Federal anti-discrimination laws.

12. Defendant operates, *inter alia*, zillow.com (the "Website"). The Website is a platform available to the public that serves to facilitate, broker, or otherwise engage in real-estate transactions throughout the nation.

13. On its Website, Defendant provides consumers with access to various real estate listings, including listings for real estate rentals and sales.

14. Defendant's Website provides a means to connect consumers with independent brokers or property owners to facilitate real estate transactions.

15. Through its Website, Defendant has engaged in a pattern a practice of denying, withholding, or otherwise limiting access to real-estate listings available on the Website for those who are blind and visually impaired.

16. Defendant's Website has the effect of discriminating against Plaintiff and the putative class in both provision of public accommodations and provision of housing accommodations.

17. Indeed, Defendant's Website contains numerous access barriers that effectively deny the blind and visually impaired full and equal access to Defendant's goods and services.

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STATEMENT OF FACTS

18. Defendant is an online marketplace that offers real estate related services through its Website.

19. According to the Website, "Zillow is the leading real estate and rental marketplace dedicated to empowering consumers with data, inspiration and knowledge around the place they call home, and connecting them with the best local professionals who can help." *See Zillow, About Us—What is Zillow?*, <https://www.zillow.com/corp/About.htm> (last visited June 18, 2019).

20. The Website further states: "Zillow serves the full lifecycle of owning and living in a home: buying, selling, renting, financing, remodeling and more. It starts with Zillow's living database of more than 110 million U.S. homes - including homes for sale, homes for rent and homes not currently on the market, as well as Zestimate home values, Rent Zestimates and other home-related information." *Id.*

21. Upon information and belief, Zillow operates the most popular suite of mobile real estate apps, with more than two dozen apps across all major platforms.

22. Consumers use Zillow in connection with various real estate related transactions, including, *inter alia*, searching for homes and apartments for residential sale and rent.

23. While Zillow purports to be "dedicated to empowering consumers", it is not so dedicated to *all* consumers on full and equal basis without regard for disability. Indeed, Defendant's Website is not fully and equally accessible to blind and visually impaired individuals like Plaintiff and the putative class.

24. The internet is a critical source of information that provides a primary means for, *inter alia*, conducting business and engaging in real estate transactions, the absence of which

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severely limits everyday activities such as shopping, learning, banking, researching, as well as many other activities for all people, including the sighted, blind, and visually impaired.

25. Blind and visually impaired persons can access websites using keyboards in conjunction with screen-access software that vocalizes the visual information found on a computer screen or displays the content on a refreshable Braille display. This technology is known as screen-reading software. Screen-reading software is currently the only method a blind or visually impaired person may independently access the internet.

26. If not designed to be read by screen-reading software, websites create an incredible access barrier to blind and visually impaired persons to the extent that such persons are unable to fully access websites and thus the information and services contained thereon.

27. There is a variety of screen-reading software programs available to blind and visually impaired users of Windows computers and devices.

28. Screen-reading software only works, however, if the information on a website is made capable of being rendered into text. If website content is not made capable of being rendered into text, a blind or visually impaired user cannot access the same content available to sighted users.

29. The International website standards organization, the World Wide Web Consortium, known throughout the world as W3C, has published version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0). WCAG 2.0 are well-established guidelines for making websites accessible to blind and visually impaired individuals. These guidelines are universally followed by most large business entities and government agencies to ensure their websites are accessible. Many Courts have also established WCAG 2.0 as the standard guideline for accessibility.

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30. There are well-established guidelines for making websites accessible to blind persons. These guidelines have been in place for at least several years and have been followed successfully by other large business entities in making their websites accessible. The Web Accessibility Initiative (WAI), a project of the World Wide Web Consortium which is the leading standards organization of the Web, has developed guidelines for website accessibility.

31. The federal government has also promulgated website accessibility standards under Section 508 of the Rehabilitation Act. These guidelines are readily available via the Internet, so that a business designing a website can easily access them. These guidelines recommend several basic components for making websites accessible, including, but not limited to: adding invisible alt-text to graphics; ensuring that all functions can be performed using a keyboard and not just a mouse; ensuring that image maps are accessible, and adding headings so that blind people can easily navigate the site. Without these very basic components a website will be inaccessible to a blind person using a screen reader.

32. Noncompliant websites pose common access barriers to blind and visually-impaired persons. Common barriers encountered by blind and visually impaired persons include, but are not limited to, the following: a text equivalent for every non-text element is not provided; title frames with text are not provided for identification and navigation; equivalent text is not provided when using scripts; forms with the same information and functionality as for sighted persons are not provided; information about the meaning and structure of content is not conveyed by more than the visual presentation of content; text cannot be resized without assistive technology up to 200% without losing content or functionality; if the content enforces a time limit, the user is not able to extend, adjust or disable it; web pages do not have titles that describe the topic or purpose; the purpose of each link cannot be determined from the link text alone or from the link text and its

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programmatically determined link context; one or more keyboard operable user interface lacks a mode of operation where the keyboard focus indicator is discernible; the default human language of each web page cannot be programmatically determined; when a component receives focus, it may initiate a change in context; changing the setting of a user interface component may automatically cause a change of context where the user has not been advised before using the component; labels or instructions are not provided when content requires user input, which include captcha prompts that require the user to verify that he or she is not a robot; in content which is implemented by using markup languages, elements do not have complete start and end tags, elements are not nested according to their specifications, elements may contain duplicate attributes and/or any IDs are not unique; inaccessible Portable Document Format (PDF) files; the name and role of all user interface elements cannot be programmatically determined; and items that can be set by the user cannot be programmatically set and/or notification of changes to these items is not available to user agents, including assistive technology.

33. Defendant's Website fails to comply with well-accepted accessibility standards.

34. Defendant's Website is offered to the public and offers features that should allow all individuals to access the goods and services that the Defendant offers.

35. Defendant's website provides goods and services to consumers and offers access to real estate related transactions.

36. Upon information and belief, Defendant maintains a policy and practice of denying Plaintiff, along with other visually impaired and blind users, access to Defendant's website. This policy and practice is systemic and patterned, and it serves to deny access to the goods and services that Defendant offers in connection with real estate.

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37. Defendant's failure and refusal to remove access barriers to its website has caused Plaintiff and other visually impaired persons to have been and still be denied equal access to the information made available to sighted persons on Defendant's website.

38. During a visit to the website, the last occurring in June 2019, several access barriers were identified that effectively denied Plaintiff full and equal access to the goods and services offered to the public and made available to the public by Defendant.

39. These multiple accessibility barriers include, but are not limited to:

- a) Lack of alternative text ("alt-text"), or a text equivalent. Alt-text is an invisible code embedded beneath a graphical images on a website. Web accessibility requires that alt-text be coded with each picture so that screen-reading software can speak the alt-text where a sighted user sees pictures, which includes captcha prompts. Alt-text does not change the visual presentation, but instead a text box shows when the mouse moves over the picture. The lack of alt-text on these graphics prevents screen readers from accurately vocalizing a description of the graphics. As a result, the Defendant's visually impaired customers are unable to determine what is on the website, browse, look for real estate, obtain information about real estate, including the appearance and condition of listed properties;
- b) Empty links that contain no text causing the function or purpose of the link to not be presented to the user. This can introduce confusion for keyboard and screen-reader users;
- c) Redundant links where adjacent links go to the same URL address which results in additional navigation and repetition for keyboard and screen-reader users; and
- d) Linked images missing alt-text, which causes problems if an image within a link

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contains no text and that image does not provide alt-text. A screen reader then has no content to present the user as to the function of the link, including information contained in PDFs.

40. Due to the inaccessibility of the Defendant's website, blind and visually impaired customers such as Plaintiff, who need screen-readers, cannot fully and equally use or enjoy the facilities, goods, and services that Defendant offers to the sighted public on its website.

41. There exist a plethora of other access barriers present on the Website.

42. For most listings on the Website, the most descriptive, informative, and meaningful aspects of such listings are the images of the specific property being advertised. Without these images, consumers generally cannot identify critical information and details about the listed properties.

43. Nonetheless, these images are invariably inaccessible to the blind and visually impaired because they do not contain alt-text.

44. Because of Defendant's failure to provide alt-text describing the images, blind and visually impaired individuals are left without means to fully understand the nature of the advertisements, the condition and appearance of the property listed, and what specifically is being offered or advertised.

45. Moreover, the overall layout and design of the Website is itself an access barrier. Indeed, the Website lists properties on a map that lacks any alt-text describing the precise location of a given listed property, including cross streets and precise locations of public transportation and local amenities.

46. The Website likewise utilizes links that do not contain alt-text and are thus inaccessible.

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47. Defendant's Website prevents visually impaired users from knowing what content on the website is available to navigate. Because there are no labels associated with the input fields, a screen-reader user will not get the proper context if placeholder text fails, is changed, or is not supported by a browser. This wholly prevents a screen reader user from properly using the search functions on the Websites to aid them in their home search.

48. Defendant's Website contains material that is accessible to those with vision and is not accessible to the visually impaired. In particular, Defendant offers a "Home Buyers Guide." The play button for this service is a link with no text and is thus read only as "link" by screen readers, making it very difficult for a visually disabled person to have any idea where it leads.

49. Defendant, by making its Website inaccessible to the blind and visually impaired, is denying Plaintiff and the class equal and full access to its listings as it does for sighted people.

50. The listings on Defendant's website fail to provide adequate descriptions of the real estate other than the images posted thereon.

51. Defendant's Website creates a substantial access barrier for blind and visually impaired individuals who wish to engage in real estate related transactions through Defendant's Website, and these access barriers on the Defendant's Website are effectively deter blind and visually impaired persons from engaging in real estate transactions in a manner equal to sighted individuals.

52. Because basic compliance with WCAG 2.0 would provide Plaintiff and other visually impaired persons with equal access to the website, Plaintiff alleges that Defendant engaged in acts of intentional discrimination against him and the putative class, including, but not limited to, the following policies or practices: constructing and maintaining a website that is inaccessible to visually impaired persons; failing to construct and maintain a website that is

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sufficiently intuitive so as to be equally accessible to visually-impaired persons; failing to take actions to correct these access barriers in the face of substantial harm and discrimination to blind and visually-impaired persons, such as the Plaintiff, as a member of a protected class; intentionally discriminating in connection with provision of housing accommodations; circulating or causing to be circulated discriminatory housing-related advertisements and listings; disparately impacting blind and visually impaired individuals in connection with obtaining housing accommodations.

53. Defendant therefore uses standards, criteria, or methods of administration that have the effect of discriminating or perpetuating the discrimination against others, as alleged herein.

54. If the Defendant's website was accessible, Plaintiff and similarly situated visually impaired persons could independently access information about the real estate listings contained on the Website and related goods and services.

55. Although Defendant may currently have centralized policies regarding maintaining and operating the Defendant's website, Defendant lacks a plan and policy reasonably calculated to make the Defendant's Website fully and equally accessible to, and independently usable by, blind and other visually impaired persons.

56. Defendant has, upon information and belief, invested substantial sums in developing and maintaining the Website and Defendant has generated significant revenue from its Website. These amounts are far greater than the associated cost of making Defendant's website equally accessible to visually impaired customers.

CLASS-ACTION ALLEGATIONS

57. This case is brought as and may be maintained as a class action under Article 9 of the CPLR.

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58. Plaintiff, on behalf of himself and all others similarly situated, seeks to certify two putative classes defined as follows:

- a) All visually impaired individuals who reside in the State of New who have attempted to avail themselves of the goods and services of Defendant's Website and have been denied full and equal access to such goods and services offered through Defendant's Website during the relevant statutory period;
- b) All visually impaired individuals who reside in the City of New who have attempted to avail themselves of the goods and services of Defendant's Website and have been denied full and equal access to such goods and services offered through Defendant's Website during the relevant statutory period.

59. Common questions of law and fact exist as to the class, including, but not limited to:

- a) Whether the Website is a "public accommodation" under the NYCHRL, the NYSHRL, and the ADA;
- b) Whether Defendant through the Website denies the full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to people with visual disabilities in violation of the foregoing laws;
- c) Whether Defendant discriminated against people with visual disabilities in connection with real estate-related transactions under the NYSHRL and NYCHRL.
- d) Whether Defendant is subject to liability under the FHA; and
- e) Whether Defendant discriminated against people with visual disabilities in connection with real estate-related transactions under the FHA.

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60. Plaintiff's claims are typical of the class which, like Plaintiff: 1) are visually disabled persons; 2) have claims against Defendant for violations under the NYCHRL, the NYSHRL, the ADA, and the FHA

61. Plaintiff is committed to the vigorous prosecution of this action and will fairly and adequately represent and protect the interests of the class because Plaintiff has retained and is represented by competent counsel.

62. Plaintiff is an adequate representative of the Class and, together with their attorneys, are able to, and will fairly and adequately, protect the interests of the Class and its members.

63. Class certification of the claims is appropriate under Fed. R. Civ. P. 23(b)(2) because the Defendant has acted or refused to act on grounds generally applicable to the class, making appropriate both declaratory and injunctive relief with respect to Plaintiff and the class as a whole.

64. Plaintiffs have no interests antagonistic to the interests of the other members of the Class. There is no conflict between Plaintiffs and any other members of the Class with respect to this action or the claims for relief herein.

65. In addition, a class action is superior to other available methods for the fair, just, and efficient adjudication of the claims asserted herein. Joinder of all members of the Class is impracticable and, for financial and other reasons, it would be impractical for individual members of the Class to pursue separate claims. Moreover, prosecution of separate actions by individual members of the Class would create the risk of varying and inconsistent adjudications and would unduly burden the courts.

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66. Class certification is also appropriate because fact and legal questions common to the class predominate over questions affecting only individual class members, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation.

67. Judicial economy will be served by maintaining this lawsuit as a class action in that it is likely to avoid the burden that would be otherwise placed upon the judicial system by the filing of numerous similar suits by individuals with visual disabilities throughout the United States.

PUBLIC-ACCOMMODATION CAUSES OF ACTION

FIRST CAUSE OF ACTION

VIOLATION OF THE N.Y.C. ADMIN. CODE §§ 8-101 ET SEQ.

68. Plaintiff, on behalf of himself and the New York City Sub-Class Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

69. N.Y.C. Administrative Code § 8-107(4)(a) provides that “[i]t shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, because of . . . disability . . . directly or indirectly, to refuse, withhold from or deny to such person, any of the accommodations, advantages, facilities or privileges thereof.”

70. Defendant’s Website is a sales establishment and public accommodation within the definition of N.Y.C. Admin. Code § 8-102(9), and its Website is a service provided to the public.

71. Defendant is subject to NYCHRL because it owns and operates the Website, the Website is available in the City of New York, and the Website concerns real property located in New York City, making it a person within the meaning of N.Y.C. Admin. Code § 8-102(1).

72. Defendant is violating N.Y.C. Administrative Code § 8-107(4)(a) in refusing to update or remove access barriers to the Website, causing its Website and the services integrated therewith to be completely inaccessible to the blind. This inaccessibility denies blind patrons full

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and equal access to the facilities, products, and services that Defendant makes available to the non-disabled public.

73. Defendant is required to "make reasonable accommodation to the needs of persons with disabilities . . . any person prohibited by the provisions of [§ 8-107 *et seq.*] from discriminating on the basis of disability shall make reasonable accommodation to enable a person with a disability to . . . enjoy the right or rights in question provided that the disability is known or should have been known by the covered entity." N.Y.C. Admin. Code § 8-107(15)(a).

74. Defendant's actions constitute willful intentional discrimination against the Sub-Class on the basis of a disability in violation of the N.Y.C. Administrative Code § 8-107(4)(a) and § 8-107(15)(a) in that Defendant has:

- a) constructed and maintained a website that is inaccessible to visually impaired and blind class members with knowledge of the discrimination; and/or
- b) constructed and maintained a website that is sufficiently intuitive and/or obvious that is inaccessible to visually impaired and blind class members; and/or
- c) failed to take actions to correct these access barriers in the face of substantial harm and discrimination to visually impaired and blind class members.

75. Defendant has failed to take any prompt and equitable steps to remedy their discriminatory conduct. These violations are ongoing.

76. As such, Defendant discriminates, and will continue in the future to discriminate, against Plaintiff and members of the proposed class and subclass on the basis of disability in the full and equal enjoyment of the products, services, facilities, privileges, advantages, accommodations and/or opportunities of its Website and its establishments under § 8-107(4)(a)

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and/or its implementing regulations. Unless the Court enjoins Defendant from continuing to engage in these unlawful practices, Plaintiff and members of the class will continue to suffer irreparable harm.

77. Defendant's actions were and are in violation of the NYCHRL and therefore Plaintiff invokes his right to injunctive relief to remedy the discrimination.

78. Plaintiff is also entitled to compensatory damages, as well as civil penalties and fines under N.Y.C. Administrative Code § 8-120(8) and § 8-126(a) for each offense as well as punitive damages pursuant to § 8-502.

79. Plaintiff is also entitled to reasonable attorneys' fees and costs.

80. Under N.Y.C. Administrative Code § 8-120 and § 8-126 and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**SECOND CAUSE OF ACTION
VIOLATION OF N.Y. EXEC. L. §§ 290, ET SEQ.**

81. Plaintiff, on behalf of himself and the New York State Sub-Class Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

82. N.Y. Exec. Law § 296(2)(a) provides that it is "an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation . . . because of the . . . disability of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof."

83. Defendant's website is a public accommodations within the definition of N.Y. Exec. Law § 292(9). Defendant's Website is also a service, privilege, or advantage of Defendant. Defendant's Website is a service that is by and integrated with real property in New York.

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84. Defendant is subject to New York State Human Rights Law because it owns and operates its Website and does business in this State, and conducts transactions relating to real estate in New York. Defendant is a person within the meaning of N.Y. Exec. Law § 292(1).

85. Defendant is violating N.Y. Exec. Law § 296(2)(a) in refusing to update or remove access barriers to its Website, causing its Website and the services integrated therewith to be completely inaccessible to visually impaired and blind persons. This inaccessibility denies blind patrons full and equal access to the facilities, services that Defendant makes available to the non-disabled public.

86. Under N.Y. Exec. Law § 296(2)(c)(i), unlawful discriminatory practice includes, among other things, "a refusal to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities, unless such person can demonstrate that making such modifications would fundamentally alter the nature of such facilities, privileges, advantages or accommodations being offered or would result in an undue burden."

87. Under N.Y. Exec. Law § 296(2)(c)(ii), unlawful discriminatory practice also includes, "a refusal to take such steps as may be necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services, unless such person can demonstrate that taking such steps would fundamentally alter the nature of the facility, privilege, advantage or accommodation being offered or would result in an undue burden."

88. Readily available, well-established guidelines exist on the Internet for making websites accessible to the blind and visually impaired. These guidelines have been followed by other large business entities and government agencies in making their website accessible, including but

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not limited to: adding alt-text to graphics and ensuring that all functions can be performed using a keyboard. Incorporating the basic components to make its Website accessible would neither fundamentally alter the nature of Defendant's business nor result in an undue burden to Defendant.

89. Defendant's actions constitute willful intentional discrimination against the class on the basis of a disability in violation of the NYSHRL, N.Y. Exec. Law § 296(2) in that Defendant has:

- d) constructed and maintained a website that is inaccessible to visually impaired and blind persons class members with knowledge of the discrimination; and/or
- e) constructed and maintained a website that is sufficiently intuitive and/or obvious that is inaccessible to visually impaired and blind class members; and/or
- f) failed to take actions to correct these access barriers in the face of substantial harm and discrimination to visually impaired and blind class members.

90. Defendant has failed to take any prompt and equitable steps to remedy its discriminatory conduct. These violations are ongoing.

91. Defendant discriminates and will continue in the future to discriminate against Plaintiff and New York State Sub-Class Members on the basis of disability in the full and equal enjoyment of the products, services, facilities, privileges, advantages, accommodations, and/or opportunities of Defendant's Website under § 296(2) *et seq.* and/or its implementing regulations. Unless the Court enjoins Defendant from continuing to engage in these unlawful practices, Plaintiff and the Sub-Class Members will continue to suffer irreparable harm.

92. Defendant's actions were and are in violation of New York State Human Rights Law and therefore Plaintiff invokes his right to injunctive relief to remedy the discrimination.

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93. Plaintiff is also entitled to compensatory damages, as well as civil penalties and fines under N.Y. Exec. Law § 297(4)(c) *et seq.* for each and every offense.

94. Plaintiff is also entitled to reasonable attorneys' fees and costs.

95. Under N.Y. Exec. Law § 297 and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**THIRD CAUSE OF ACTION
VIOLATION OF THE ADA, 42 U.S.C. §§ 12181, ET SEQ.**

96. Plaintiff, on behalf of himself and the Class Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

97. Section 302(a) of Title III of the ADA, 42 U.S.C. § 12101 *et seq.*, provides:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person

42 U.S.C. § 12182(a).

98. Defendant's website public accommodations within the definition of Title III of the ADA, 42 U.S.C. § 12181(7). Defendant's Website is also a service, privilege, or advantage of a public accommodation. The Website is a service that is integrated with these location(s).

99. Under Section 302(b)(1) of Title III of the ADA, it is unlawful discrimination to deny individuals with disabilities the opportunity to participate in or benefit from the products, services, facilities, privileges, advantages, or accommodations of an entity. 42 U.S.C. § 12182(b)(1)(A)(i). Defendant's Website is a service that is by and integrated with real property in New York

100. Under Section 302(b)(1) of Title III of the ADA, it is unlawful discrimination to

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deny individuals with disabilities an opportunity to participate in or benefit from the products, services, facilities, privileges, advantages, or accommodation, which is equal to the opportunities afforded to other individuals. 42 U.S.C. § 12182(b)(1)(A)(ii).

101. Under Section 302(b)(2) of Title III of the ADA, unlawful discrimination also includes, among other things:

[A] failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages or accommodations; and a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden.

42 U.S.C. § 12182(b)(2)(A)(ii)-(iii).

102. The acts alleged herein constitute violations of Title III of the ADA, and the regulations promulgated thereunder. Plaintiff, who is a member of a protected class of persons under the ADA, has a physical disability that substantially limits the major life activity of sight within the meaning of 42 U.S.C. §§ 12102(1)(A)-(2)(A). Furthermore, Plaintiff has been denied full and equal access to the Website, has not been provided services that are provided to other patrons who are not disabled, and has been provided services that are inferior to the services provided to non-disabled persons. Defendant has failed to take any prompt and equitable steps to remedy its discriminatory conduct. These violations are ongoing.

103. Under 42 U.S.C. § 12188 and the remedies, procedures, and rights set forth and incorporated therein, Plaintiff, requests relief as set forth below.

FAIR-HOUSING CAUSES OF ACTION

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FOURTH CAUSE OF ACTION
VIOLATION OF N.Y.C. ADMIN. CODE §§ 8-101, ET SEQ.

104. Plaintiff repeats and realleges each and every preceding paragraph as if fully set forth again herein.

105. The NYCHRL provides, in relevant part:

It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation . . . or any agent or employee thereof:

(1) Because of the actual or perceived . . . disability . . . of any person or group of persons . . . :

(a) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any such person or group of persons such a housing accommodation or an interest therein; [or]

(b) To discriminate against any such person or persons in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith

....

N.Y.C. Admin. Code § 8-107(5)(a)(1)(a)-(b).

106. The law further makes it unlawful:

To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to . . . disability . . . or any intent to make such limitation, specification or discrimination.

Id. § 8-107(5)(a)(2).

107. Identical provisions to the ones set forth in two immediately preceding paragraphs apply to "Real estate brokers" under the NYCHRL. *See Id.* § 8-107(5)(c)(1); *id.* § 8-107(5)(c)(2).

108. Moreover, the NYCHRL applies to "Real estate services":

It shall be an unlawful discriminatory practice, because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed

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service, age, marital status, partnership status, or alienage or citizenship status of any person or because children are, may be or would be residing with such person:

(1) To deny such person access to, membership in or participation in a multiple listing service, real estate brokers' organization, or other service

Id. § 8-107(5)(e)(1).

109. Additionally, the NYCHRL applies to "Real estate related transactions":

It shall be an unlawful discriminatory practice for any person whose business includes the appraisal of housing accommodations, land or commercial space or interest therein or an employee or agent thereof to discriminate in making available or in the terms or conditions of such appraisal on the basis of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed service, age, marital status, partnership status, or alienage or citizenship status of any person or because children are, may be or would be residing with such person.

Id. § 8-107(5)(f).

110. Defendant is the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, or any agent or employee thereof.

111. Defendant is likewise a provider of real-estate services and engages in real estate related transactions.

112. Defendant provides real-estate services in the form of multiple listing services or other services.

113. Defendant engages in real-estate appraisal services through its Website.

114. Defendant, through its Website, unlawfully discriminates against Plaintiff and the putative class by refusing to sell, rent, lease, approve the sale, rental, or lease, or otherwise denies or withholds from Plaintiff and the putative class housing accommodations on the basis of disability.

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115. Defendant, through its Website, has circulated or caused to be circulated advertisements and publications for the rental of housing accommodations in a manner that is inaccessible to Plaintiff and the putative class.

116. Defendant's Website expresses limitations as to Plaintiff and the putative class's disability and, by failing to make its Website and all aspects thereof accessible, has indicated an intent to make such limitations.

117. Defendant, through its Website, has denied Plaintiff and the putative class full and equal access to, membership in, or participation in a multiple listing service or other service.

118. Defendant's actions are in violation of the NYCHRL.

119. Plaintiff is entitled to compensatory damages and civil penalties and fines for each and every offense.

120. Plaintiff is entitled to reasonable attorneys' fees and costs.

121. Under NYCHRL and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**FIFTH CAUSE OF ACTION
VIOLATION OF N.Y. EXEC. L. §§ 290, ET SEQ.**

122. The NYSHRL makes it an unlawful discriminatory practice for the "owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation . . . or any agent or employee thereof . . . [t]o refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of . . . disability" N.Y. Exec. L. § 296(5)(a)(1).

123. The NYSHRL further makes it unlawful "[t]o print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation . . . which expresses, directly or

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indirectly, any limitation, specification or discrimination as to . . . disability . . . or any intent to make any such limitation, specification or discrimination.” *Id.* § 296(5)(a)(3).

124. Defendant is an agent of the owner, lessee, sub-lessee, assignee, or managing agent of, or is another person having the right to sell, rent, or lease a housing accommodation.

125. Defendant, through its Website, is discriminating against Plaintiff and the putative class to the extent, *inter alia*, that the Website has the effect of denying Plaintiff and the putative class the opportunity to engage in real estate transactions.

126. Defendant, through its Website, refuses to sell, rent, lease or otherwise denies or withholds from Plaintiff and the putative class housing accommodations on the basis of disability.

127. Defendant, through its Website, has circulated or caused to be circulated real-estate advertisements that fail to be accessible to Plaintiff and the putative class, thereby indicating limitations, specifications, preferences, or discrimination on the basis of disability.

128. Defendant’s unlawful discriminatory practices will continue indefinitely without this Court’s intervention.

129. Defendant’s actions are in violation of the NYSHRL.

130. Plaintiff is entitled to compensatory damages and civil penalties and fines for each and every offense.

131. Plaintiff is entitled to reasonable attorneys’ fees and costs.

132. Under NYSHRL and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**SIXTH CAUSE OF ACTION
VIOLATION OF THE FHA, 42 U.S.C. §§ 3605, ET SEQ.**

133. The FHA makes it “unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making

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available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.” 42 U.S.C. § 3605(a).

134. The FHA further makes it “unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.” *Id.* § 3606.

135. Defendant is a person or other entity whose business includes engaging in residential real estate-related transactions.

136. Defendant's inaccessible Website, and each and every inaccessible part thereof, constitutes an access barrier that has the effect of discriminating against Plaintiff and the putative class.

137. Defendant, through its Website, is discriminating against Plaintiff and the putative class on the basis of handicap as defined by the FHA to the extent, *inter alia*, that the Website fails to make equally and fully available to Plaintiff and the putative class real-estate transactions that are readily accessible to the sighted public.

138. Defendant, through its Website, is discriminating against Plaintiff and the putative class by denying them equal access to and participation in its Website, which is a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings under the FHA.

139. Defendant's unlawful discriminatory practices will continue indefinitely without this Court's intervention.

140. Defendant's actions are in violation of the FHA.

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141. Plaintiff is entitled to compensatory damages and civil penalties and fines for each and every offense.

142. Plaintiff is entitled to reasonable attorneys' fees and costs.

143. Under FHA and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**SEVENTH CAUSE OF ACTION
DECLARATORY RELIEF**

144. Plaintiff, on behalf of himself and the Class and New York State and City Sub-Classes Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

145. An actual controversy has arisen and now exists between the parties in that Plaintiff contends, and is informed and believes that Defendant denies, that its Website contains access barriers denying blind customers the full and equal access to the goods and services and facilities of its Website and by extension its physical locations, which Defendant owns, operations and controls, fails to comply with applicable laws including, but not limited to, Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, and N.Y.C. Admin. Code § 8-107, *et seq.* prohibiting discrimination against the blind.

146. An actual controversy has arisen and now exists between the parties in that Plaintiff contends, and is informed and believes that Defendant denies, that its Website contains access barriers denying blind customers the full and equal access to housing accommodations and fails to comply with applicable laws including, but not limited to, the FHA, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, and N.Y.C. Admin. Code § 8-107, *et seq.* prohibiting discrimination in the provision of housing accommodations.

147. A judicial declaration is necessary and appropriate at this time in order that each of

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the parties may know their respective rights and duties and act accordingly.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court grant the following relief:

- a. A preliminary and permanent injunction to prohibit Defendant from violating the N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, and the FHA, 42 U.S.C. §§ 3605, *et seq.*;
- b. A preliminary and permanent injunction requiring Defendant to take all the steps necessary to make its Website into full compliance with the requirements set forth in the NYCHRL, NYSHRL, ADA and FHA, and their respective implementing regulations, so that the Website is readily accessible to and usable by blind individuals;
- c. A declaration that Defendant owns, maintains and/or operates its Website in a manner that discriminates against the blind and which fails to provide access for persons with disabilities as required by Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, and the FHA, 42 U.S.C. §§ 3605, *et seq.*;
- d. An order certifying the Classes under Article 9 of the CPLR, appointing Plaintiff as Class Representative, and his attorneys as Class Counsel;
- e. Compensatory damages in an amount to be determined by proof, including all applicable statutory and punitive damages and fines, to Plaintiff and the proposed class and subclasses for violations of their civil rights under New

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- York State Human Rights Law and City Law;
- f. Pre- and post-judgment interest;
 - g. An award of costs and expenses of this action together with reasonable attorneys' and expert fees; and
 - h. Such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL-BY-JURY

Plaintiff demands a trial by jury on all questions of fact the Complaint raises.

Dated: Brooklyn, New York
June 18, 2019

Joseph Y. Balisok, Esq.

Joseph Y. Balisok

BALISOK & KAUFMAN, PLLC
251 Troy Avenue
Brooklyn, NY 11213
Telephone: (718) 928-9607
Facsimile: (718) 534-9747
Attorneys for Plaintiff

EXHIBIT B



**Service of Process
Transmittal**

06/26/2019

CT Log Number 535752544

TO: ZG SERVICE
ZILLOW GROUP, INC.
1301 2ND AVE STE 3100
SEATTLE, WA 98101-0003

RE: Process Served in New York

FOR: Zillow Group, Inc. (Domestic State: WA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: MOSHE MANESS, ETC., PLTF. vs. ZILLOW GROUP, INC., DFT. // TO: ZILLOW GROUP, INC

DOCUMENT(S) SERVED: NOTICE, SUMMONS, COMPLAINT,

COURT/AGENCY: Kings County: Supreme Court, NY
Case # 5135132019

NATURE OF ACTION: PUBLIC-ACCOMMODATION CAUSES OF ACTION FIRST CAUSE OF ACTION Violation of the N.Y.C. Admin. Code SS 8-101 et seq.

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Process Server on 06/26/2019 at 10:45

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: Within 20 days after the service of this Summons

ATTORNEY(S) / SENDER(S): Joseph Y. Balisok
Balisok & Kaufman, PLLC
251 Troy Avenue
Brooklyn, NY 11213
718-928-9607

ACTION ITEMS: CT has retained the current log, Retain Date: 06/26/2019, Expected Purge Date: 07/01/2019

Image SOP

Email Notification, ZG SERVICE zgserviceofprocess@zillowgroup.com

SIGNED: C T Corporation System
ADDRESS: 28 Liberty St
42 Floor
New York, NY 10005-1400
TELEPHONE: 212-590-9070

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MOSHE MANESS

Plaintiff/Petitioner,

- against -

Index No. 513513/2019

ZILLOW GROUP, INC

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you **must** have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the Internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: June 18, 2019

251 Troy Ave
Brooklyn, NY 11213

Name

Address

Joseph Y. Balisok

Firm Name

718 928 9707

Balisok & Kaufman, PLLC

Phone

joseph@lawbalisok.com

E-Mail

To: Zillow Group, Inc.
C/O C T Corporation Systems
28 Liberty Street
New York, New York 10005

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

MOSHE MANESS, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

ZILLOW GROUP, INC.,

Defendant.

X

Index No.:

SUMMONS

Plaintiff designates Kings County
as Place of Trial. Basis of Venue
§ 503

X

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer in Supreme Court, Civil Term, Kings County, New York, at 360 Adams Street, Brooklyn, New York, 11201. The Complaint of Plaintiff is herein attached and it is necessary to serve a copy of your Answer on Plaintiff at the address indicated below within twenty (20) days after the service of this Summons (not counting the day of service itself), or within thirty (30) days after service is complete if the Summons is not delivered personally to you within the State of New York. Plaintiff designates Kings County as the place of trial. The basis of venue is the Plaintiff's location and the property is within Kings County.

YOU ARE HEREBY NOTIFIED that, should you fail to Answer, a Judgment will be entered against you by Default for the relief requested in the Complaint.

Dated: Brooklyn, New York
June 18, 2019

Joseph Y. Balisok, Esq.

Joseph Y. Balisok

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Facsimile: (718) 534-9747
Attorneys for Plaintiff

To: Zillow Group, Inc.
C/O C T Corporation Systems
28 Liberty Street
New York, New York 10005

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

MOSHE MANESS, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

ZILLOW GROUP, INC.,

Defendant.

X

Index No.:

CLASS-ACTION COMPLAINT

X

INTRODUCTION

1. Plaintiff brings this lawsuit on behalf of himself and all others similarly situated and asserts the following against Defendant.

2. Plaintiff's claims arise under the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.* (the "NYCHRL") and the New York State Human Rights Law, N.Y. Executive Law §§ 290, *et seq.* (the "NYSHRL").

3. Plaintiff's claims also sound under the American With Disabilities Act, 42 U.S.C. §§ 12181, *et seq.* (the "ADA") and the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.* (the "FHA").

4. Venue is proper in Kings County Supreme Court because Plaintiff is a resident of Kings County and Defendant conducts business in Kings County.

5. The amount in controversy exceeds the jurisdictional limits of all lower courts.

6. Plaintiff, MOSHE MANESS, at all relevant times, is and was a resident of Kings County and is over the age of 18.

7. Defendant is a Washington State corporation authorized to do business and receive process in New York State.

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8. Plaintiff suffers from congenital fibrosis of the extraocular muscles, a rare condition that makes Plaintiff severely visually impaired.

9. Plaintiff's condition severely limits his major life activity of sight.

10. Plaintiff's condition is a disability under the ADA, FHA, NYSHRL, and NYCHRL.

NATURE OF THE CASE

11. This putative class-action lawsuit looks to end the systemic and patterned housing and public-accommodation discrimination perpetrated by Defendant in violation of the City, State, and Federal anti-discrimination laws.

12. Defendant operates, *inter alia*, zillow.com (the "Website"). The Website is a platform available to the public that serves to facilitate, broker, or otherwise engage in real-estate transactions throughout the nation.

13. On its Website, Defendant provides consumers with access to various real estate listings, including listings for real estate rentals and sales.

14. Defendant's Website provides a means to connect consumers with independent brokers or property owners to facilitate real estate transactions.

15. Through its Website, Defendant has engaged in a pattern a practice of denying, withholding, or otherwise limiting access to real-estate listings available on the Website for those who are blind and visually impaired.

16. Defendant's Website has the effect of discriminating against Plaintiff and the putative class in both provision of public accommodations and provision of housing accommodations.

17. Indeed, Defendant's Website contains numerous access barriers that effectively deny the blind and visually impaired full and equal access to Defendant's goods and services.

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STATEMENT OF FACTS

18. Defendant is an online marketplace that offers real estate related services through its Website.

19. According to the Website, "Zillow is the leading real estate and rental marketplace dedicated to empowering consumers with data, inspiration and knowledge around the place they call home, and connecting them with the best local professionals who can help." See Zillow, *About Us—What is Zillow?*, <https://www.zillow.com/corp/About.htm> (last visited June 18, 2019).

20. The Website further states: "Zillow serves the full lifecycle of owning and living in a home: buying, selling, renting, financing, remodeling and more. It starts with Zillow's living database of more than 110 million U.S. homes - including homes for sale, homes for rent and homes not currently on the market, as well as Zestimate home values, Rent Zestimates and other home-related information." *Id.*

21. Upon information and belief, Zillow operates the most popular suite of mobile real estate apps, with more than two dozen apps across all major platforms.

22. Consumers use Zillow in connection with various real estate related transactions, including, *inter alia*, searching for homes and apartments for residential sale and rent.

23. While Zillow purports to be "dedicated to empowering consumers", it is not so dedicated to *all* consumers on full and equal basis without regard for disability. Indeed, Defendant's Website is not fully and equally accessible to blind and visually impaired individuals like Plaintiff and the putative class.

24. The internet is a critical source of information that provides a primary means for, *inter alia*, conducting business and engaging in real estate transactions, the absence of which

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severely limits everyday activities such as shopping, learning, banking, researching, as well as many other activities for all people, including the sighted, blind, and visually impaired.

25. Blind and visually impaired persons can access websites using keyboards in conjunction with screen-access software that vocalizes the visual information found on a computer screen or displays the content on a refreshable Braille display. This technology is known as screen-reading software. Screen-reading software is currently the only method a blind or visually impaired person may independently access the internet.

26. If not designed to be read by screen-reading software, websites create an incredible access barrier to blind and visually impaired persons to the extent that such persons are unable to fully access websites and thus the information and services contained thereon.

27. There is a variety of screen-reading software programs available to blind and visually impaired users of Windows computers and devices.

28. Screen-reading software only works, however, if the information on a website is made capable of being rendered into text. If website content is not made capable of being rendered into text, a blind or visually impaired user cannot access the same content available to sighted users.

29. The International website standards organization, the World Wide Web Consortium, known throughout the world as W3C, has published version 2.0 of the Web Content Accessibility Guidelines (WCAG 2.0). WCAG 2.0 are well-established guidelines for making websites accessible to blind and visually impaired individuals. These guidelines are universally followed by most large business entities and government agencies to ensure their websites are accessible. Many Courts have also established WCAG 2.0 as the standard guideline for accessibility.

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30. There are well-established guidelines for making websites accessible to blind persons. These guidelines have been in place for at least several years and have been followed successfully by other large business entities in making their websites accessible. The Web Accessibility Initiative (WAI), a project of the World Wide Web Consortium which is the leading standards organization of the Web, has developed guidelines for website accessibility.

31. The federal government has also promulgated website accessibility standards under Section 508 of the Rehabilitation Act. These guidelines are readily available via the Internet, so that a business designing a website can easily access them. These guidelines recommend several basic components for making websites accessible, including, but not limited to: adding invisible alt-text to graphics; ensuring that all functions can be performed using a keyboard and not just a mouse; ensuring that image maps are accessible, and adding headings so that blind people can easily navigate the site. Without these very basic components a website will be inaccessible to a blind person using a screen reader.

32. Noncompliant websites pose common access barriers to blind and visually-impaired persons. Common barriers encountered by blind and visually impaired persons include, but are not limited to, the following: a text equivalent for every non-text element is not provided; title frames with text are not provided for identification and navigation; equivalent text is not provided when using scripts; forms with the same information and functionality as for sighted persons are not provided; information about the meaning and structure of content is not conveyed by more than the visual presentation of content; text cannot be resized without assistive technology up to 200% without losing content or functionality; if the content enforces a time limit, the user is not able to extend, adjust or disable it; web pages do not have titles that describe the topic or purpose; the purpose of each link cannot be determined from the link text alone or from the link text and its

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programmatically determined link context; one or more keyboard operable user interface lacks a mode of operation where the keyboard focus indicator is discernible; the default human language of each web page cannot be programmatically determined; when a component receives focus, it may initiate a change in context; changing the setting of a user interface component may automatically cause a change of context where the user has not been advised before using the component; labels or instructions are not provided when content requires user input, which include captcha prompts that require the user to verify that he or she is not a robot; in content which is implemented by using markup languages, elements do not have complete start and end tags, elements are not nested according to their specifications, elements may contain duplicate attributes and/or any IDs are not unique; inaccessible Portable Document Format (PDF) files; the name and role of all user interface elements cannot be programmatically determined; and items that can be set by the user cannot be programmatically set and/or notification of changes to these items is not available to user agents, including assistive technology.

33. Defendant's Website fails to comply with well-accepted accessibility standards.

34. Defendant's Website is offered to the public and offers features that should allow all individuals to access the goods and services that the Defendant offers.

35. Defendant's website provides goods and services to consumers and offers access to real estate related transactions.

36. Upon information and belief, Defendant maintains a policy and practice of denying Plaintiff, along with other visually impaired and blind users, access to Defendant's website. This policy and practice is systemic and patterned, and it serves to deny access to the goods and services that Defendant offers in connection with real estate.

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37. Defendant's failure and refusal to remove access barriers to its website has caused Plaintiff and other visually impaired persons to have been and still be denied equal access to the information made available to sighted persons on Defendant's website.

38. During a visit to the website, the last occurring in June 2019, several access barriers were identified that effectively denied Plaintiff full and equal access to the goods and services offered to the public and made available to the public by Defendant.

39. These multiple accessibility barriers include, but are not limited to:

- a) Lack of alternative text ("alt-text"), or a text equivalent. Alt-text is an invisible code embedded beneath a graphical images on a website. Web accessibility requires that alt-text be coded with each picture so that screen-reading software can speak the alt-text where a sighted user sees pictures, which includes captcha prompts. Alt-text does not change the visual presentation, but instead a text box shows when the mouse moves over the picture. The lack of alt-text on these graphics prevents screen readers from accurately vocalizing a description of the graphics. As a result, the Defendant's visually impaired customers are unable to determine what is on the website, browse, look for real estate, obtain information about real estate, including the appearance and condition of listed properties;
- b) Empty links that contain no text causing the function or purpose of the link to not be presented to the user. This can introduce confusion for keyboard and screen-reader users;
- c) Redundant links where adjacent links go to the same URL address which results in additional navigation and repetition for keyboard and screen-reader users; and
- d) Linked images missing alt-text, which causes problems if an image within a link

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contains no text and that image does not provide alt-text. A screen reader then has no content to present the user as to the function of the link, including information contained in PDFs.

40. Due to the inaccessibility of the Defendant's website, blind and visually impaired customers such as Plaintiff, who need screen-readers, cannot fully and equally use or enjoy the facilities, goods, and services that Defendant offers to the sighted public on its website.

41. There exist a plethora of other access barriers present on the Website.

42. For most listings on the Website, the most descriptive, informative, and meaningful aspects of such listings are the images of the specific property being advertised. Without these images, consumers generally cannot identify critical information and details about the listed properties.

43. Nonetheless, these images are invariably inaccessible to the blind and visually impaired because they do not contain alt-text.

44. Because of Defendant's failure to provide alt-text describing the images, blind and visually impaired individuals are left without means to fully understand the nature of the advertisements, the condition and appearance of the property listed, and what specifically is being offered or advertised.

45. Moreover, the overall layout and design of the Website is itself an access barrier. Indeed, the Website lists properties on a map that lacks any alt-text describing the precise location of a given listed property, including cross streets and precise locations of public transportation and local amenities.

46. The Website likewise utilizes links that do not contain alt-text and are thus inaccessible.

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47. Defendant's Website prevents visually impaired users from knowing what content on the website is available to navigate. Because there are no labels associated with the input fields, a screen-reader user will not get the proper context if placeholder text fails, is changed, or is not supported by a browser. This wholly prevents a screen reader user from properly using the search functions on the Websites to aid them in their home search.

48. Defendant's Website contains material that is accessible to those with vision and is not accessible to the visually impaired. In particular, Defendant offers a "Home Buyers Guide." The play button for this service is a link with no text and is thus read only as "link" by screen readers, making it very difficult for a visually disabled person to have any idea where it leads.

49. Defendant, by making its Website inaccessible to the blind and visually impaired, is denying Plaintiff and the class equal and full access to its listings as it does for sighted people.

50. The listings on Defendant's website fail to provide adequate descriptions of the real estate other than the images posted thereon.

51. Defendant's Website creates a substantial access barrier for blind and visually impaired individuals who wish to engage in real estate related transactions through Defendant's Website, and these access barriers on the Defendant's Website are effectively deter blind and visually impaired persons from engaging in real estate transactions in a manner equal to sighted individuals.

52. Because basic compliance with WCAG 2.0 would provide Plaintiff and other visually impaired persons with equal access to the website, Plaintiff alleges that Defendant engaged in acts of intentional discrimination against him and the putative class, including, but not limited to, the following policies or practices: constructing and maintaining a website that is inaccessible to visually impaired persons; failing to construct and maintain a website that is

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sufficiently intuitive so as to be equally accessible to visually-impaired persons; failing to take actions to correct these access barriers in the face of substantial harm and discrimination to blind and visually-impaired persons, such as the Plaintiff, as a member of a protected class; intentionally discriminating in connection with provision of housing accommodations; circulating or causing to be circulated discriminatory housing-related advertisements and listings; disparately impacting blind and visually impaired individuals in connection with obtaining housing accommodations.

53. Defendant therefore uses standards, criteria, or methods of administration that have the effect of discriminating or perpetuating the discrimination against others, as alleged herein.

54. If the Defendant's website was accessible, Plaintiff and similarly situated visually impaired persons could independently access information about the real estate listings contained on the Website and related goods and services.

55. Although Defendant may currently have centralized policies regarding maintaining and operating the Defendant's website, Defendant lacks a plan and policy reasonably calculated to make the Defendant's Website fully and equally accessible to, and independently usable by, blind and other visually impaired persons.

56. Defendant has, upon information and belief, invested substantial sums in developing and maintaining the Website and Defendant has generated significant revenue from its Website. These amounts are far greater than the associated cost of making Defendant's website equally accessible to visually impaired customers.

CLASS-ACTION ALLEGATIONS

57. This case is brought as and may be maintained as a class action under Article 9 of the CPLR.

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58. Plaintiff, on behalf of himself and all others similarly situated, seeks to certify two putative classes defined as follows:

- a) All visually impaired individuals who reside in the State of New who have attempted to avail themselves of the goods and services of Defendant's Website and have been denied full and equal access to such goods and services offered through Defendant's Website during the relevant statutory period;
- b) All visually impaired individuals who reside in the City of New who have attempted to avail themselves of the goods and services of Defendant's Website and have been denied full and equal access to such goods and services offered through Defendant's Website during the relevant statutory period.

59. Common questions of law and fact exist as to the class, including, but not limited to:

- a) Whether the Website is a "public accommodation" under the NYCHRL, the NYSHRL, and the ADA;
- b) Whether Defendant through the Website denies the full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to people with visual disabilities in violation of the foregoing laws;
- c) Whether Defendant discriminated against people with visual disabilities in connection with real estate-related transactions under the NYSHRL and NYCHRL.
- d) Whether Defendant is subject to liability under the FHA; and
- e) Whether Defendant discriminated against people with visual disabilities in connection with real estate-related transactions under the FHA.

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60. Plaintiff's claims are typical of the class which, like Plaintiff: 1) are visually disabled persons; 2) have claims against Defendant for violations under the NYCHRL, the NYSHRL, the ADA, and the FHA

61. Plaintiff is committed to the vigorous prosecution of this action and will fairly and adequately represent and protect the interests of the class because Plaintiff has retained and is represented by competent counsel.

62. Plaintiff is an adequate representative of the Class and, together with their attorneys, are able to, and will fairly and adequately, protect the interests of the Class and its members.

63. Class certification of the claims is appropriate under Fed. R. Civ. P. 23(b)(2) because the Defendant has acted or refused to act on grounds generally applicable to the class, making appropriate both declaratory and injunctive relief with respect to Plaintiff and the class as a whole.

64. Plaintiffs have no interests antagonistic to the interests of the other members of the Class. There is no conflict between Plaintiffs and any other members of the Class with respect to this action or the claims for relief herein.

65. In addition, a class action is superior to other available methods for the fair, just, and efficient adjudication of the claims asserted herein. Joinder of all members of the Class is impracticable and, for financial and other reasons, it would be impractical for individual members of the Class to pursue separate claims. Moreover, prosecution of separate actions by individual members of the Class would create the risk of varying and inconsistent adjudications and would unduly burden the courts.

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66. Class certification is also appropriate because fact and legal questions common to the class predominate over questions affecting only individual class members, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation.

67. Judicial economy will be served by maintaining this lawsuit as a class action in that it is likely to avoid the burden that would be otherwise placed upon the judicial system by the filing of numerous similar suits by individuals with visual disabilities throughout the United States.

PUBLIC-ACCOMMODATION CAUSES OF ACTION

FIRST CAUSE OF ACTION

VIOLATION OF THE N.Y.C. ADMIN. CODE §§ 8-101 ET SEQ.

68. Plaintiff, on behalf of himself and the New York City Sub-Class Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

69. N.Y.C. Administrative Code § 8-107(4)(a) provides that “[i]t shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, because of . . . disability . . . directly or indirectly, to refuse, withhold from or deny to such person, any of the accommodations, advantages, facilities or privileges thereof.”

70. Defendant’s Website is a sales establishment and public accommodation within the definition of N.Y.C. Admin. Code § 8-102(9), and its Website is a service provided to the public.

71. Defendant is subject to NYCHRL because it owns and operates the Website, the Website is available in the City of New York, and the Website concerns real property located in New York City, making it a person within the meaning of N.Y.C. Admin. Code § 8-102(1).

72. Defendant is violating N.Y.C. Administrative Code § 8-107(4)(a) in refusing to update or remove access barriers to the Website, causing its Website and the services integrated therewith to be completely inaccessible to the blind. This inaccessibility denies blind patrons full

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and equal access to the facilities, products, and services that Defendant makes available to the non-disabled public.

73. Defendant is required to "make reasonable accommodation to the needs of persons with disabilities . . . any person prohibited by the provisions of [§ 8-107 *et seq.*] from discriminating on the basis of disability shall make reasonable accommodation to enable a person with a disability to . . . enjoy the right or rights in question provided that the disability is known or should have been known by the covered entity." N.Y.C. Admin. Code § 8-107(15)(a).

74. Defendant's actions constitute willful intentional discrimination against the Sub-Class on the basis of a disability in violation of the N.Y.C. Administrative Code § 8-107(4)(a) and § 8-107(15)(a) in that Defendant has:

- a) constructed and maintained a website that is inaccessible to visually impaired and blind class members with knowledge of the discrimination; and/or
- b) constructed and maintained a website that is sufficiently intuitive and/or obvious that is inaccessible to visually impaired and blind class members; and/or
- c) failed to take actions to correct these access barriers in the face of substantial harm and discrimination to visually impaired and blind class members.

75. Defendant has failed to take any prompt and equitable steps to remedy their discriminatory conduct. These violations are ongoing.

76. As such, Defendant discriminates, and will continue in the future to discriminate, against Plaintiff and members of the proposed class and subclass on the basis of disability in the full and equal enjoyment of the products, services, facilities, privileges, advantages, accommodations and/or opportunities of its Website and its establishments under § 8-107(4)(a)

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and/or its implementing regulations. Unless the Court enjoins Defendant from continuing to engage in these unlawful practices, Plaintiff and members of the class will continue to suffer irreparable harm.

77. Defendant's actions were and are in violation of the NYCHRL and therefore Plaintiff invokes his right to injunctive relief to remedy the discrimination.

78. Plaintiff is also entitled to compensatory damages, as well as civil penalties and fines under N.Y.C. Administrative Code § 8-120(8) and § 8-126(a) for each offense as well as punitive damages pursuant to § 8-502.

79. Plaintiff is also entitled to reasonable attorneys' fees and costs.

80. Under N.Y.C. Administrative Code § 8-120 and § 8-126 and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**SECOND CAUSE OF ACTION
VIOLATION OF N.Y. EXEC. L. §§ 290, ET SEQ.**

81. Plaintiff, on behalf of himself and the New York State Sub-Class Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

82. N.Y. Exec. Law § 296(2)(a) provides that it is "an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation . . . because of the . . . disability of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof."

83. Defendant's website is a public accommodations within the definition of N.Y. Exec. Law § 292(9). Defendant's Website is also a service, privilege, or advantage of Defendant. Defendant's Website is a service that is by and integrated with real property in New York.

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84. Defendant is subject to New York State Human Rights Law because it owns and operates its Website and does business in this State, and conducts transactions relating to real estate in New York. Defendant is a person within the meaning of N.Y. Exec. Law § 292(1).

85. Defendant is violating N.Y. Exec. Law § 296(2)(a) in refusing to update or remove access barriers to its Website, causing its Website and the services integrated therewith to be completely inaccessible to visually impaired and blind persons. This inaccessibility denies blind patrons full and equal access to the facilities, services that Defendant makes available to the non-disabled public.

86. Under N.Y. Exec. Law § 296(2)(c)(i), unlawful discriminatory practice includes, among other things, "a refusal to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities, unless such person can demonstrate that making such modifications would fundamentally alter the nature of such facilities, privileges, advantages or accommodations being offered or would result in an undue burden."

87. Under N.Y. Exec. Law § 296(2)(c)(ii), unlawful discriminatory practice also includes, "a refusal to take such steps as may be necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services, unless such person can demonstrate that taking such steps would fundamentally alter the nature of the facility, privilege, advantage or accommodation being offered or would result in an undue burden."

88. Readily available, well-established guidelines exist on the Internet for making websites accessible to the blind and visually impaired. These guidelines have been followed by other large business entities and government agencies in making their website accessible, including but

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not limited to: adding alt-text to graphics and ensuring that all functions can be performed using a keyboard. Incorporating the basic components to make its Website accessible would neither fundamentally alter the nature of Defendant's business nor result in an undue burden to Defendant.

89. Defendant's actions constitute willful intentional discrimination against the class on the basis of a disability in violation of the NYSHRL, N.Y. Exec. Law § 296(2) in that Defendant has:

- d) constructed and maintained a website that is inaccessible to visually impaired and blind persons class members with knowledge of the discrimination; and/or
- e) constructed and maintained a website that is sufficiently intuitive and/or obvious that is inaccessible to visually impaired and blind class members; and/or
- f) failed to take actions to correct these access barriers in the face of substantial harm and discrimination to visually impaired and blind class members.

90. Defendant has failed to take any prompt and equitable steps to remedy its discriminatory conduct. These violations are ongoing.

91. Defendant discriminates and will continue in the future to discriminate against Plaintiff and New York State Sub-Class Members on the basis of disability in the full and equal enjoyment of the products, services, facilities, privileges, advantages, accommodations, and/or opportunities of Defendant's Website under § 296(2) *et seq.* and/or its implementing regulations. Unless the Court enjoins Defendant from continuing to engage in these unlawful practices, Plaintiff and the Sub-Class Members will continue to suffer irreparable harm.

92. Defendant's actions were and are in violation of New York State Human Rights Law and therefore Plaintiff invokes his right to injunctive relief to remedy the discrimination.

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93. Plaintiff is also entitled to compensatory damages, as well as civil penalties and fines under N.Y. Exec. Law § 297(4)(c) *et seq.* for each and every offense.

94. Plaintiff is also entitled to reasonable attorneys' fees and costs.

95. Under N.Y. Exec. Law § 297 and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**THIRD CAUSE OF ACTION
VIOLATION OF THE ADA, 42 U.S.C. §§ 12181, *ET SEQ.***

96. Plaintiff, on behalf of himself and the Class Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

97. Section 302(a) of Title III of the ADA, 42 U.S.C. § 12101 *et seq.*, provides:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person

42 U.S.C. § 12182(a).

98. Defendant's website public accommodations within the definition of Title III of the ADA, 42 U.S.C. § 12181(7). Defendant's Website is also a service, privilege, or advantage of a public accommodation. The Website is a service that is integrated with these location(s).

99. Under Section 302(b)(1) of Title III of the ADA, it is unlawful discrimination to deny individuals with disabilities the opportunity to participate in or benefit from the products, services, facilities, privileges, advantages, or accommodations of an entity. 42 U.S.C. § 12182(b)(1)(A)(i). Defendant's Website is a service that is by and integrated with real property in New York

100. Under Section 302(b)(1) of Title III of the ADA, it is unlawful discrimination to

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deny individuals with disabilities an opportunity to participate in or benefit from the products, services, facilities, privileges, advantages, or accommodation, which is equal to the opportunities afforded to other individuals. 42 U.S.C. § 12182(b)(1)(A)(ii).

101. Under Section 302(b)(2) of Title III of the ADA, unlawful discrimination also includes, among other things:

[A] failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages or accommodations; and a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden.

42 U.S.C. § 12182(b)(2)(A)(ii)-(iii).

102. The acts alleged herein constitute violations of Title III of the ADA, and the regulations promulgated thereunder. Plaintiff, who is a member of a protected class of persons under the ADA, has a physical disability that substantially limits the major life activity of sight within the meaning of 42 U.S.C. §§ 12102(1)(A)-(2)(A). Furthermore, Plaintiff has been denied full and equal access to the Website, has not been provided services that are provided to other patrons who are not disabled, and has been provided services that are inferior to the services provided to non-disabled persons. Defendant has failed to take any prompt and equitable steps to remedy its discriminatory conduct. These violations are ongoing.

103. Under 42 U.S.C. § 12188 and the remedies, procedures, and rights set forth and incorporated therein, Plaintiff, requests relief as set forth below.

FAIR-HOUSING CAUSES OF ACTION

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FOURTH CAUSE OF ACTION
VIOLATION OF N.Y.C. ADMIN. CODE §§ 8-101, ET SEQ.

104. Plaintiff repeats and realleges each and every preceding paragraph as if fully set forth again herein.

105. The NYCHRL provides, in relevant part:

It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation . . . or any agent or employee thereof:

(1) Because of the actual or perceived . . . disability . . . of any person or group of persons . . . :

(a) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any such person or group of persons such a housing accommodation or an interest therein; [or]

(b) To discriminate against any such person or persons in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith

....

N.Y.C. Admin. Code § 8-107(5)(a)(1)(a)-(b).

106. The law further makes it unlawful:

To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to . . . disability . . . or any intent to make such limitation, specification or discrimination.

Id. § 8-107(5)(a)(2).

107. Identical provisions to the ones set forth in two immediately preceding paragraphs apply to "Real estate brokers" under the NYCHRL. *See Id.* § 8-107(5)(c)(1); *id.* § 8-107(5)(c)(2).

108. Moreover, the NYCHRL applies to "Real estate services":

It shall be an unlawful discriminatory practice, because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed

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service, age, marital status, partnership status, or alienage or citizenship status of any person or because children are, may be or would be residing with such person:

(1) To deny such person access to, membership in or participation in a multiple listing service, real estate brokers' organization, or other service

Id. § 8-107(5)(e)(1).

109. - Additionally, the NYCHRL applies to "Real estate related transactions":

It shall be an unlawful discriminatory practice for any person whose business includes the appraisal of housing accommodations, land or commercial space or interest therein or an employee or agent thereof to discriminate in making available or in the terms or conditions of such appraisal on the basis of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, uniformed service, age, marital status, partnership status, or alienage or citizenship status of any person or because children are, may be or would be residing with such person.

Id. § 8-107(5)(f).

110. Defendant is the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, or any agent or employee thereof.

111. Defendant is likewise a provider of real-estate services and engages in real estate related transactions.

112. Defendant provides real-estate services in the form of multiple listing services or other services.

113. Defendant engages in real-estate appraisal services through its Website.

114. Defendant, through its Website, unlawfully discriminates against Plaintiff and the putative class by refusing to sell, rent, lease, approve the sale, rental, or lease, or otherwise denies or withholds from Plaintiff and the putative class housing accommodations on the basis of disability.

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115. Defendant, through its Website, has circulated or caused to be circulated advertisements and publications for the rental of housing accommodations in a manner that is inaccessible to Plaintiff and the putative class.

116. Defendant's Website expresses limitations as to Plaintiff and the putative class's disability and, by failing to make its Website and all aspects thereof accessible, has indicated an intent to make such limitations.

117. Defendant, through its Website, has denied Plaintiff and the putative class full and equal access to, membership in, or participation in a multiple listing service or other service.

118. Defendant's actions are in violation of the NYCHRL.

119. Plaintiff is entitled to compensatory damages and civil penalties and fines for each and every offense.

120. Plaintiff is entitled to reasonable attorneys' fees and costs.

121. Under NYCHRL and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

FIFTH CAUSE OF ACTION
VIOLATION OF N.Y. EXEC. L. §§ 290, ET SEQ.

122. The NYSHRL makes it an unlawful discriminatory practice for the "owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation . . . or any agent or employee thereof . . . [t]o refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of . . . disability" N.Y. Exec. L. § 296(5)(a)(1).

123. The NYSHRL further makes it unlawful "[t]o print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation . . . which expresses, directly or

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indirectly, any limitation, specification or discrimination as to . . . disability . . . or any intent to make any such limitation, specification or discrimination.” *Id.* § 296(5)(a)(3).

124. Defendant is an agent of the owner, lessee, sub-lessee, assignee, or managing agent of, or is another person having the right to sell, rent, or lease a housing accommodation.

125. Defendant, through its Website, is discriminating against Plaintiff and the putative class to the extent, *inter alia*, that the Website has the effect of denying Plaintiff and the putative class the opportunity to engage in real estate transactions.

126. Defendant, through its Website, refuses to sell, rent, lease or otherwise denies or withholds from Plaintiff and the putative class housing accommodations on the basis of disability.

127. Defendant, through its Website, has circulated or caused to be circulated real-estate advertisements that fail to be accessible to Plaintiff and the putative class, thereby indicating limitations, specifications, preferences, or discrimination on the basis of disability.

128. Defendant’s unlawful discriminatory practices will continue indefinitely without this Court’s intervention.

129. Defendant’s actions are in violation of the NYSHRL.

130. Plaintiff is entitled to compensatory damages and civil penalties and fines for each and every offense.

131. Plaintiff is entitled to reasonable attorneys’ fees and costs.

132. Under NYSHRL and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**SIXTH CAUSE OF ACTION
VIOLATION OF THE FHA, 42 U.S.C. §§ 3605, ET SEQ.**

133. The FHA makes it “unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making

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available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.” 42 U.S.C. § 3605(a).

134. The FHA further makes it “unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.” *Id.* § 3606.

135. Defendant is a person or other entity whose business includes engaging in residential real estate-related transactions.

136. Defendant’s inaccessible Website, and each and every inaccessible part thereof, constitutes an access barrier that has the effect of discriminating against Plaintiff and the putative class.

137. Defendant, through its Website, is discriminating against Plaintiff and the putative class on the basis of handicap as defined by the FHA to the extent, *inter alia*, that the Website fails to make equally and fully available to Plaintiff and the putative class real-estate transactions that are readily accessible to the sighted public.

138. Defendant, through its Website, is discriminating against Plaintiff and the putative class by denying them equal access to and participation in its Website, which is a multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings under the FHA.

139. Defendant’s unlawful discriminatory practices will continue indefinitely without this Court’s intervention.

140. Defendant’s actions are in violation of the FHA.

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141. Plaintiff is entitled to compensatory damages and civil penalties and fines for each and every offense.

142. Plaintiff is entitled to reasonable attorneys' fees and costs.

143. Under FHA and the remedies, procedures, and rights set forth and incorporated therein Plaintiff prays for judgment as set forth below.

**SEVENTH CAUSE OF ACTION
DECLARATORY RELIEF**

144. Plaintiff, on behalf of himself and the Class and New York State and City Sub-Classes Members, repeats and realleges every allegation of the preceding paragraphs as if fully set forth herein.

145. An actual controversy has arisen and now exists between the parties in that Plaintiff contends, and is informed and believes that Defendant denies, that its Website contains access barriers denying blind customers the full and equal access to the goods and services and facilities of its Website and by extension its physical locations, which Defendant owns, operations and controls, fails to comply with applicable laws including, but not limited to, Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, and N.Y.C. Admin. Code § 8-107, *et seq.* prohibiting discrimination against the blind.

146. An actual controversy has arisen and now exists between the parties in that Plaintiff contends, and is informed and believes that Defendant denies, that its Website contains access barriers denying blind customers the full and equal access to housing accommodations and fails to comply with applicable laws including, but not limited to, the FHA, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, and N.Y.C. Admin. Code § 8-107, *et seq.* prohibiting discrimination in the provision of housing accommodations.

147. A judicial declaration is necessary and appropriate at this time in order that each of

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the parties may know their respective rights and duties and act accordingly.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court grant the following relief:

- a. A preliminary and permanent injunction to prohibit Defendant from violating the N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, and the FHA, 42 U.S.C. §§ 3605, *et seq.*;
- b. A preliminary and permanent injunction requiring Defendant to take all the steps necessary to make its Website into full compliance with the requirements set forth in the NYCHRL, NYSHRL, ADA and FHA, and their respective implementing regulations, so that the Website is readily accessible to and usable by blind individuals;
- c. A declaration that Defendant owns, maintains and/or operates its Website in a manner that discriminates against the blind and which fails to provide access for persons with disabilities as required by Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, and the FHA, 42 U.S.C. §§ 3605, *et seq.*;
- d. An order certifying the Classes under Article 9 of the CPLR, appointing Plaintiff as Class Representative, and his attorneys as Class Counsel;
- e. Compensatory damages in an amount to be determined by proof, including all applicable statutory and punitive damages and fines, to Plaintiff and the proposed class and subclasses for violations of their civil rights under New

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- York State Human Rights Law and City Law;
- f. Pre- and post-judgment interest;
 - g. An award of costs and expenses of this action together with reasonable attorneys' and expert fees; and
 - h. Such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL-BY-JURY

Plaintiff demands a trial by jury on all questions of fact the Complaint raises.

Dated: Brooklyn, New York
June 18, 2019

Joseph Y. Balisok, Esq.

Joseph Y. Balisok

BALISOK & KAUFMAN, PLLC
251 Troy Avenue
Brooklyn, NY 11213
Telephone: (718) 928-9607
Facsimile: (718) 534-9747
Attorneys for Plaintiff

AFFIDAVIT OF SERVICE

State of New York County of **KINGS** Supreme Court

Index Number: 513513/2019
Date Filed: 6/18/2019



Plaintiff:
MOSHE MANESS

vs.

Defendant:
ZILLOW GROUP, INC.

For:
Law Office Of Joseph Y. Balisok, L.I.M. (Tax), P.C.
251 TROY AVENUE
Brooklyn, NY 11213

Received by Delta Court Service DCA#1329446 on the 19th day of June, 2019 at 9:19 am to be served on ZILLOW GROUP, INC. C/O CT CORPORATION SYSTEMS, 28 LIBERTY STREET, 42ND FLOOR, NEW YORK, NY 10005.

I, Michael Mangual, Process Server, being duly sworn, depose and say that on the 26th day of June, 2019 at 9:55 am, I:

served a CORPORATION by delivering a true copy of the NOTICE OF ELECTRONIC FILING; SUMMONS & CLASS-ACTION COMPLAINT TO JIAN CARLOS DEGRACIA as AUTHORIZED AGENT for ZILLOW GROUP, INC. C/O CT CORPORATION SYSTEMS, at the address of: 28 LIBERTY STREET, 42ND FLOOR, NEW YORK, NY 10005, and informed said person of the contents therein, in compliance with state statutes.

Said documents were conformed with index number and date of filing endorsed thereon.

Description of Person Served: Age: 30, Sex: M, Race/Skin Color: HISPANIC, Height: 5'7", Weight: 150, Hair: BLACK, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of New York, County of Queens, ss:
Subscribed and Sworn to before me on the 26th day of June, 2019, by the affiant who is personally known to me.

NOTARY PUBLIC

Michael Mangual, Process Server
License# 2068129

Delta Court Service DCA#1329446
87-67 148th Street
2nd Floor
Jamaica, NY 11435
(718) 739-3020

Our Job Serial Number: DCS-2019003952

MARICELA RIVERA
Notary Public - State of New York
No. 01R16241570
Qualified in Queens County
My Commission Expires May 23, 2023





NYSCEF

Kings County Supreme Court

Document List

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1:19-cv-4330

Created on:07/26/2019 02:51 PM

Case Caption: Moshe Maness v. Zillow Group, Inc.

Judge Name:

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS + COMPLAINT	Processed	06/18/2019	Kaufman, J.
2	AFFIRMATION/AFFIDAVIT OF SERVICE	Processed	07/12/2019	Kaufman, J.

EXHIBIT C

LITTLER MENDELSON, P.C.

900 Third Avenue
New York, NY 10022.3298
212.583.9600
Attorneys for Defendant
Zillow Group, Inc.

MOSHE MANESS, on behalf of himself and
all others similarly situated

Plaintiffs,

v.

ZILLOW GROUP, INC.,

Defendant.

**SUPREME COURT OF THE STATE OF
NEW YORK
COUNTY OF KINGS**

Index No. 513513/2019

**DEFENDANT'S NOTICE OF FILING
OF NOTICE OF REMOVAL**

**TO: Clerk of the Court
Supreme Court of the State of New York
County of Kings
360 Adams Street, Room 189
Brooklyn, New York 11201**

PLEASE TAKE NOTICE that on July 26, 2019, Defendant Zillow Group, Inc. ("Defendant") filed a Notice of Removal of the above-captioned action in the United States District Court for the Eastern District of New York. Attached hereto as Exhibit A is a copy of the Notice of Removal of this case. Pursuant to 28 U.S.C. §1446(d), the filing of the Notice of Removal in the United States District Court for the Eastern District of New York, together with the filing of a copy of the Notice of Removal with this Court, effects the removal of this action, and this Court may proceed no further unless and until the action is remanded.

LITTLER MENDELSON. P.C.

/s/ Daniella Adler

Daniella Adler
900 Third Avenue
New York, NY 10022.3298
212.583.9600

Attorneys for Defendant
Zillow Group, Inc.

Dated: July 26, 2019

CERTIFICATION OF SERVICE

I, Daniella Adler, certify that on this date I caused a copy of this Notice of Filing of Notice of Removal (with a copy of the Notice of Removal attached) to be served via electronic filing upon plaintiff's counsel, Joseph Y. Balisok, Esq., Balisko & Kaufman, PLLC, 251 Tory Avenue, Brooklyn, NY 11213.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: July 26, 2019

/s/ Daniella Adler
Daniella Adler

FIRMWIDE:165693351.2 086181.1061

JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

MOSHE MANESS, on behalf of himself and all others similarly situated

(b) County of Residence of First Listed Plaintiff Kings County, NY
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Joseph Y. Balisok, Esq., Balisok & Kaufman, PLLC
251 Troy Ave., Brooklyn, NY 11213 718.928.9607

DEFENDANTS

Zillow Group, Inc.

County of Residence of First Listed Defendant King County, WA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Daniella Adler, Littler Mendelson, P.C., 900 Third Ave, New York, NY
10022 212.583.9600

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
The Americans with Disabilities Act, 42 USC, § 12181, et. seq.Brief description of cause:
Plaintiff seeks injunctive relief under the ADA.

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
07/26/19SIGNATURE OF ATTORNEY OF RECORD
/s/ Daniella Adler

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration ☐

I, Daniella Adler, counsel for Zillow Group, Inc, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☐
☒
☐

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
the complaint seeks injunctive relief,
the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Zillow Group, Inc. is publicly traded. It does not have a parent corporation.

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? ☐ Yes ☒ No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☐ Yes ☒ No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? ☒ Yes ☐ No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: _____

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☒ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☒ No

I certify the accuracy of all information provided above.

Signature: /s/ Daniella Adler

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Zillow Hit with ADA Class Action Over Alleged Inaccessibility of Website to Blind Users](#)
