

**FOR IMMEDIATE RELEASE**

**June 16, 2011**

**Contact: Charlotte Lanvers**  
clanvers@dredf.org  
V: 510-644-2555, ext. 5249  
or **Shane Feldman**  
[netflixlawsuit@nad.org](mailto:netflixlawsuit@nad.org)

**National Association of the Deaf Files  
Disability Civil Rights Lawsuit against Netflix**

Deaf and Hard of Hearing Plaintiffs Charge that Netflix Violates the Americans with Disabilities Act by Not Providing Equal Access to its “Watch Instantly” Streaming Content

The National Association of the Deaf (NAD), the nation’s premier civil rights organization of deaf and hard of hearing individuals, announced the filing of a major federal lawsuit against Netflix today in U.S. District Court, District of Massachusetts, Western Division in Springfield, MA (Case No. 3:11-cv-30168). The lawsuit charges the entertainment giant with violating the Americans with Disabilities Act (ADA) by failing to provide closed captioning for most of its “Watch Instantly” movies and television streamed on the Internet.

The New York Times has described Netflix as the “only major player in the online-only video subscription business.” Netflix has over 60% of the streamed video services market share.

An estimated 36 million Americans are deaf or hard of hearing. The deaf and hard of hearing community has repeatedly expressed concerns—via letters, petitions, blogs, and social media—to Netflix about its failure to provide equal access to “Watch Instantly.”

“We have tried for years to persuade Netflix to do the right thing and provide equal access to all content across all platforms. They chose not to serve our community on an equal basis; we must have equal access to the biggest provider of streamed entertainment. As Netflix itself acknowledges, streamed video is the future and we must not be left out,” said NAD President Bobbie Beth Scoggins.

“There is no excuse for Netflix to fail to provide captions so that deaf and hard of hearing customers have access to the same movies and TV shows as everyone else,” stated Arlene Mayerson, Directing Attorney of the Disability Rights Education and Defense Fund. “Netflix admits that there is no technological issue. For people who are deaf and hard of hearing, captions are like ramps for people who use wheelchairs.”

The ADA requires that all “places of entertainment” provide “full and equal enjoyment” for people with disabilities. Plaintiffs are asking the court to declare that Netflix’s behavior constitutes a violation of Title III of the ADA, and to require that Netflix provide closed captions on all of its streaming content.

In addition to NAD, other plaintiffs include the Western Massachusetts Association of the Deaf and Hearing-Impaired (WMAD/HI) and a deaf Massachusetts resident.

The plaintiffs are represented by the Disability Rights Education & Defense Fund in Berkeley, CA, the Oakland, CA law firm Lewis, Feinberg, Lee, Renaker & Jackson P.C., and the Boston, MA law firm Sugarman, Rogers, Barshak & Cohen, P.C.

The Disability Rights Education & Defense Fund and NAD ask deaf and hard of hearing individuals who want to learn more about the lawsuit to visit: <http://www.dredf.org/captioning>, call the toll-free number 1-800-348-4232 (V), or email clanvers@dredf.org.

###

**National Association of the Deaf (NAD)**

The National Association of the Deaf (NAD) is the nation's premier civil rights organization of, by and for deaf and hard of hearing individuals in the United States of America. NAD represents the estimated 36 million Americans who are deaf or hard of hearing and is based in Washington, D.C. [www.nad.org](http://www.nad.org)

**Western Massachusetts Association of the Deaf and Hearing Impaired (WMAD)**

WMAD is an advocacy membership organization for individuals who are deaf and hearing impaired in western Massachusetts.

**Disability Rights Education and Defense Fund (DREDF)**

Founded in 1979, by people with disabilities and parents of children with disabilities, the Disability Rights Education and Defense Fund (DREDF) is a national law and policy center, based in Berkeley, CA, dedicated to protecting and advancing the civil rights of people with disabilities. [www.dredf.org](http://www.dredf.org).

**Lewis, Feinberg, Lee, Renaker & Jackson P.C.**

Lewis, Feinberg, Lee, Renaker & Jackson P.C. is a national law firm based in Oakland, CA, that represents plaintiffs in ERISA employee benefit and pension litigation, Civil Rights litigation, and Wage and Hour Overtime litigation. [www.lewisfeinberg.com](http://www.lewisfeinberg.com)

**Sugarman, Rogers, Barshak & Cohen, P.C.**

SRBC is a Boston-based civil litigation firm with 26 lawyers and more than 80 years of success in managing complex cases for local, regional and national clients. [www.srbc.com](http://www.srbc.com)