

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, TAMPA DIVISION

Abdurazak Abdu v. Ovation Bistro & Bar, LLC

No. 8:25-cv-620-KKM-NHA (M.D. Fla. Jan. 29, 2026) · No. 8:25-cv-620-KKM-NHA · Decided January 29, 2026

SUMMARY

The United States District Court for the Middle District of Florida adopted a magistrate judge’s Report and Recommendation concerning Plaintiff Abdurazak Abdu’s motions for default judgment and attorney’s fees. The court held that the defendant’s website presented accessibility barriers violating Title III of the Americans with Disabilities Act and ordered the defendant to make the website accessible and implement a WCAG 2.2-compliant policy. The court awarded Abdu \$2,940 in attorney’s fees and \$405 in litigation costs and closed the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Tampa Division                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Kathryn Kimball Mizelle                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Middle District of Florida, Tampa Division                                                                                                                                                                                                                                    |
| DECIDED               | January 29, 2026                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 8:25-cv-620-KKM-NHA                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | The district court reviewed and adopted an unobjected-to magistrate judge's Report and Recommendation addressing the plaintiff's second motion for default judgment and motion for attorney's fees.                                                                                                                |
| STANDARD OF REVIEW    | The district court reviews factual findings de novo when a party makes a timely and specific objection, and reviews legal conclusions de novo even without an objection. With no objections filed, the court reviewed the factual allegations and legal conclusions before adopting the Report and Recommendation. |
| PRECEDENTIAL VALUE    | Unknown; federal district court order                                                                                                                                                                                                                                                                              |

TOPICS

default judgment

ada / disability

public accommodations discrimination

injunctions

attorney fees

## PRACTICE AREAS

Civil procedure

Americans with Disabilities Act

Disability access

Default judgment

Attorney's fees

## QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation in the absence of objections.
2. Whether Abdu's un rebutted allegations plausibly established that Ovation's website created an intangible barrier to goods and services at a physical place of public accommodation in violation of Title III of the ADA.
3. Whether default judgment and attorney's fees should be granted in part and denied in part.
4. What injunctive relief, attorney's fees, and costs were appropriate.

## HOLDINGS

1. The district court may accept, reject, or modify the magistrate judge's Report and Recommendation and, after reviewing the record, adopted it because no party filed a timely objection.
2. Abdu's un rebutted allegations established that Ovation's website contained accessibility barriers preventing him from obtaining full and equal access to goods and services offered by the restaurant, in violation of Title III of the ADA.
3. The court granted in part and denied in part Abdu's second motion for default judgment and motion for attorney's fees, as recommended by the magistrate judge.
4. The court ordered Ovation to make its website accessible to blind and visually impaired individuals using standard screen-reading software, adopt and implement a WCAG 2.2-compliant accessibility policy, and pay Abdu \$2,940 in attorney's fees and \$405 in litigation costs.

## KEY QUOTATIONS

*“Ovation Bistro & Bar’s website, <https://www.ovationbistro.com> [<https://perma.cc/87F2-43XP>], contains accessibility barriers that prevent Plaintiff from obtaining full and equal access to goods and services offered by Defendant’s restaurant, in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182(b)(2)(A)(iii).”*

*“Thus, I conclude only that Abdu’s allegations, which are un rebutted, make such a claim here.”*

## FACTUAL BACKGROUND

Abdu alleged that Ovation Bistro & Bar's website was incompatible with screen-reading software used by blind and visually impaired individuals. He alleged that the website created an intangible barrier to obtaining full and equal access to goods and services offered at Ovation's physical restaurant. The allegations were un rebutted, and the court found them sufficient to establish a Title III ADA violation and ordered website accessibility measures.

## PROCEDURAL HISTORY

Plaintiff Abdurazak Abdu filed a second motion for default judgment and a motion for attorney's fees against Ovation Bistro & Bar, LLC. The magistrate judge recommended granting each motion in part and denying each in part. No party timely objected, so the district court reviewed the record, adopted the Report and Recommendation, entered judgment for Abdu, ordered injunctive relief, awarded fees and costs, and closed the case.

## DISPOSITION

other

## CASES CITED

- Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992)
- Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994)
- Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019)
- Gil v. Winn-Dixie Stores, Inc., 993 F.3d 1266, 1280 (11th Cir. 2021), vacated, 21 F.4th 775, 776 (11th Cir. 2021) (per curiam)
- Haynes v. Dunkin' Donuts, LLC, 741 Fed. Appx. 752, 754 (11th Cir. 2018)

## OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION  
ABDURAZAK ABDU, Plaintiff, v. Case No. 8:25-cv-620-KKM-NHA OVATION BISTRO & BAR, LLC, Defendant. ORDER The United States Magistrate Judge recommends that I grant in part and deny in part Plaintiff Abdurazak Abdu's second motion for default judgment, (Doc. 14), as well as his motion for attorney's fees, (Doc.

15). The deadline to object to the Magistrate Judge's Report and Recommendation has passed without any party lodging an objection. Considering the record, I adopt the Report and Recommendation. After conducting a review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1).

If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992).

The district court reviews legal conclusions de novo, even in the absence of an objection. See Cooper- Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, I adopt the Magistrate Judge's Report and Recommendation because Abdu states a plausible claim for relief under Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182. Specifically, after the panel in *Gil v. Winn-Dixie Stores, Inc.*, 993 F.3d 1266 (11th Cir.

2021), vacated its own decision on mootness grounds, see 21 F.4th 775, 776 (11th Cir. 2021) (per curiam), no precedent forecloses Abdu's claim that Ovation Bistro & Bar's website—which Abdu says is incompatible with screen-reading software used by the visually impaired—constitutes an intangible barrier to goods and services offered at Ovation's physical place of public accommodation.

See, e.g., *Haynes v. Dunkin' Donuts, LLC*, 741 Fed. Appx. 752, 754 (11th Cir. 2018). I find persuasive, though, Gil's view that not all websites inaccessible to the visually impaired will result in individuals "being excluded, denied services, segregated, or otherwise treated differently from other individuals in" physical places of public accommodation. 993 F.3d at 1280.

Thus, I conclude only that Abdu's allegations, which are unrebutted, make such a claim here. Accordingly, it is ORDERED: 1. The Magistrate Judge's Report and Recommendation (Doc. 21) is ADOPTED and made a part of this Order for all purposes. 2. Plaintiff's Second Motion for Default Judgment (Doc. 14) is GRANTED in part and DENIED in part. 3. Plaintiff's Motion for Attorney's Fees (Doc.

15) is GRANTED in part and DENIED in part. 4. Defendant Ovation Bistro & Bar's website, <https://www.ovationbistro.com> [<https://perma.cc/87F2-43XP>], contains accessibility barriers that prevent Plaintiff from obtaining full and equal access to goods and services offered by Defendant's restaurant, in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182(b)(2)(A)(iii).

Accordingly, no later than July 29, 2026, Defendant shall make its website accessible to blind and visually impaired individuals who use standard screen-reading software, namely the Job Access With Speech (JAWS) program used by Plaintiff.

In doing so, Defendant is also directed to adopt and implement a web accessibility policy that complies with Version 2.2 of the Web Content Accessibility Guidelines, <https://www.w3.org/TR/WCAG22/> [<https://perma.cc/W3NQ-C5VN>]. 5.

The Clerk is directed to ENTER JUDGMENT in favor of Plaintiff Abdurazak Abdu and against Defendant Ovation Bistro & Bar, LLC, in the amount of \$2,940 in attorney's fees and \$405 in litigation costs. 6. The Clerk is directed to CLOSE this case and TERMINATE any pending motions or deadlines. ORDERED in Tampa, Florida, on January 29, 2026. athryn' Kimball Mizelle United States District Judge

