

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)