

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Xinyue Hippe v. Me Too LLC

Hippe · No. 25-cv-0535-bhl · Decided January 7, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Xinyue Hippe’s motion for default judgment against Me Too LLC on her claim that its website was inaccessible to legally blind users in violation of Title III of the Americans with Disabilities Act. The court finds that the defaulted allegations establish liability and orders a permanent injunction requiring Me Too to bring its website into compliance with the ADA within 180 days. The court denies the requested declaratory relief and declines to reserve jurisdiction over attorneys’ fees and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	January 7, 2026
DOCKET	25-cv-0535-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55(b)(2) after Defendant failed to answer or otherwise appear and the Clerk entered default under Rule 55(a).
STANDARD OF REVIEW	On a motion for default judgment, the court accepts well-pleaded factual allegations relating to liability as true but ordinarily does not accept allegations concerning the amount of damages as established. The court independently examines whether those allegations establish liability and whether the requested relief is legally appropriate.
PRECEDENTIAL VALUE	Unreported federal district court order; precedential status is unknown.

TOPICS

- default judgment
- default
- injunctions
- public accommodations discrimination
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the well-pleaded allegations established Me Too LLC's liability under Title III of the Americans with Disabilities Act.
2. Whether Hippe was entitled to permanent injunctive relief requiring Me Too LLC to bring its website into compliance with the ADA.
3. Whether the court should grant Hippe's request for additional specific injunctive relief and a declaration that Me Too's website violated Title III.
4. Whether the court should reserve jurisdiction to determine attorneys' fees and costs.

HOLDINGS

1. A default judgment establishes liability on each cause of action alleged in the complaint when the complaint's well-pleaded liability allegations establish the legal claim; allegations concerning damages are not ordinarily deemed admitted.
2. The complaint established Me Too LLC's liability under Title III because Hippe alleged that she was disabled, Me Too owned or operated a place of public accommodation, and Me Too discriminated against her by maintaining a website incompatible with her accessibility tools.
3. Hippe was entitled to a permanent injunction requiring Me Too LLC to bring its website into compliance with the ADA within 180 days.
4. The injunction must require Me Too to bring its website into compliance with the ADA but need not specify every functionality or technical step proposed by Hippe.
5. Hippe was not entitled to a declaration that Me Too's website violated Title III because the requested declaration would establish only past discrimination and her briefing did not justify declaratory relief.
6. The court did not reserve jurisdiction to determine attorneys' fees and costs because Federal Rule of Civil Procedure 54(d) provides the applicable procedure, which Hippe may use.

KEY QUOTATIONS

"A default judgment establishes, as a matter of law, that defendants are liable to plaintiff on each cause of action alleged in the complaint."

"Upon default, the well-pled allegations of the complaint relating to liability are taken as true, but those relating to the amount of damages suffered ordinarily are not."

"The Court is required to "tailor injunctive relief to the scope of the violation found.""

FACTUAL BACKGROUND

Xinyue Hippe is legally blind and uses screen-reading software to navigate the internet. Me Too LLC operates the public website meetooshoes.com, which offers footwear and related goods and services. Hippe attempted to

purchase ballet pumps through the website but could not complete the purchase because the website was incompatible with her accessibility tools. Me Too accepted service but failed to answer or otherwise appear.

PROCEDURAL HISTORY

Hippe filed a Title III ADA complaint alleging that Me Too LLC's website was inaccessible to legally blind users. Me Too accepted service but did not respond, and the Clerk entered default on September 10, 2025. The court granted default judgment on liability and granted injunctive relief in part, while denying additional declaratory and injunctive relief.

DISPOSITION

other

CASES CITED

- Wehrs v. Wells, 688 F.3d 886, 892 (7th Cir. 2012)
- e360 Insight v. Spamhaus Project, 500 F.3d 594, 602, 604-05 (7th Cir. 2007)
- United States v. Di Mucci, 879 F.2d 1488, 1497 (7th Cir. 1989)
- Scherr v. Marriott Int'l, Inc., 703 F.3d 1069, 1075-76 (7th Cir. 2013)
- GS Holistic, LLC v. S&S 2021 LLC, Case No. 23-CV-697-JPS, 2023 WL 8238980, at *3 (E.D. Wis. Nov. 28, 2023)
- Arwa Chiropractic, P.C. v. Med-Care Diabetic & Med. Supplies, Inc., 961 F.3d 942, 948 (7th Cir. 2020)
- Access Living of Metro. Chi. v. Uber Techs., Inc., 958 F.3d 604, 609 (7th Cir. 2020)
- McCabe v. Tire Web LLC, No. 23-cv-459-pp, 2024 WL 4144200, at *4-*7 (E.D. Wis. Sept. 11, 2024)
- Mohammed v. DuPage Legal Assistance Found., 781 F. App'x 551, 552 (7th Cir. 2019)
- Morgan v. Joint Admin. Bd., 268 F.3d 456, 459 (7th Cir. 2001)
- LAJIM, LLC v. Gen. Elec. Co., 917 F.3d 933, 944 (7th Cir. 2019)
- eBay Inc. v. MercExchange, LLC, 547 U.S. 388, 391 (2006)
- PGA Tour, Inc. v. Martin, 532 U.S. 661, 675 (2001)
- Nat'l Org. for Women, Inc. v. Scheidler, 396 F.3d 807, 817 (7th Cir. 2005), rev'd on other grounds, 547 U.S. 9 (2006)
- Wright v. Thread Experiment, LLC, No. 19-cv-1423-SEB-TAB, 2021 WL 243604, at *5 n.4 (S.D. Ind. Jan. 22, 2021)
- McCabe v. Markwins Beauty Products Inc., No. 24-cv-1004-bhl, 2025 WL 1555372, at *3 (E.D. Wis. June 2, 2025)
- MillerCoors LLC v. Anheuser-Busch Cos., 940 F.3d 922 (7th Cir. 2019)
- McCabe v. Heid Music, No. 23-CV-1215-JPS, 2024 WL 1174352, at *3-*5 (E.D. Wis. Mar. 19, 2024)
- Colon v. HY Supplies, Inc., No. 22 CV 5915, 2023 WL 7666740, at *14 (N.D. Ill. Nov. 15, 2023)

OPINION

ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff Xinyue Hippe, who is legally blind, alleges that Defendant Me Too LLC violated her rights under Title III of the Americans with Disabilities Act (ADA) by failing to maintain a website that is accessible to legally blind users.

(ECF No. 1.) She further maintains that Me Too's failure to comply with Title III caused her emotional distress. (Id.) Hippe seeks a declaration that Me Too violated Title III, a permanent injunction compelling Me Too to bring its website into compliance with the ADA, and the opportunity to recover her costs and attorneys' fees.¹ (Id. at 20–21.) Me Too accepted service on April 28, 2025, but has never answered or otherwise appeared in the case.

(See ECF No. 4.) As a result, on September 10, 2025, the Clerk of Court entered default pursuant to Federal Rule of Civil Procedure 55(a). Hippe now seeks a default judgment under Rule 55(b) (2). (ECF No. 8.) Because the defaulted facts establish Me Too's violation of the ADA, the Court will grant Hippe's motion for default judgment but will order only part of the relief she requests.

Hippe is entitled to an injunction compelling Me Too to comply with the ADA, but her requests for additional injunctive and declaratory relief are inappropriate. The Court will limit its judgment to an injunction compelling Me Too to comply with the ADA within 180 days. ¹ The complaint also requests nominal, punitive, and compensatory damages, (ECF No. 1 at 20–21), but Hippe appears to have abandoned that request in her motion for default judgment, (see ECF No. 8).

Monetary damages are not available to private plaintiffs under Title III in any event. See *McCabe v. Heid Music*, No. 23-CV-1215-JPS, 2024 WL 1174352, at *5 (E.D. Wis. Mar. 19, 2024) (collecting cases). FACTUAL BACKGROUND² Hippe is a legally blind resident of Milwaukee County in Wisconsin. (ECF No. 1 ¶¶2, 18– 19.) She uses a screen-reading software program, which vocalizes visual information, to navigate the internet.

(Id. ¶23.) For the software to function, the website must be capable of being rendered into text. (Id. ¶24.) Me Too is a New York Limited Liability Company that utilizes a public website, *meetooshoes.com*, to provide consumers with access to various goods and services, including various footwear such as boots, flats, and loafers. (Id. ¶¶19–21.) Hippe attempted to purchase ballet pumps from Me Too's website but was unable to do so because the site is incompatible with her accessibility tools.

(Id. ¶39.) LEGAL STANDARD “A default judgment establishes, as a matter of law, that defendants are liable to plaintiff on each cause of action alleged in the complaint.” *Wehrs v. Wells*,

688 F.3d 886, 892 (7th Cir. 2012) (quoting *e360 Insight v. Spamhaus Project*, 500 F.3d 594, 602 (7th Cir. 2007)). “Upon default, the well-pled allegations of the complaint relating to liability are taken as true, but those relating to the amount of damages suffered ordinarily are not.” *Id.* (citing *United States v. Di Mucci*, 879 F.2d 1488, 1497 (7th Cir.

1989)). ANALYSIS “Title III of the ADA prohibits discrimination on the basis of disability in places of public accommodation.” *Scherr v. Marriott Int’l, Inc.*, 703 F.3d 1069, 1076 (7th Cir. 2013) (citing 42 U.S.C. §§12181–89). Hippe alleges that Me Too violated Title III by failing to develop and maintain its website to be accessible to legally blind individuals like herself.

She seeks declaratory and injunctive relief, as well as the opportunity to recoup costs and attorneys’ fees. Me Too has not responded to the complaint and is therefore in default. When a party is in default, the Court accepts the well-pleaded factual allegations in the complaint as true. *Wehrs*, 688 F.3d at 892.

Before the Court can enter a default judgment against Me Too, however, it must examine whether the factual allegations in the complaint establish Me Too’s liability on the legal claims contained in the complaint. See 10A Fed. Prac. & Proc. Civ. §2688.1 (4th ed.); see also *GS Holistic, LLC v. S&S 2021 LLC*, Case No. 23-CV-697-JPS, 2023 WL 8238980, at *3 (E.D.

Wis. Nov. 28, 2023). 2 These facts are derived from Hippe’s complaint, (ECF No. 1), which the Court deems admitted due to Me Too’s default. Fed. R. Civ. P. 8(b)(6); *Arwa Chiropractic, P.C. v. Med-Care Diabetic & Med. Supplies, Inc.*, 961 F.3d 942, 948 (7th Cir. 2020) (“When a court enters a default judgment as to liability, it must accept as true all factual allegations in the complaint, except those regarding the amount of damages.”).

Hippe asserts a claim under Title III of the ADA, which prohibits discrimination on the basis of disability in places of public accommodation. See 42 U.S.C. §12182(a); *Access Living of Metro. Chi. v. Uber Techs., Inc.*, 958 F.3d 604, 609 (7th Cir. 2020).

To prevail on a Title III claim, Hippe must establish that (1) she is disabled under the ADA; (2) Me Too owns, leases, or operates a place of public accommodation; and (3) Me Too discriminated against her on the basis of her disability. *McCabe v. Tire Web LLC*, No. 23-cv-459-pp, 2024 WL 4144200, at *4 (E.D. Wis. Sep. 11, 2024) (citing *Mohammed v. DuPage Legal Assistance Found.*, 781 F. App’x 551, 552 (7th Cir.

2019)). Hippe alleges that she is legally blind. (ECF No. 1 ¶18.) This qualifies as a disability under the ADA. See *Tire Web*, 2024 WL 4144200, at *5; see also *McCabe v. Heid Music Co.*, No. 23-CV-1215-JPS, 2024 WL 1174352, at *3 (E.D. Wis. Mar. 19, 2024) (citing *Colon v. HY Supplies, Inc.*, No. 22 CV 5915, 2023 WL 7666740, at *14 (N.D. Ill. Nov. 15, 2023)). Hippe further alleges that Me Too owns, operates, and controls a public retail website, through which it sells goods and services.

(ECF No. 1 ¶¶19–21.) The Seventh Circuit has confirmed that “a place of public accommodation” includes websites offering goods or services for sale. *Morgan v. Joint Admin. Bd.*, 268 F.3d 456, 459 (7th Cir. 2001); see also 42 U.S.C. §12181(7)(E) (including “sales... establishment” as a place of public accommodation under the ADA). Hippe also alleges that she attempted to purchase ballet pumps from Me Too’s website but was unable to independently complete her purchase because the website was incompatible with the accessibility tools she utilizes to navigate the internet.

(ECF No. 1 ¶39.) Taking her allegations as true, Hippe has established that Me Too discriminated against her on the basis of her disability by failing to make its website accessible to her. See 42 U.S.C. §12182(b)(2)(A)(ii)–(iii); *Tire Web*, 2024 WL 4144200, at *6; *Heid Music*, 2024 WL 1174352, at *4–5.

Accordingly, Hippe’s factual allegations, on which Me Too has defaulted, establish its liability under Title III. For a remedy, Hippe asks that the Court: (1) enter an injunction directing Me Too to take specific steps to come into compliance with the ADA; (2) declare that Me Too’s website violates Title III of the ADA; and (3) “reserve jurisdiction” to determine reasonable attorneys’ fees and costs.

(ECF No. 8 at 7.) The Court will grant only a portion of Hippe’s requested relief. To merit injunctive relief, Hippe must show four things: (1) she has suffered an irreparable injury; (2) traditional remedies are inadequate to compensate for her injury; (3) the balance of hardships between her and Me Too tip in her favor; and (4) the public interest would not be disserved by a permanent injunction.

See *LAJIM, LLC v. Gen. Elec. Co.*, 917 F.3d 933, 944 (7th Cir. 2019) (quoting *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006)). Hippe has suffered an irreparable injury because the Me Too website is inaccessible to her. See *Tire Web*, 2024 WL 4144200, at *6. She has no other remedy at law because monetary damages are not available under Title III. *Id.* (citing *Scherr*, 703 F.3d at 1075).

The balance of hardships weighs in Hippe’s favor because, absent injunctive relief, she will be denied equal access to Me Too’s products and services, while Me Too will only be required to expend some costs to bring its website into compliance with federal law. See *id.* at *7 (citing *Heid Music*, 2024 WL 1174352, at *7). And the public interest will be served by an injunction because the public has a strong interest in eliminating discrimination against individuals with disabilities.

Id. (citing *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 675 (2001)). Accordingly, the Court agrees that Hippe is entitled to injunctive relief. Hippe’s request for injunctive relief goes too far, however. She seeks an order directing Me Too to bring its website into compliance with the ADA and asks the Court to direct Me Too to take specific steps to come into compliance.

(ECF No. 8 at 7.) In particular, she identifies a number of items of functionality that she believes are required for ADA compliance. (Id.) This is unnecessary. The Court is required to “tailor injunctive relief to the scope of the violation found.” e360 Insight., 500 F.3d at 604–05 (quoting Nat’l Org. for Women, Inc. v. Scheidler, 396 F.3d 807, 817 (7th Cir.

2005), rev’d on other grounds, 547 U.S. 9 (2006)). The facts alleged in Hippe’s complaint demonstrate that Me Too has violated Title III of the ADA. An injunction requiring Me Too to bring its website into compliance with the ADA is sufficient. If Me Too fails to comply with the injunction within 180 days, Hippe may bring suit to enforce it. Tire Web, 2024 WL 4144200, at *7 (citing Wright v. Thread Experiment, LLC, No. 19-cv-1423-SEB-TAB, 2021 WL 243604, at *5 n.4 (S.D.

Ind. Jan. 22, 2021)). Hippe also asks the Court to declare that Me Too’s “website violates Title III of the ADA.” (ECF No. 8 at 7.) Hippe’s briefing does not explain why she is entitled to declaratory relief, and this Court has concluded that declaratory relief is improper where, as here, the plaintiff seeks a declaration establishing past discrimination. See McCabe v. Markwins Beauty Products Inc., No. 24-cv-1004-bhl, 2025 WL 1555372, at *3 (E.D.

Wis. June 2, 2025) (collecting cases). Accordingly, the Court will deny Hippe’s request for declaratory relief. Hippe also asks the Court to “[r]eserve jurisdiction to determine” her attorneys’ fees and costs. (ECF No. 8 at 7.) This is unnecessary. Federal Rule of Civil Procedure 54(d) governs how to move for attorneys’ fees and costs, and Hippe is free to utilize it as she sees fit.

CONCLUSION For the reasons stated above, IT IS HEREBY ORDERED that Plaintiff Xinyue Hippe’s Motion for Default Judgment, ECF No. 8, is GRANTED. Her requested relief is GRANTED in part and DENIED in part. The Court will issue a permanent injunction ordering Me Too to bring its website into compliance with the ADA by separate order in compliance with MillerCoors LLC v. Anheuser-Bush Cos., 940 F.3d 922 (7th Cir.

2019) and Federal Rule of Civil Procedure 65(d). All other requested relief is DENIED. The Clerk is directed to enter judgment in favor of Hippe. Dated at Milwaukee, Wisconsin on January 7, 2026. s/ Brett H. Ludwig BRETT H. LUDWIG United States District Judge