

**BLOGS**

Americans with Disabilities Act

# California Federal Court Dismisses ADA and California Unruh Act Claims Against Franchisor

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A federal court in California granted Dunkin' Donuts' motion to dismiss claims by customers alleging that a surcharge for non-dairy substitutes in beverages discriminated against customers with lactose intolerance and milk allergies. *Garland v. Dunkin' Donuts Franchising, LLC*, 2025 WL 1159880 (N.D. Cal. Apr. 21, 2025).

The plaintiffs, from various states, brought a class action lawsuit in California alleging the surcharge unlawfully discriminated against the plaintiffs in violation of the Americans with Disabilities Act (ADA), California's Unruh Act, and various state discrimination laws. Dunkin' moved to dismiss the claims, arguing the surcharge was not unlawful or discriminatory since all customers were charged the same price for non-dairy alternatives. The district court agreed and dismissed the claims with prejudice.

As a preliminary matter, the court denied Dunkin's motion to dismiss for lack of personal jurisdiction as to the California plaintiffs but granted the motion as it related to the non-California plaintiffs. As for the substance of the claims, the plaintiffs argued that Dunkin' targeted people who are disabled by lactose intolerance or milk allergies in violation of the ADA with an unlawful surcharge, or in the alternative, failed to provide disabled customers with free non-dairy alternatives as a reasonable accommodation. Dunkin' argued the fee was not an unlawful surcharge since all customers paid the same price for non-dairy alternatives and the ADA does not require restaurants to offer accessible goods. The court agreed with Dunkin' and concluded the plaintiffs' unlawful surcharge theory failed because Dunkin' charged all customers the same price for non-dairy alternatives. Further, the court found the plaintiffs' reasonable accommodation theory failed under the plain language of the ADA, which expressly states that a place of public accommodation is not required to alter its inventory to include accessible or special goods. The court also determined the plaintiffs could not state a claim under the Unruh Act since all customers were charged the same extra fee for non-dairy alternatives, and thus there was no intentional discrimination.

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