



Court Acknowledges Disabled Passenger's Right to Sue Airline

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On March 12, 2013, the U.S. Court of Appeals for the Ninth Circuit held that the Air Carrier Access Act (“ACAA”) does not preempt state law personal-injury claims by a disabled passenger against an airline. In *Gilstrap v. United Airlines*, Plaintiff filed a tort claim against an airline for improper treatment at multiple airports. The court held that the ACAA preempts state law standards of care but does not preempt state remedies for violations of the ACAA. The court also found that the ACAA is the applicable statute—and not the Americans with Disabilities Act (“ADA”)—because the ADA does not apply to areas of an airport controlled by airlines.