

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Theresa Brooke v. Radhika-Shyam Incorporated

Brooke · No. 3:25-cv-00202-JAH-JLB · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of California ordered the parties to file supplemental briefing concerning the effect of Plaintiff Theresa Brooke’s death on her pending ADA claim. The court directed the parties to address whether Plaintiff’s estate has standing to pursue injunctive relief or whether the ADA claim is moot because there is no immediate threat of future injury.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	John A. Houston
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 24, 2025
DOCKET	3:25-cv-00202-JAH-JLB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss Plaintiff's claims under the Americans with Disabilities Act and the Unruh Act. After Plaintiff's counsel filed notice of Plaintiff's death and stated that her estate would be substituted, the court ordered supplemental briefing concerning the effect of the death on the pending motion to dismiss.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- ada standing
- standing
- injunctions
- civil procedure

PRACTICE AREAS

- civil procedure
- disability rights
- Americans with Disabilities Act

QUESTIONS PRESENTED

1. Whether Plaintiff's estate has standing to prosecute the ADA claim after Plaintiff's death.

2. Whether Plaintiff's ADA claim became moot because Plaintiff's death eliminated any immediate threat of future injury.

HOLDINGS

1. The court required the parties to file supplemental briefing addressing whether Plaintiff's estate had standing to prosecute the ADA claim and whether the claim was moot.

KEY QUOTATIONS

"The only remedy for an individual raising a claim under the ADA is injunctive relief." (Order at 2)

"To establish standing for injunctive relief, the Plaintiff must show "sufficient likelihood that [she] will be wronged again in a similar manner."" (Order at 2)

"In other words, to succeed on a claim for a violation of the ADA, Plaintiff must establish a "real and immediate threat of repeated injury."" (Order at 2)

FACTUAL BACKGROUND

Plaintiff Theresa Brooke asserted an ADA claim seeking an injunction requiring Defendant to bring its parking lot into compliance with the ADA, as well as a claim under the Unruh Act. Plaintiff's counsel notified the court that Plaintiff had died and that her estate would be substituted to prosecute the action. The court identified the potential effect of Plaintiff's death on standing and mootness because the ADA claim sought only injunctive relief.

PROCEDURAL HISTORY

Plaintiff filed claims under the ADA and the Unruh Act, and Defendant moved to dismiss. Plaintiff opposed the motion, Defendant replied, and Plaintiff's counsel subsequently filed a notice of Plaintiff's death and indicated that her estate would be substituted. The court did not decide the motion to dismiss; instead, it ordered supplemental briefing on whether the estate had standing to prosecute the ADA claim or whether the claim was moot.

DISPOSITION

other

CASES CITED

- *Fortyune v. American Multi-Cinema, Inc.*, 364 F.3d 1075, 1081 (9th Cir. 2004)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 THERESA BROOKE, Case No.: 3:25-cv-00202-JAH-JLB 12 Plaintiff,
ORDER REQUIRING PARTIES TO 13 v. FILE SUPPLEMENTAL BRIEFING 14 RADHIKA-

SHYAM INCORPORATED, [ECF No. 19] a California Corporation, 15 Defendant. 16 17 Pending before the Court is Defendant Radhika-Shyam Inc.'s ("Defendant") motion 18 to dismiss.

ECF No. 14 ("Motion" or "Mot."). Plaintiff Theresa Brooke ("Plaintiff") 19 opposes the motion. ECF No. 15 ("Opposition" or "Opp."). Defendant has filed its reply. 20 ECF No. 18 ("Reply"). Plaintiff's complaint raises two claims against the Defendant under 21 the American with Disabilities Act ("ADA") and the Unruh Act. See ECF No. 1 22 ("Complaint" or "Compl.).

23 On October 23, 2025, Plaintiff's attorney filed a statement of the Plaintiff's death 24 and indicated that her estate will be substituted to prosecute the above-entitled civil matter. 25 ECF No. 19. The Court HEREBY ORDERS the parties to file supplemental briefing on 26 the pending Motion to Dismiss filed in ECF No. 14 as a result of Plaintiff's October 23, 27 2025 filing in ECF No. 19.

28 I Specifically, the Court ORDERS the parties to file supplemental briefing addressing 2 || the following issue: 3 The only remedy for an individual raising a claim under the ADA is injunctive relief. 4 || *Fortune v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075, 1081 (9th Cir. 2004). Plaintiff's ADA 5 || claim seeks an injunction directing Defendant "to take all steps necessary to bring its 6 || parking lot into full compliance with the requirements set forth in the ADA[.]" Compl. at 7 To establish standing for injunctive relief, the Plaintiff must show "sufficient 8 || likelihood that [she] will be wronged again in a similar manner." See *Fortune*, 364 F.3d 9 || at 1081.

In other words, to succeed on a claim for a violation of the ADA, Plaintiff must 10 || establish a "real and immediate threat of repeated injury." /d. 11 Based on the notice of death filed by Plaintiff's counsel, does Plaintiff's estate have 12 standing to prosecute the ADA claim raised in the complaint, or is the ADA claim moot 13 || because there exists no immediate threat of future injury?

14 15 1. Plaintiff may file supplemental briefing on the question presented above by 6 December 18, 2025 in a filing not to exceed ten pages; 7 2. Defendant may file a response by January 6, 2026 in a filing not to exceed ten pages; 8 and 19 3. Plaintiff may reply by January 12, 2026. 20 51 IT IS SO ORDERED. 22 33 DATED: November 24, 2025 24 VU 25 JOHN A. HOUSTON 26 j/ UNITED STATES DISTRICT JUDGE 27 28