

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.

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 1 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 || *Fortyune 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 *Fortyune*, 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; ig 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