

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PRECEDENTIAL VALUE	nonprecedential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

- 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)