

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

OPINION

Brooke

PER CURIAM.

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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; 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

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