

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Amelia Cazares v. Dan Dan LLC

Cazares · No. 25-cv-1696-bhl · Decided February 19, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Dan Dan LLC’s motion to dismiss as moot. The court held that the motion directed at the original complaint became moot when Plaintiff Amelia Cazares filed an amended complaint, which superseded the original pleading, and noted that Defendant could file a new motion directed at the amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 19, 2026
DOCKET	25-cv-1696-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss the original complaint. While that motion was pending, Plaintiff filed an amended complaint. The court considered the original motion moot because the amended complaint superseded the original pleading.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- public accommodations discrimination
- ada / disability

PRACTICE AREAS

- civil procedure
- civil rights
- Americans with Disabilities Act

QUESTIONS PRESENTED

- Whether a defendant's pending motion to dismiss the original complaint becomes moot when the plaintiff files an amended complaint that supersedes the original pleading.

2. Whether the defendant's reply argument that the plaintiff waived opposition to the motion required consideration of the merits after the amended complaint was filed.

HOLDINGS

1. A motion to dismiss directed at the original complaint becomes moot when the plaintiff files an amended complaint that supersedes the original pleading.
2. The court did not reach waiver on the merits because Plaintiff's amended complaint, rather than a response brief, superseded the original complaint and mooted the pending motion.

KEY QUOTATIONS

“Because Dan Dan’s first motion to dismiss became moot when Cazares responded by filing her amended complaint, Dan Dan’s reply brief does not accomplish anything.”

“Because Cazares responded to Dan Dan’s motion by filing an amended complaint, which superseded her old complaint, Dan Dan’s motion to dismiss is moot.”

FACTUAL BACKGROUND

Amelia Cazares alleged that Dan Dan LLC violated Title III of the ADA by failing to make its website accessible to her and other similarly situated blind individuals who use screen-reading software. She sought declaratory and injunctive relief. While Dan Dan's partial motion to dismiss the original complaint was pending, Cazares filed an amended complaint that reduced the number of claims.

PROCEDURAL HISTORY

Cazares filed the action on November 1, 2025, asserting that Dan Dan violated Title III of the ADA by failing to make its website accessible to blind individuals using screen-reading software. Dan Dan filed a partial motion to dismiss on January 5, 2026. Cazares then filed an amended complaint on January 26, 2026, after which Dan Dan filed reply briefs addressing its original motion. The court denied the original motion to dismiss as moot and stated that Dan Dan could file a new motion directed at the amended complaint.

DISPOSITION

other

CASES CITED

- County of McHenry v. Ins. Co. of the W., 438 F.3d 813, 818 (7th Cir. 2006)
- Bonte v. U.S. Bank, N.A., 624 F.3d 461, 466 (7th Cir. 2010)
- Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84, 133 F.3d 1054, 1056-57 (7th Cir. 1998)

OPINION

Amelia Cazares v. Dan Dan LLC

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AMELIA CAZARES,
Plaintiff, Case No. 25-cv-1696-bhl v.
DAN DAN LLC,
Defendant.

ORDER DENYING DEFENDANT’S MOTION TO DISMISS AS MOOT

Plaintiff Amelia Cazares claims that Defendant Dan Dan, LLC (Dan Dan) violated Title III of the Americans with Disabilities Act (ADA) by failing to make its website accessible to her, and other similarly situated blind individuals who use screen reading software. (ECF No. 6 ¶¶52– 69.) She seeks declaratory and injunctive relief. (Id. at 18.) Cazares filed her first complaint in this action on November 1, 2025, and Dan Dan responded with a partial motion to dismiss on January 5, 2026. (ECF Nos. 1 & 5.) With the motion to dismiss pending, on January 26, 2026, Cazares filed an amended complaint, in which she reduced the number of her claims. (ECF No. 6.) Notwithstanding the filing of the amended pleading, on February 9, 2026, Dan Dan filed a reply brief to its initial motion to dismiss, and then immediately filed an amended reply brief. (ECF Nos. 7 & 8.) Because Dan Dan’s first motion to dismiss became moot when Cazares responded by filing her amended complaint, Dan Dan’s reply brief does not accomplish anything. The Court will deny Dan Dan’s motion to dismiss as moot. In its reply brief, Dan Dan asserts that Plaintiff has not contested its motion to dismiss on the merits and has waived arguments by not responding to the motion to dismiss. (ECF No. 8 ¶¶4– 7 (citing *County of McHenry v. Ins. Co. of the W.*, 438 F.3d 813, 818 (7th Cir. 2006); *Bonte v. U.S. Bank, N.A.*, 624 F.3d 461, 466 (7th Cir. 2010)).) But Dan Dan ignores that Cazares filed an amended complaint. The cases it cites involve plaintiffs who responded to a motion to dismiss with a response brief, not an amended complaint. Because Cazares responded to Dan Dan’s motion by filing an amended complaint, which superseded her old complaint, Dan Dan’s motion to dismiss is moot. See *Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056–57 (7th Cir. 1998). If Dan Dan thinks it still has grounds to file a motion to dismiss, it may file a motion to dismiss the amended complaint. Accordingly, IT IS HEREBY ORDERED that Defendant’s Motion to Dismiss, ECF No. 5, is DENIED as moot. Dated at Milwaukee, Wisconsin on February 19, 2026. s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge