

**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motion directed at the original complaint became moot when Plaintiff Amelia Cazares filed an amended complaint, which superseded the original pleading, and noted that Defendant could file a new motion directed at the amended complaint.

OPINION

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 Because Cazares responded to Dan Dan's motion by filing an amended complaint, which superseded her old complaint, Dan Dan's motion to dismiss is moot.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