

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, WESTERN DIVISION

Sananda Jones v. Hut Carolinas LLC; Hut American Group, LLC;
and Does 1 to 25

Sananda Jones v. Hut Carolinas LLC, No. 5:25-CV-106-BO-RJ (E.D.N.C. Dec. 16, 2025) · No. No. 5:25-CV-106-BO-RJ · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of North Carolina grants defendants’ partial motion to dismiss claims brought under Title III of the Americans with Disabilities Act. The court dismisses without prejudice the plaintiff’s individual claims concerning Pizza Hut restaurants she did not visit and dismisses the putative class claims under Rule 12(b)(6) for failure to plausibly allege a common policy, design, or plan sufficient to satisfy Rule 23 commonality. The plaintiff’s ADA claim concerning the Raeford Road Pizza Hut she visited is allowed to proceed.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Western Division
JURISDICTION	United States District Court for the Eastern District of North Carolina, Western Division
DECIDED	December 16, 2025
DOCKET	No. 5:25-CV-106-BO-RJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss the plaintiff's claims concerning Pizza Hut restaurants she had not visited.
STANDARD OF REVIEW	On a facial Rule 12(b)(1) challenge, the court accepts the complaint's factual allegations as true and denies the motion if the complaint alleges sufficient facts to invoke subject-matter jurisdiction. Under Rule 12(b)(6), the court accepts well-pleaded allegations as true, views them in the light most favorable to the plaintiff, and asks whether the complaint states a facially plausible claim for relief. The court also considered whether the complaint made clear that the proposed class could not satisfy Rule 23.

PRECEDENTIAL VALUE

Unknown; district court order with no reported citation.

TOPICS

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motions to dismiss

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PRACTICE AREAS

Civil procedure

Americans with Disabilities Act

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QUESTIONS PRESENTED

1. Whether plaintiff had individual standing to assert an ADA architectural-barrier-removal claim concerning Pizza Hut restaurants she had never visited.
2. Whether the putative class claims concerning unvisited restaurants should be dismissed at the pleading stage rather than deferred until class certification.
3. Whether the complaint plausibly alleged a common policy, design, or plan capable of classwide resolution under Rule 23 and sufficient to support an actionable ADA claim.

HOLDINGS

1. Plaintiff lacked, or waived the issue of, individual standing to assert an ADA architectural-barrier-removal claim concerning restaurants she had never visited, and those claims were dismissed without prejudice under Rule 12(b)(1).
2. A court may consider at the Rule 12(b)(6) stage whether a complaint makes clear that the plaintiff cannot satisfy Rule 23's requirements for class certification.
3. The putative class claims were properly dismissed under Rule 12(b)(6) because the complaint did not plausibly allege a common policy, design, or plan causing the alleged injuries or a common contention capable of classwide resolution.

KEY QUOTATIONS

“The Court is persuaded by the cases cited above, and will thus consider whether the complaint makes clear that plaintiff cannot meet Rule 23’s requirements, and the class claims should be dismissed under Rule 12(b)(6).”

“Plaintiff’s complaint fails to plausibly allege any common policy, design, or plan which caused her or any putative class member’s alleged injury”

“Plaintiff’s class claim is therefore properly dismissed under Rule 12(b)(6).”

FACTUAL BACKGROUND

Plaintiff, a wheelchair user who resides in Georgia but spends several months annually in Fayetteville, North Carolina, visited a Pizza Hut restaurant on Raeford Road in Fayetteville in August 2024. She alleged that excessive slopes in the accessible parking areas caused difficulty and risk of physical harm and violated Title III

of the ADA. She also alleged that centralized maintenance and operational practices resulted in similar conditions at other defendant-associated Pizza Hut restaurants that she had not visited. She sought declaratory and prospective injunctive relief on behalf of herself and wheelchair users who encountered excessive parking-area slopes at defendants' locations.

PROCEDURAL HISTORY

Plaintiff brought an individual and putative class action under Title III of the Americans with Disabilities Act based on alleged excessive slopes in accessible parking areas. Defendants filed a partial motion to dismiss. The court granted the motion, dismissing without prejudice the individual and class allegations concerning restaurants plaintiff had never visited, while allowing the Title III claim concerning the Raeford Road Pizza Hut to proceed.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 671, 678 (2009)
- Evans v. B.F. Perkins Co., 166 F.3d 642, 647-50 (4th Cir. 1999)
- Kerns v. United States, 585 F.3d 187, 192 (4th Cir. 2009)
- Papasan v. Allain, 478 U.S. 265, 283 (1986)
- Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Nanni v. Aberdeen Marketplace, Inc., 878 F.3d 447, 453 (4th Cir. 2017)
- White Tail Park, Inc. v. Stroube, 413 F.3d 451, 458-59 (4th Cir. 2005)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 423 (2021)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 561 (1992)
- Singh v. Lenovo (U.S.) Inc., 510 F. Supp. 3d 310, 319 (D. Md. 2021)
- Guerrero v. Bank of Am. N.A., No. 321CV00333RJCDSC, 2023 WL 2712484, at *4 (W.D.N.C. Mar. 30, 2023)
- Williams v. Potomac Fam. Dining Grp. Operating Co., LLC, No. GJH-19-1780, 2019 WL 5309628, at *4-*5 (D. Md. Oct. 21, 2019)
- Bigelow v. Syneos Health, LLC, No. 5:20-CV-28-D, 2020 WL 5078770, at *4 (E.D.N.C. Aug. 27, 2020)
- Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 345, 350 (2011)
- Stafford v. Bojangles' Restaurants, Inc., 123 F.4th 671, 679-80 (4th Cir. 2024)
- Williams v. Potomac Fam. Dining Grp. Operating Co., LLC, No. GJH-19-1780, 2020 WL 42075839, at *13 (D. Md. July 22, 2020)
- Mielo v. Steak 'N Shake Operations, Inc., No. CV 15-180, 2019 WL 1330836, at *10 (W.D. Pa. Mar. 25, 2019)

- *Moody v. Circle K Stores, Inc.*, No. 2:18-CV-435-CLM, 2024 WL 1376024, at *21 (N.D. Ala. Mar. 29, 2024)

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