

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Cynthia E. Concepción-Bruno, et al. v. Municipality of Vega Alta, et al.

Concepción-Bruno · No. Civil No. 25-1144 (GLS) · Decided May 27, 2026

SUMMARY

The United States District Court for the District of Puerto Rico denied defendants’ motion for judgment on the pleadings in an action alleging that inaccessible municipal sidewalks violated Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The court held that the plaintiff adequately pleaded standing to challenge architectural barriers she had not physically encountered because her actual knowledge of those barriers allegedly deterred her from using specific routes. The court also concluded that the allegations were sufficiently particularized under Twombly and Iqbal and declined to decide whether the ADA’s codified futile-gesture provision applies to Title II claims.

CASE DETAILS

COURT	United States District Court for the District of Puerto Rico
WRITING FOR THE COURT	Giselle López-Soler
JURISDICTION	United States District Court for the District of Puerto Rico
DECIDED	May 27, 2026
DOCKET	Civil No. 25-1144 (GLS)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Municipality of Vega Alta and María M. Vega-Pagán moved for partial judgment on the pleadings under Federal Rule of Civil Procedure 12(c), arguing that Plaintiff lacked Article III standing to challenge architectural barriers she had not physically encountered and, alternatively, that prudential considerations warranted declining jurisdiction. The court denied the motion.
STANDARD OF REVIEW	A Rule 12(c) motion is treated like a Rule 12(b)(6) motion. The court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and asks whether the complaint contains sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

ada standing architectural barriers motion for judgment on the pleadings
public accommodations discrimination civil procedure

PRACTICE AREAS

Americans with Disabilities Act civil rights constitutional standing federal civil procedure municipal law

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged Title II and Section 504 claims concerning sidewalk barriers that Plaintiff had actual knowledge of but had not physically encountered.
2. Whether Plaintiff alleged an injury in fact, causation, and redressability sufficient to establish Article III standing to challenge unencountered architectural barriers.
3. Whether prudential standing considerations required the court to decline jurisdiction over the unencountered-barrier allegations.
4. Whether the complaint satisfied the plausibility standard under Twombly and Iqbal.

HOLDINGS

1. The complaint plausibly stated claims concerning unencountered sidewalk barriers because it provided detailed, location-specific factual allegations concerning the barriers, intended destinations, disability-related necessity, source of knowledge, and deterrent effect.
2. A disabled plaintiff who has actual knowledge of specific architectural barriers and is presently deterred from using otherwise needed public routes may establish a concrete and particularized injury in fact under Article III without physically traversing each barrier.
3. Title II's prohibition on exclusion from or denial of the benefits of a public entity's services, together with its requirement that services be accessible when viewed in their entirety, supports standing to challenge known barriers within an integrated municipal sidewalk network even if the plaintiff has not physically encountered every barrier.
4. Prudential standing considerations did not require dismissal because Plaintiff asserted her own concrete, disability-specific access injury rather than a generalized grievance or the rights of others.

KEY QUOTATIONS

“a disabled individual who is currently deterred from patronizing a public accommodation due to a defendant’s failure to comply with the ADA” (Section III.2.a)

“The futile gesture doctrine reflects a broader constitutional principle — that actual knowledge of a barrier producing a present deterrent effect constitutes a concrete, particularized injury under Article III — that operates independently of the Title III statute and applies with equal force here.” (Section III.2.a)

“A disabled resident who is deterred from using any component of that integrated network due to known barriers is, in the language of the statute, being “excluded from participation in” or “denied the benefits of”

the municipality's pedestrian services.” (Section III.2.b)

FACTUAL BACKGROUND

Plaintiff Cynthia E. Concepción-Bruno, a Vega Alta resident diagnosed with Neuromyelitis Optica, uses a rollator walker and alleges that the condition substantially limits her mobility and ability to perform daily activities independently. Her complaint identifies sidewalk locations with alleged accessibility barriers, including deteriorated curb ramps, excessive slopes, and inadequate sidewalk width. For barriers she had not physically traversed, she alleged GPS coordinates, the nature of each deficiency, destinations she intended to reach, the necessity of the routes given her disability, how she learned of the conditions, and that the known barriers deterred her from using the routes.

PROCEDURAL HISTORY

Plaintiffs filed an action under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act concerning alleged architectural barriers in the Municipality's sidewalk network, along with a separate First Amendment claim. Defendants moved for judgment on the pleadings as to the Title II and Section 504 allegations concerning unencountered barriers. After briefing, including a reply and sur-reply, the district court denied the motion.

DISPOSITION

other

CASES CITED

- NEPSK, Inc. v. Town of Houlton, 283 F.3d 1, 8 (1st Cir. 2002)
- Pérez-Acevedo v. Rivero Cubano, 520 F.3d 26, 29 (1st Cir. 2008)
- Grajales v. Puerto Rico Ports Auth., 682 F.3d 40, 44-45 (1st Cir. 2012)
- Castro-Cruz v. Municipio de Caguas, 2019 WL 3403899, at *2 (D.P.R. July 26, 2019)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61, 564 (1992)
- Disabled Americans for Equal Access, Inc. v. Ferries del Caribe, Inc., 405 F.3d 60, 64 (1st Cir. 2005)
- Dudley v. Hannaford Bros. Co., 333 F.3d 299, 301-06 (1st Cir. 2003)
- Steger v. Franco, Inc., 228 F.3d 889, 891-92, 894 (8th Cir. 2000)
- Doran v. 7-Eleven, Inc., 524 F.3d 1034, 1040, 1045-47 (9th Cir. 2008)
- Frame v. City of Arlington, 657 F.3d 215, 226, 235-36 (5th Cir. 2011)
- Shotz v. Cates, 256 F.3d 1077, 1082 (11th Cir. 2001)
- Harty v. Koutsourades, 2021 WL 1299495, at *4-5 (S.D.N.Y. Apr. 7, 2021)
- Trafficante v. Metropolitan Life Ins. Co., 409 U.S. 205, 209 (1972)
- Allen v. Wright, 468 U.S. 737, 751 (1984)

- Warth v. Seldin, 422 U.S. 490, 499 (1975)
- Barden v. City of Sacramento, 292 F.3d 1073, 1076 (9th Cir. 2002)

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