

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Theresa McKenney, Shirley Patterson, and the National Federation
of the Blind, Inc. v. Exact Care Pharmacy, LLC

McKenney · No. 1:23-cv-2360 · Decided November 26, 2025

SUMMARY

The court addresses whether Theresa McKenney and Shirley Patterson have standing to seek declaratory and injunctive relief against Exact Care Pharmacy, LLC, and whether the National Federation of the Blind has associational standing. The court holds that the individual plaintiffs plausibly demonstrated an intent to return to Exact Care and therefore have standing at this stage. The court also holds that the National Federation of the Blind satisfies the requirements for associational standing and denies the defendant’s related requests for dismissal.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	J. Philip Calabrese; Jonathan D. Greenberg
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	November 26, 2025
DOCKET	1:23-cv-2360
DISPOSITION	other
PROCEDURAL POSTURE	During ongoing discovery, the court ordered briefing and supplemental briefing on whether the National Federation of the Blind had standing and whether McKenney and Patterson had standing to seek declaratory and injunctive relief. The court treated the standing question as closer to a facial challenge than a factual challenge and denied the defendant's request to dismiss the individual plaintiffs' prospective-relief claims.
STANDARD OF REVIEW	For a facial standing challenge, the court accepts the complaint's allegations as true, similar to review under Rule 12(b)(6). For a factual challenge, the court weighs conflicting evidence without presuming

	the allegations true. At this stage, the court treated the record as closer to a facial challenge, qualified by the plaintiffs' discovery responses.
PRECEDENTIAL VALUE	Unpublished federal district-court opinion; generally persuasive rather than binding precedent.
PARTIES	Theresa McKenney, Shirley Patterson, National Federation of the Blind, Inc. v. Exact Care Pharmacy, LLC

TOPICS

standing injunctions civil rights ada / disability health law

PRACTICE AREAS

civil procedure civil rights disability rights health law federal courts

QUESTIONS PRESENTED

1. Whether McKenney and Patterson demonstrated a real and immediate threat of future injury sufficient to seek declaratory and injunctive relief after they stopped using Exact Care's services.
2. Whether the Rehabilitation Act and Affordable Care Act require a heightened future-injury standard in service-access cases beyond a plausible intent to return.
3. Whether the National Federation of the Blind satisfied the constitutional and prudential requirements for associational standing.
4. Whether the court should dismiss McKenney and Patterson's requests for declaratory and injunctive relief or permit a separate motion to dismiss.

HOLDINGS

1. Plaintiffs who no longer use a defendant's services may establish standing for prospective relief by plausibly alleging an intent to return to the noncompliant service or accommodation, together with a real and immediate threat of future injury; a definitive plan to return is not required at this stage.
2. NFB has associational standing to pursue its claims for declaratory and injunctive relief.
3. The court declined to impose a heightened intent-to-return standard merely because the claims arise under the Rehabilitation Act and Affordable Care Act and involve the delivery of services rather than architectural or structural barriers.

KEY QUOTATIONS

"Therefore, Ms. McKenney and Ms. Patterson have standing to proceed with their claims for injunctive relief, at least for now." (Section I)

"Accordingly, the second prong is satisfied." (Section II)

“For the foregoing reasons, the Court determines that Ms. McKenney and Ms. Patterson have standing to pursue declaratory and injunctive relief, and the National Federation of the Blind has associational standing.”
(Conclusion)

FACTUAL BACKGROUND

Exact Care Pharmacy operates a mail-order pharmacy that packages medications in tear-away packets containing medication information in standard print. McKenney and Patterson, both blind women, previously used Exact Care and requested accessible medication information, including ScripTalk labels, large print, or similar technology, but allegedly did not receive the requested accommodations. They allege that the lack of accessible information caused medication-related injuries, and both assert that they would seriously consider returning to Exact Care if it implemented effective accessibility policies. NFB, whose members include McKenney and Patterson, advocates for equal access to health-care information for blind persons.

PROCEDURAL HISTORY

Plaintiffs filed a second amended complaint asserting claims under Section 504 of the Rehabilitation Act, Section 1557 of the Patient Protection and Affordable Care Act, and state-law negligence. The court had previously questioned NFB's standing and ordered briefing; after the Sixth Circuit's decision in *Dayton Area Chamber of Commerce v. Kennedy*, it ordered supplemental briefing. The opinion concludes that McKenney and Patterson have standing to pursue declaratory and injunctive relief and that NFB has associational standing, while declining to address the ultimate scope of any injunction.

DISPOSITION

other

CASES CITED

- *Warth v. Seldin*, 422 U.S. 490, 517-18 (1975)
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)
- *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 542 (1986)
- *Gaylor v. Hamilton Crossing CMBS*, 582 F. App'x 576, 580 (6th Cir. 2014)
- *Mosley v. Kohl's Dep't Stores, Inc.*, 942 F.3d 752, 755-61 (6th Cir. 2019)
- *City of Los Angeles v. Lyons*, 461 U.S. 95, 102-03 (1983)
- *Solis v. Emery Fed. Credit Union*, 459 F. Supp. 3d 981, 986-87 (S.D. Ohio 2020)
- *Gentek Bldg. Prods., Inc. v. Sherwin-Williams Co.*, 491 F.3d 920, 330 (6th Cir. 2007)
- *Ohio Nat'l Life Ins. Co. v. United States*, 922 F.2d 320, 325 (6th Cir. 1990)
- *Lujan v. National Wildlife Fed'n*, 497 U.S. 871, 889 (1990)
- *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91, 115 n.31 (1979)
- *McPherson v. Michigan High Sch. Athletic Ass'n, Inc.*, 119 F.3d 453, 459-60 (6th Cir. 1997)
- *Tirey v. Parkridge Med. Ctr., Inc.*, No. 1:23-cv-00038, 2025 WL 62248, at *4 (E.D. Tenn. Jan. 8, 2025)

- Tomei v. Parkwest Med. Ctr., No. 3:19-cv-00041, 2022 WL 703656, at *4 (E.D. Tenn. Mar. 8, 2022)
- American Civil Liberties Union v. Trinity Health Corp., No. 15-cv-12611, 2016 WL 4267825, at *2 (E.D. Mich. Aug. 15, 2016)
- Dayton Area Chamber of Commerce v. Kennedy, 147 F.4th 626, 632-33 (6th Cir. 2025)
- United Food & Com. Workers Union Loc. 751 v. Brown Grp., Inc., 517 U.S. 544, 554-57 (1996)
- International Union, United Auto., Aerospace and Agric. Implement Workers of Am. v. Brock, 477 U.S. 274, 287-90 (1986)
- FDA v. Alliance for Hippocratic Med., 602 U.S. 367, 398 (2024) (Thomas, J., concurring)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-oh/2025/theresa-mckenney-shirley-patterson-and-the-national-vzkujeat>