

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CLAUDIA J. ROHR,

Plaintiff-Appellant,

v.

CRIME VICTIMS COMPENSATION  
COMMISSION, of the State of Hawai'i,

Defendant-Appellee.

No. 18-15249

D.C. No. 1:16-cv-00162-LEK-KSC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
Leslie E. Kobayashi, District Judge, Presiding

Submitted November 27, 2018\*\*

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

Claudia J. Rohr appeals pro se from the district court's summary judgment in her Americans with Disabilities Act action brought on behalf of the estate of Scott Leland Andrews, her deceased husband. We have jurisdiction under 28 U.S.C. § 1291. We review de novo cross-motions for summary judgment. *Guatay*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Christian Fellowship v. County of San Diego*, 670 F.3d 957, 970 (9th Cir. 2011).

We reverse and remand.

The district court granted summary judgment for defendant on the basis that Rohr lacked standing to bring this action on behalf of her deceased husband's estate. However, the record shows that prior to Rohr initiating this action, the Hawaii Intermediate Court of Appeals granted Rohr's motion for substitution as a party in Andrews' state court case because Rohr made a sufficient showing that she is the legal representative of Andrews' estate. We reverse the district court's summary judgment on the basis that Rohr lacked standing to bring this action and remand for further proceedings.

In light of our disposition, we do not consider the district court's denial of Rohr's motion for reconsideration.

On remand, the district court can consider in the first instance whether summary judgment is appropriate on an alternate basis.

**REVERSED and REMANDED.**