

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MICHELLE STRICKLAND,

Plaintiff,

v.

Case No: 6:18-cv-38-Orl-31GJK

**FISCHER WAY CORP., JOHN NGUYEN
and PARK PLACE STATION, LLC,**

Defendants.

ORDER

This matter is before the Court on the Motion to Dismiss (Doc. 31) filed by Defendant Fischer Way Corp. d/b/a Subway #2621 (henceforth, "Fischer Way") and Plaintiff's response in opposition (Doc. 37).

This is an ADA case in which Plaintiff, a handicapped individual, alleges that in December 2017 she visited facilities operated or owned by the Defendants, including the restaurant operated by Fischer Way; in doing so, she encountered discrimination in the form of architectural barriers that denied her full and equal access to the subject public accommodations. (Doc. 30). Paragraph 16 of the Amended Complaint specifies the barriers she allegedly encountered.

In its Motion to Dismiss, Fischer Way claims that Plaintiff has failed to establish that she has standing to pursue her claims under the ADA. However, the Amended Complaint alleges that Plaintiff lives two miles from these properties, has visited them in the past, and intends to

return within six months after the properties are made ADA compliant. (Doc. 30 at 2). At this stage of the proceedings, that is sufficient to establish standing. Accordingly, it is

ORDERED that Defendant's Motion is **DENIED**.

DONE and **ORDERED** in Chambers, Orlando, Florida on March 13, 2018.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE