

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Guadalupe Adams,
Plaintiff,

vs.

Case No. 16-1057-JTM

Historic Abilene, Inc.,
Defendant.

MEMORANDUM AND ORDER

In light of the Amended Complaint filed April 11, 2016 (Dkt. 11), defendant's Motion to Dismiss is denied as moot. The Amended Complaint removes any ambiguity, to the extent such existed, with respect to plaintiff's Americans with Disabilities Act claim relating to the accommodations in "Old Abilene Town." Both complaints indicate that defendant Historic Abilene owns and operates "Old Abilene," though the Amended Complaint adds additional allegations. Further, defendant's conclusory argument regarding lack of service (Dkt. 7, at 2), is denied in light of plaintiff's showing (Dkt. 10, at 4) that it served the Registered Agent for Historic Abilene.

IT IS ACCORDINGLY ORDERED this 16th day of May, 2016, that the defendant's Motion to Dismiss (Dkt. 7) is hereby denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE