

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|------------------------|---|---------------------------|
| B. RENEL FLOYD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 1:17-cv-451-TM-N |
| |) | |
| PEM REAL ESTATE GROUP, |) | |
| |) | |
| Defendant. |) | |

ORDER

On August 17, 2018, the Magistrate Judge filed a Recommendation in this case, to which no timely objections have been filed. (See Doc. 77). After an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is **ORDERED** that:

- (1) The Recommendation of the Magistrate Judge (Doc. 77) is **ADOPTED**, with an **AMENDMENT** to the third bullet point, found on page thirty-one (31), (Doc. 77, at 31), which is to read as follows:

Defendant Jude Reynolds’s Motion to Dismiss (Doc. 47) is **GRANTED in part and DENIED in part**. The motion is **GRANTED** as to Plaintiff’s claims pursuant to 42 U.S.C. § 3604(b) that occurred before October 5, 2015; Plaintiff’s claims pursuant to 42 U.S.C. § 1981 and 42 U.S.C. § 3604(a); and Plaintiff’s claims pursuant to 42 U.S.C. § 3604(b) that occurred on or after October 5, 2015, and are related to her allegations in regard to extermination, a leaking roof, or notices. The

motion is **DENIED** as to Plaintiff's claims pursuant to 42 U.S.C. § 3604(b) that occurred on or after October 5, 2015, and are related to Plaintiff's allegations that her rent payments were discriminatorily marked as late and the terms of her lease were unfairly altered or enforced by Defendant Reynolds.

- (2) Defendant HW Investco Mobile's Motion to Dismiss (Doc. 45) is **DENIED**.
- (3) Defendants Macy Proulx, Kristi Ridlon, and Josh Ashcraft's Motions to Dismiss (Docs. 39, 41, 43) are **GRANTED in part and DENIED in part**. The motions are denied as to the request to dismiss under Fed. R. Civ. P. 12(b)(5), but granted as to the request to dismiss under Fed. R. Civ. P. 12(b)(6).
- (4) Defendant Jude Reynolds's Motion to Dismiss (Doc. 47) is **GRANTED in part and DENIED in part**. The motion is **GRANTED** as to Plaintiff's claims pursuant to 42 U.S.C. § 3604(b) that occurred before October 5, 2015; Plaintiff's claims pursuant to 42 U.S.C. § 1981 and 42 U.S.C. § 3604(a); and Plaintiff's claims pursuant to 42 U.S.C. § 3604(b) that occurred on or after October 5, 2015, and are related to her allegations in regard to extermination, a leaking roof, or notices. The motion is **DENIED** as to Plaintiff's claims pursuant to 42 U.S.C. § 3604(b) that occurred on or after October 5, 2015, and are related to Plaintiff's allegations that her rent payments were discriminatorily

marked as late and the terms of her lease were unfairly altered or enforced by Defendant Reynolds.

Based on the above, the defendants and claims that remain are alleged violations by Defendant HW Investco Mobile of 42 U.S.C. § 1981, 42 U.S.C. § 3604(a), and 42 U.S.C. § 3604(b) and alleged violations by Defendant Reynolds of 42 U.S.C. § 3604(b) that occurred on or after October 5, 2015, and are related to Plaintiff's allegations that her rent payments were discriminatorily marked as late and the terms of her lease were unfairly altered or enforced by Defendant Reynolds.

DONE and **ORDERED** this the 13th day of September 2018.

/s/ TERRY F. MOORER
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE