

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JASMINE LAMBOY

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v.

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Civil No. – JFM-13-3825

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AG-FCP FAIRWAYS OWNERS, LLC

MEMORANDUM

In this action plaintiff asserts claims under the Americans With Disability Act and for negligence under state common law. Plaintiff's claim arises from defendant's alleged failure to remediate mold conditions that existed in an apartment rented by plaintiff from defendant.

It has been held in this district that "residential facilities – such as apartments and condominiums - do not fall within the definite of public accommodation." *Hardaway v. Equity Residential Mgmt.*, 2012 U.S. Dist. LEXIS 127051 (D.Md. Sept. 6, 2012). Although, as noted by plaintiff, *Hardaway* was a case involving two pro se plaintiffs where no hearing was held, cases from other jurisdictions have reached the same result that was reached in *Hardaway*. See *Gragg v. Park Ridge Mobile Home Court, LLP*, 2011 WL 4459701, at *4 (C.D. Ill. Sept. 26, 2011); *Radivojevic v. Granville Terrace Mutual Owndership Trust*, 2001 WL 123796, at *3 (N.D. Ill. Jan 31, 2001); *Independent Hous. Servs. v. Fillmore Ctr. Assocs.*, 840 F. Supp. 1328, 1344 & n. 14 (N.D. Cal. 1993).

There is no diversity of citizenship between the parties, and therefore this court has no independent jurisdiction over the negligence claim. The court declines to exercise supplemental jurisdiction over that claim and it will be dismissed without prejudice. See 28 U.S.C. §1367(c).

A separate order effecting the rulings made in this memorandum is being entered herewith.

Date: February 12, 2014

/s/
J. Frederick Motz
United States District Judge