

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. No.</b>
	)	
,	)	<b>Jury Trial Demanded</b>
	)	
	)	<b>Judge</b>
<b>Defendants.</b>	)	
	)	

**PLAINTIFF                      ' RESPONSE TO DEFENDANTS' STATEMENT OF MATERIAL  
FACTS, AND STATEMENT OF ADDITIONAL  
MATERIAL FACTS AT ISSUE**

In accordance with Local Rule 56.C.1., Plaintiff \_\_\_\_\_ respectfully submits the following in response to Defendants' Concise Statement of Material Facts Pursuant to Local Rule of Civil Procedure 56.B.1.

**I.        RESPONSE TO DEFENDANTS' STATEMENT OF FACTS**

1.        Jane Doe is the individual responsible for initial intake and executing leases with tenants who are renting ABCD's rental properties. Deposition of Jane Doe at p. 38 (hereinafter referred to as "Doe Dep.").

**ANSWER:**    Admitted.

2.        The Policy of ABCD Rentals is that emotional support animals are permitted on ABCD's properties. Ex. A., Doe Dep. at p. 49.

**ANSWER:**    Denied. Whatever the policy is now, it is unclear from the evidence and Jane Doe's testimony whether the policy was in effect at the time Ms. Jackson submitted her request for a reasonable accommodation and/or rented from ABCD Rentals. Ex. A.,

Doe Dep. at p. 50:4-62:19. Moreover, the policy states that ABCD permits tenants to have emotional support animals (“ESAs”) as long as the tenant seeks approval after their rental application has been approved, but before signing a lease. *See* Ex. B., Service and Support Animal Policy.

3. By way of example, there have been prior tenants of ABCD Rentals who have maintained emotional support animals and reasonable accommodations have been approved for emotional support animals. Ex. A., Doe Dep. at pp. 226-228; Ex. 10 Accommodation for Billy Jean Smith and Mike Tanning.

**ANSWER:** Denied. Defendants cite to evidence that they approved the reasonable accommodation request of *one* prior tenant, Mike Tanning. *See also* Ex. F. pp. 22-27 ABCD’s Accommodation’s records.

4. ABCD Rentals maintains a Policy of Non-Discrimination. Ex. A., Doe Dep. at p. 69; Exhibit 4.

**ANSWER:** Denied. *See* Ex. C., Non-Discrimination Policy, for the contents of ABCD’s non-discrimination policy.

5. The Tenant, Carey A. Jackson, owned an animal named “Frank” which is a Labrador Retriever (“Lab mix”). Deposition of Carey A. Jackson at p. 51 (hereinafter referred to as “Jackson Dep.”).

**ANSWER:** Admitted.

## **II. PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS AT ISSUE**

1. Jolly Avenue Apartments (the "Subject Property") is a multi-family apartment complex consisting of approximately ten units. Compl. ¶ 4, ECF No. 1; Answer ¶ 4, ECF No. 8.

2. The Subject Property is located on the corner of Grant Street and First Street in Skypark, Pennsylvania. *Id.*

3. The Subject Property is owned by John Turner and ABCD Rentals, which is a company in the business of renting apartments and townhouses. Ex. O., Turner Dep. 16:1-12.