

Campbell v. Intellisoft Group, Inc. CV-05-333-PB 06/20/06

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Jo-Ann Campbell

v.

Case No. 05-cv-333-PB
Opinion No. 2006 DNH 071

IntelliSoft Group, Inc.

MEMORANDUM AND ORDER

Plaintiff Jo-Ann Campbell alleges that her former employer, IntelliSoft Group, Inc. ("IntelliSoft") discriminated against her based on disability in violation of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101, et seq., and the New Hampshire Law Against Discrimination, N.H. Rev. Stat. Ann. §§ 354-A:1, et seq. IntelliSoft has moved to dismiss.

An employer is subject to the ADA if it "has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year." 42 U.S.C. § 12111(5)(A). IntelliSoft has submitted payroll records and affidavits showing that it did not have 15 employees during 20 calendar weeks during the relevant time frame. Campbell concedes that she cannot establish that IntelliSoft had the requisite

number of employees and that her ADA claims should be dismissed with prejudice. Pl.'s Obj. ¶ 1-2. Accordingly, IntelliSoft's motion to dismiss is granted as to Campbell's ADA claim.

Campbell's remaining claim arises under state law. I decline to exercise supplemental jurisdiction over this claim as I have dismissed all claims over which I have original jurisdiction. See 28 U.S.C. § 1367(c)(3); Perkins v. Londonderry Basketball Club, 196 F.3d 13, 23 (1st Cir. 1999).

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

June 20, 2006

cc: James G. Noucas, Jr., Esq.
Jennifer L. Parent, Esq.