

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Christine Cubelo v. Hearing Lab Technology, LLC

Cubelo · No. Civ. No. 8:25-cv-00184-PX · Decided March 23, 2026

SUMMARY

The United States District Court for the District of Maryland granted Hearing Lab Technology, LLC's motion to dismiss Christine Cubelo's disability discrimination, failure-to-accommodate, and retaliation claims. The court held that Cubelo filed suit 92 days after receiving her EEOC right-to-sue notice, exceeding the applicable 90-day filing period, and found no basis for equitable tolling. The complaint was dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Paula Xinis
JURISDICTION	United States District Court for the District of Maryland
DECIDED	March 23, 2026
DOCKET	Civ. No. 8:25-cv-00184-PX
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought ADA, MFEPA, and Title VII claims against her former employer. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), arguing that the action was untimely and that the claims failed as a matter of law.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepted the complaint's factual allegations as true and construed them in the light most favorable to the nonmoving party. The court treated the filing deadline as a nonjurisdictional limitations issue rather than a subject-matter-jurisdiction issue.
PRECEDENTIAL VALUE	unpublished federal district court memorandum opinion; precedential status unknown

TOPICS

- ada / disability
- disability discrimination
- retaliation
- statute of limitations
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the ADA and Title VII claims were barred because the complaint was filed more than 90 days after Cubelo received the EEOC right-to-sue notice.
2. Whether the MFEPA claims were subject to the same 90-day filing requirement.
3. Whether equitable tolling, waiver, or estoppel excused the untimely filing.
4. Whether the deadline was properly addressed under Rule 12(b)(6) rather than as a jurisdictional defect.

HOLDINGS

1. Claims under the ADA and Title VII requiring suit within 90 days after issuance of the right-to-sue notice are untimely when filed 92 days after the plaintiff received the notice.
2. The MFEPA claims were also untimely because MFEPA incorporates the exhaustion and filing requirements of its federal statutory analogues, including the 90-day period.
3. Equitable tolling did not apply because Cubelo showed only an inadvertent filing error and lack of prejudice, not circumstances external to her conduct making enforcement unconscionable or producing gross injustice.
4. The 90-day filing requirement was properly treated as a nonjurisdictional limitations defense addressed under Rule 12(b)(6), not as a subject-matter-jurisdiction defect.

KEY QUOTATIONS

“The 90-day time to file is “strictly enforced” and “treated like a statute of limitations.””

“Equitable tolling, however, applies only in “those rare instances where—due to circumstances external to the party’s own conduct—it would be unconscionable to enforce the limitation period against the party and gross injustice would result.””

“Accordingly, and out of an abundance of caution, the Court will dismiss the Complaint without prejudice.”

FACTUAL BACKGROUND

Hearing Lab Technology employed Christine Cubelo, who is hearing impaired, as a hearing aid specialist at a Sam's Club in Gaithersburg, Maryland. Cubelo repeatedly requested a captioned telephone or other equipment to help her hear calls, but the requested equipment was delayed and the device eventually provided was damaged. HLT suspended Cubelo on March 30, 2023, and terminated her approximately one month later for alleged performance issues. She received an EEOC right-to-sue notice on October 17, 2024, but did not file suit until January 17, 2025.

PROCEDURAL HISTORY

Cubelo filed an EEOC and Maryland Commission on Civil Rights charge on June 30, 2023, received an EEOC right-to-sue notice on October 17, 2024, and filed this action on January 17, 2025. The court held that the

complaint was filed 92 days after receipt of the notice, rejected equitable tolling, and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Fusaro v. Cogan*, 930 F.3d 241, 248 (4th Cir. 2019)
- *Fort Bend County, Texas v. Davis*, 587 U.S. 541, 552 (2019)
- *Jones v. Calvert Group, Ltd.*, 551 F.3d 297 (4th Cir. 2009)
- *Weathersbee v. Baltimore City Fire Department*, 970 F. Supp. 2d 418, 426-27 (D. Md. 2013)
- *Rockville Cars, LLC v. City of Rockville*, 891 F.3d 141, 145 (4th Cir. 2018)
- *Harvey v. City of New Bern Police Department*, 813 F.2d 652, 653-54 (4th Cir. 1987)
- *Woodruff v. Peters*, 482 F.3d 521, 525 (D.C. Cir. 2007)
- *Crabill v. Charlotte Mecklenburg Board of Education*, 423 F. App'x 314, 321 (4th Cir. 2011)
- *Laber v. Harvey*, 438 F.3d 404, 429 n.25 (4th Cir. 2006)
- *Rouse v. Lee*, 339 F.3d 238, 246 (4th Cir. 2003) (en banc)
- *Harris v. Hutchinson*, 209 F.3d 325, 330 (4th Cir. 2000)
- *Irwin v. Department of Veterans Affairs*, 498 U.S. 89, 96 (1990)
- *Baldwin County Welcome Center v. Brown*, 466 U.S. 147, 151-52 (1984)
- *Mohasco Corp. v. Silver*, 447 U.S. 807, 826 (1980)
- *McNeill v. Polk*, 476 F.3d 206, 220 n.3 (4th Cir. 2007)
- *Cepada v. Board of Education of Baltimore County*, Civ. No. WDQ-10-0537, 2010 WL 3824221, at *3 (D. Md. Sept. 27, 2010)
- *Darden v. Cardinal Travel Center*, 493 F. Supp. 2d 773, 776 (W.D. Va. 2007)
- *Marshall v. Anne Arundel County, Maryland*, Civ. No. ELH-18-74, 2019 WL 568676, at *12 (D. Md. Feb. 12, 2019)
- *Booker v. Armacell, LLC*, No. 1:24-CV-1109-DAB-JGM, 2026 WL 622574, at *4-5 (M.D.N.C. Mar. 5, 2026)
- *Bowie v. University of Maryland Medical System*, Civ. No. ELH-14-03216, 2015 WL 1499465 (D. Md. Mar. 31, 2015)