

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Valery Kantsepolsky v. River Shores Association, Inc.

Kantsepolsky · No. 25-61725-CIV-DAMIAN/Strauss · Decided December 30, 2025

SUMMARY

The United States District Court for the Southern District of Florida affirmed and adopted a magistrate judge’s report and recommendation concerning claims brought by Valery Kantsepolsky against River Shores Association, Inc. The court dismissed the ADA claims without prejudice, stayed the FHA claims under the Colorado River abstention doctrine pending resolution of a related state-court action, and granted leave to amend. The court also directed periodic status reports and closed the case for administrative and statistical purposes subject to reopening.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Melissa Damian
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 30, 2025
DOCKET	25-61725-CIV-DAMIAN/Strauss
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an action alleging violations of the Fair Housing Act and Americans with Disabilities Act and seeking declaratory relief, injunctive relief, and damages. The magistrate judge recommended staying the FHA claims under Colorado River abstention, denying dismissal of the FHA claims under Rule 12(b)(6), and dismissing the ADA claim for failure to state a claim. The district court reviewed the unobjected-to report and recommendation for clear error, affirmed and adopted it, dismissed the ADA claims without prejudice, stayed the case, and granted leave to amend.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's report and recommendation, the district court reviews the record for clear error on the face of the record rather than conducting de novo review.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown

TOPICS

motions to dismiss

civil procedure

ada / disability

reasonable accommodation

injunctions

PRACTICE AREAS

civil procedure

fair housing

disability discrimination

abstention

injunctive relief

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to report and recommendation for clear error rather than de novo.
2. Whether Plaintiff's FHA claims should be stayed under the Colorado River abstention doctrine because of the parallel state-court action.
3. Whether Plaintiff sufficiently alleged an FHA violation to survive dismissal under Federal Rule of Civil Procedure 12(b)(6).
4. Whether Plaintiff's ADA claim failed because Title III of the ADA applies only to private entities offering commercial services to the public and Plaintiff did not allege that Defendant did so.
5. Whether the requested injunction concerning the pending state-court action was available under the Anti-Injunction Act or the ADA.

HOLDINGS

1. When no party timely objects to a magistrate judge's report and recommendation, the district court need only determine whether clear error appears on the face of the record before accepting the recommendation.
2. The FHA claims should be stayed under the Colorado River abstention doctrine because the parallel state-court action created a substantial risk of piecemeal litigation and the relevant factors supported abstention.
3. Plaintiff sufficiently alleged an FHA violation, so the FHA claims were not dismissed under Rule 12(b)(6).
4. The ADA claims were dismissed without prejudice because Plaintiff did not allege that Defendant is a private entity offering commercial services to the public, as required for the Title III provision on which she relied.
5. The requested injunction was denied because it was barred by the Anti-Injunction Act and the ADA did not provide a statutory basis for the requested injunction.

KEY QUOTATIONS

"the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (Discussion)

"All ADA claims (Count IJ and part of Count II of the Complaint [ECF No. 1]) are DISMISSED WITHOUT PREJUDICE." (Order paragraph 2)

“This case is *STAYED* based on the Colorado River abstention doctrine.” (Order paragraph 3)

FACTUAL BACKGROUND

Plaintiff owns and resides in a condominium unit governed by River Shores Association, Inc. She alleged medical conditions that limit her ability to tolerate demolition-related chemicals, dust, mold, and other breathing hazards. She alleged that the condominium association refused reasonable accommodations while attempting exploratory demolition and repairs affecting other units. The association had separately sued her in Florida state court concerning its right of entry and the demolition dispute, and Plaintiff asserted a similar FHA counterclaim there.

PROCEDURAL HISTORY

Plaintiff filed the federal action on August 27, 2025, while related litigation concerning entry into her condominium unit and exploratory demolition was pending in Florida state court. Defendant moved to dismiss, and Magistrate Judge Jared M. Strauss issued a report and recommendation recommending Colorado River abstention as to the FHA claims, denial of dismissal of the FHA claims on Rule 12(b)(6) grounds, and dismissal of the ADA claim. Neither party objected to the report. The district court found no clear error, affirmed and adopted the report, dismissed the ADA claims without prejudice, stayed the case pending the state-court action, and permitted amendment.

DISPOSITION

other

CASES CITED

- Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976)
- A.L. by and through D.L. v. Walt Disney Parks & Resorts US, Inc., 900 F.3d 1270, 1289 (11th Cir. 2018)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)