

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------|---|-----------------------|
| ROBERT H. LANE, |) | |
| Plaintiff |) | |
| |) | |
| v. |) | C.A. NO. 08-30158-MAP |
| |) | |
| PASTMASTER GENERAL JOHN E. |) | |
| POTTER, |) | |
| Defendant |) | |

MEMORANDUM AND ORDER REGARDING
DEFENDANT'S MOTION TO DISMISS
OR FOR SUMMARY JUDGMENT
(Dkt. No. 14)

March 3, 2010

PONSOR, D.J.

On February 16, 2010, the court heard argument on Defendant's Motion to Dismiss or for Summary Judgment. A final pretrial conference is currently scheduled for March 8, 2010, with trial to follow on March 15, 2010.

In order to relieve counsel of unnecessary preparation, the court will rule briefly on Defendant's motion now, with a longer memorandum to follow. The motion (Dkt. No. 14) is hereby ALLOWED. With regard to the claims of discrimination based on age and gender, Plaintiff has failed to offer any significant evidence that Defendant's proffered legitimate justification for its actions in regard to Plaintiff were a pretext for discrimination. With regard to any claim of disability discrimination, Plaintiff has failed to

demonstrate that he suffered from a disability to the degree required by the applicable statute. Moreover, he has failed to demonstrate that his requested accommodation was reasonable.

Based on this ruling, the final pretrial conference and trial of this case will not be necessary. As noted, a longer memorandum setting forth the court's reasoning in greater detail will issue shortly. Final judgment will not enter at this time. The time period for entering an appeal will not begin until the court issues its more detailed memorandum and the clerk enters final judgment.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge