

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 14-cv-03152-RPM

CATHERINE DOLAN,

Plaintiff,

v.

BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO, CO.,

Defendant.

ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT

Seeking relief under both the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*, and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 2000e, *et seq.*, Catherine Dolan filed this civil action claiming that the defendant’s failure to accommodate her disability resulted in the termination of her employment by the Board of County Commissioners of Rio Blanco County, Colorado. The defendant filed a Motion for Partial Summary Judgment [Doc. 13] seeking dismissal of the Rehabilitation Act claim based on the assertion that the plaintiff is unable to prove that a violation of that statute was the sole cause of her dismissal. The defendant concedes that there may be a triable claim that it was a motivating factor under the ADA. To grant this motion the Court must be convinced that no reasonable jury could infer that level of causation from the disputed evidence. The record does not warrant that conclusion. It is therefore

ORDERED that the Motion for Partial Summary Judgment is denied.

Dated: February 4th, 2016

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge