

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Erica Goetzman,

Civil No. 12-1378 (DWF/JJK)

Plaintiff,

v.

ORDER

University of Minnesota,

Defendant.

Steven A. Smith, Esq., and Cristina Parra Herrera, Esq., Nichols Kaster, PLLP, counsel for Plaintiff.

Brian J. Slovut, Esq., and William P. Donohue, Esq., Office of General Counsel, University of Minnesota, for Defendant.

This matter is before the Court on a motion for summary judgment brought by Defendant University of Minnesota. (Doc. No. 17.) This action involves allegations by Plaintiff Erica Goetzman (“Goetzman”) that the University of Minnesota (the “UMN”) discriminated against her on the basis of her disability in violation of the Americans with Disabilities Act (“ADA”), failed to accommodate her disability in violation of the ADA, retaliated against her on the basis of her disability in violation of the ADA, and also retaliated against her when she took medical leave under the Family Medical Leave Act (“FMLA”).

In light of the parties’ upcoming settlement conference, the Court issues the following order on the pending motion. The Court notes that this appears to be a case

where the interests of both parties might best be served by meaningful settlement discussions. A full Memorandum Opinion and Order will be issued in the near future.

ORDER

Based on the files, record, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The UMN's Motion for Summary Judgment (Doc. No. [17]) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The UMN is entitled to summary judgment on Goetzman's claim for violation of the FMLA (Count VI); and

b. Fact issues remain with respect to Goetzman's claims for violations of the ADA, for both disparate treatment and failure to accommodate claims (Count II), and with respect to her claim for retaliation in violation of the ADA (Count III).

Dated: December 17, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge