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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REGINALD BINGHAM,)	2:08-cv-01861-JCM-RJJ
)	
Plaintiff,)	
)	
vs.)	
)	
THE CITY OF LAS VEGAS,)	
)	
Defendant.)	

ORDER

Having come on for hearing on the 4th day of June, 2010, on the Defendant's motion for summary judgment and opposition having been filed by the Plaintiff and the Defendant having filed a reply brief, and all parties present through counsel, after arguments of counsel, and good cause appearing therefore;

The Court hereby finds that genuine issues of material fact exist regarding the nature and extent of the Defendant City of Las Vegas' accommodation of Plaintiff's disability condition and, further, genuine issues of material fact exist regarding the circumstances surrounding the City's decision to no longer accommodate Plaintiff's disability condition on or about late 2007.

The Court hereby further finds that there are no genuine issues of material fact in support of Plaintiff's race based discrimination claims and that the Defendant City of Las Vegas is entitled to summary judgment as a matter of law against Plaintiff's race based discrimination claims.

IT IS HEREBY ORDERED, that the Defendant's motion for summary judgment is granted against the Plaintiff's claims of race based discrimination, as set forth

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in the complaint under Title VII. However, the court denies the summary judgment as to Plaintiff's claims of discrimination under the Americans with Disabilities Act and Plaintiff's state law based claims.

Dated this 15 day of June, 2010.

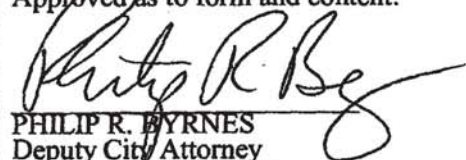

UNITED STATES DISTRICT COURT JUDGE

Submitted by:



KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
Attorney for Plaintiff

Approved as to form and content:


PHILIP R. BYRNES
Deputy City Attorney
Attorney for Defendant