

analysis, it appears that in formulating the language in Title II's anti-retaliation provisions, Congress recognized that disabled individuals may require assistance from others to defend their rights.") (citing *Innovative Health*). Here, the Court finds the enforcement provisions of Title II and of the Rehabilitation Act to be broad enough to cover plaintiff's allegations. Plaintiff has alleged, *inter alia*, that defendant discriminated against her in several ways, including through termination and the creation of a hostile work environment, because it resented how openly she advocated for disabled university students. Whether plaintiff can establish her claims in front of a jury by a preponderance of the evidence is another matter; for now, there is no reason for this Court to attempt to give the enforcement provisions of Title II and of the Rehabilitation Act a more narrow construction than the Second Circuit has given them.

Following the broad interpretation of the enforcement provisions in question that is set forth in *Innovative Health* and *Barker*, the Court hereby denies defendant's motion in limine (Dkt. No. 81).

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 18, 2010