

At oral argument, counsel for defendant suggested that the pertinent standard of review applicable to the exclusion of the service animal in this case should fall under 28 C.F.R. § 36.301(b) which states that an entity “may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.”

The Court hereby **ORDERS** the parties to address what standard to include in the jury instructions. The parties’ respective filings shall be no longer than twelve (12) pages. Responsive briefs shall be filed seven calendar days after the date the initial briefs are due. Responsive briefs shall be no longer than five (5) pages. Reply briefs are not permitted.

The filings shall be due **on or before October 21, 2016**. However, if the parties elect to voluntarily mediate said claims, the filing shall be due **November 18, 2016**. The parties shall file a notice indicating whether or not mediation will be attempted in accordance with this Order on or before **September 23, 2016** to receive the additional time for briefing.

SO ORDERED.

Signed: August 23, 2016



Richard L. Voorhees
United States District Judge

