

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**Plaintiff,**

**v.**

**DEFENDER ASSOCIATION OF  
PHILADELPHIA**

**Defendant.**

**CIVIL ACTION NO. 19-1803**

**ORDER**

**AND NOW**, this 29th day of August 2024, upon consideration of the Motions for Summary Judgment and Plaintiff's Motion to Exclude the Report and Recommendation of Irene Mendelsohn, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Exclude the Report and Recommendation of Irene Mendelsohn [Doc. No. 129] is **GRANTED**.
2. Defendant's Motion for Summary Judgment [Doc. No. 163] is **DENIED** in its entirety.
3. Plaintiff's Motion for Summary Judgment [Doc. No. 127] is **GRANTED in part and DENIED in part** as follows:
  - a. Plaintiff's Motion for Summary Judgment as to the ADA Claim for Failure to Accommodate and Wrongful Termination is **DENIED**.
  - b. Plaintiff's Motion for Summary Judgment as to Defendant's First Affirmative Defense is **GRANTED**.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**