

Disability Law

Disability Law

Cases, Materials, Problems

SIXTH EDITION

Laura Rothstein

PROFESSOR OF LAW AND
DISTINGUISHED UNIVERSITY SCHOLAR
UNIVERSITY OF LOUISVILLE
LOUIS D. BRANDEIS SCHOOL OF LAW

Ann C. McGinley

WILLIAM S. BOYD PROFESSOR OF LAW
WILLIAM S. BOYD SCHOOL OF LAW
UNIVERSITY OF NEVADA LAS VEGAS



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2017
Carolina Academic Press, LLC
All Rights Reserved

eBook ISBN 978-1-53100-290-9
ISBN 978-1-5310-0289-3
LCCN 2016959313

Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

To my family
Laura Rothstein

To Jeff, Ryan, Shanen, and Reed
Ann McGinley

Summary Table of Contents

Table of Cases	xxi
Preface	xxvii
Acknowledgments	xxix
Chapter 1 · Introduction	3
A. Overview	3
B. How Many People Have Disabilities?	8
C. The Laws and How They Developed	10
D. Framework for Analyzing Problems and Issues	27
E. Summary	28
Chapter 2 · Who Is Protected under the Laws? Historical and Contemporary Perspectives	29
A. Introduction and Overview	29
B. Constitutional Protections	31
C. Defining Disability: Statutory Definitions and Judicial Interpretations	40
D. Otherwise Qualified and Reasonable Accommodation	69
E. Summary	75
Chapter 3 · Employment	77
A. Introduction and Overview	77
B. Applicability of Title I of the Americans with Disabilities Act and the Rehabilitation Act	80
C. Qualification Standards under the ADA and Rehabilitation Act: Technical Standards and Medical Examinations at the Hiring Stage	101
D. What Constitutes Discrimination?	123
E. Qualifications	140
F. Reasonable Accommodation and Undue Hardship	176
G. Disability-Based Harassment and Retaliation	220
H. Defenses	227
I. Relationship of ADA to Other Federal and State Laws	229
J. Enforcement	238
K. Summary	244
Chapter 4 · Public Accommodations	247
A. Introduction and Overview	247
B. Nondiscrimination	274

C. Reasonable Accommodations	277
D. Architectural Barriers	292
E. Exemptions from the ADA and Special Situations	317
F. Air Transportation	329
G. Telecommunications	337
H. Enforcement	340
I. Summary	343
Chapter 5 · Governmental Services and Programs	345
A. Introduction and Overview	345
B. Nondiscrimination	349
C. Modification of Rules, Policies, and Practices	355
D. Architectural Barriers	360
E. Licensing Practices	370
F. Mass Transit	385
G. Driving and Parking	387
H. Access to Justice	391
I. Voting	403
J. Enforcement	409
K. Summary	414
Chapter 6 · Higher Education	417
A. Introduction and Overview	417
B. Nondiscrimination in Higher Education	421
C. Admissions	424
D. The Enrolled Student	457
E. Architectural Barrier and Facility Issues	497
F. Faculty Issues	507
G. Other Issues	508
H. Summary	513
Chapter 7 · Education	515
A. Introduction and Overview	515
B. Relationship of Discrimination Statutes to Individuals with Disabilities Education Act	521
C. Substantive Protections under the Individuals with Disabilities Education Act	527
D. Nondiscrimination and Reasonable Accommodation under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act	579
E. Section 1983 Actions and Students with Disabilities in Schools	593
F. Enforcement	600
G. Summary	602

Chapter 8 · Housing and Independent Living	605
A. Introduction	605
B. Overview	606
C. Discrimination	611
D. Reasonable Accommodation	619
E. Structural Barriers	634
F. Least Restrictive Environment and Independent Living	644
G. Enforcement	664
H. Summary	665
Chapter 9 · Health Care and Insurance	667
A. Introduction and Overview	667
B. Nondiscrimination in Health Care Services	671
C. Architectural Barriers, Auxiliary Aids and Services, and Reasonable Accommodation	698
D. Health Insurance	716
E. Summary	729
Index	731

Table of Contents

Table of Cases	xxi
Preface	xxiii
Acknowledgments	xxv
Chapter 1 · Introduction	3
A. Overview	3
[1] The People and Their Stories	3
[2] Chapter Goals	6
B. How Many People Have Disabilities?	8
C. The Laws and How They Developed	10
<i>Alexander v. Choate</i>	14
<i>Helen L. v. Didario</i>	23
History of the ADA Amendments Act of 2008	26
D. Framework for Analyzing Problems and Issues	27
E. Summary	28
Chapter 2 · Who Is Protected under the Laws? Historical and Contemporary Perspectives	29
A. Introduction and Overview	29
[1] Chapter Goals	29
[2] Key Concepts and Definitions	30
B. Constitutional Protections	31
<i>City of Cleburne v. Cleburne Living Center, Inc.</i>	32
<i>Heller v. Doe</i>	39
C. Defining Disability: Statutory Definitions and Judicial Interpretations	40
[1] Statutory Definitions	41
[2] Prong One: A Physical or Mental Impairment That Substantially Limits a Major Life Activity	48
[3] Prong Two: A Record of Such an Impairment	57
[4] Prong Three: Being “Regarded as” Having Such an Impairment	57
Hypothetical Problems Applying the ADAAA	59
Notes on Other Issues Concerning Definition of Disability	60
[5] Exemptions for Stated Conditions	62
[6] Special Situations	62
D. Otherwise Qualified and Reasonable Accommodation	69
<i>Southeastern Community College v. Davis</i>	69

<i>School Board of Nassau County v. Arline</i>	73
E. Summary	75
Chapter 3 · Employment	77
A. Introduction and Overview	77
[1] Chapter Goals	77
[2] Key Concepts and Definitions	78
B. Applicability of Title I of the Americans with Disabilities Act and the Rehabilitation Act	80
[1] Which Employers Are Covered?	80
[2] Applicability of the Three-Prong Definition of Disability to Employment	85
[3] Drug and Alcohol Users and Persons with Contagious and Infectious Diseases	91
Hypothetical Problem 3.1	91
<i>Maddox v. University of Tennessee</i>	93
C. Qualification Standards under the ADA and Rehabilitation Act: Technical Standards and Medical Examinations at the Hiring Stage	101
Hypothetical Problem 3.2	101
[1] Preemployment	102
<i>Stutts v. Freeman</i>	103
[2] Preplacement Examinations	108
<i>Leonel v. American Airlines</i>	109
[3] Posthiring	115
<i>Conroy v. New York State Dept. of Correctional Services</i>	116
<i>Roe v. Cheyenne Mountain Conference Resort, Inc.</i>	120
D. What Constitutes Discrimination?	123
[1] Prohibited Activities Related to Wages, Hours, and Conditions of Employment	123
<i>U.S. Equal Employment Opportunity Commission</i> <i>v. AIC Security Investigations, Ltd.</i>	124
[2] Disparate Treatment and Disparate Impact	131
Hypothetical Problem 3.3	131
<i>Raytheon Co. v. Hernandez</i>	134
E. Qualifications	140
[1] Fundamental and Essential Functions	140
[a] Attendance Requirements	141
<i>Tyndall v. National Education Centers</i>	141
<i>Humphrey v. Memorial Hospitals Association</i>	149
[b] Employer-Provided Leaves	155
[c] Working Overtime	156
[d] Coping with Stress	156
<i>Johnston v. Morrison, Inc.</i>	156
[e] Professional and Technical Competence	159

[f] Marginal Functions	162
[2] Direct Threat	162
Hypothetical Problem 3.4	162
<i>Mauro v. Borgess Medical Center</i>	163
<i>Chandler v. City of Dallas</i>	170
F. Reasonable Accommodation and Undue Hardship	176
Hypothetical Problem 3.5	178
[1] Proving that the Plaintiff Is a Qualified Individual, Reasonable Accommodation, and Undue Hardship	178
<i>Barth v. Gelb</i>	179
<i>Borkowski v. Valley Central School District</i>	183
<i>Vande Zande v. Wisconsin Department of Administration</i>	191
[2] Health Impairments and Reasonable Accommodations	195
<i>Huber v. Howard County, Maryland</i>	195
[3] Physical Impairments and Reasonable Accommodations	199
<i>Lyons v. Legal Aid Society</i>	199
[4] Mental Impairments and Reasonable Accommodation	203
[5] Job Restructuring and Job Reassignment	205
Hypothetical Problem 3.6	205
<i>U.S. Airways, Inc. v. Barnett</i>	206
<i>Huber v. Wal-Mart Stores, Inc.</i>	211
[6] Duty to Engage in Interactive Process	215
Hypothetical Problem 3.7	215
<i>Humphrey v. Memorial Hospitals Association</i>	215
[7] Adverse Employment Actions, Constructive Discharge and Reasonable Accommodation	218
G. Disability-Based Harassment and Retaliation	220
Hypothetical Problem 3.8	220
[1] Disability-Based Harassment	221
[2] Retaliation	222
<i>Quiles-Quiles v. Henderson</i>	222
H. Defenses	227
[1] Employee Misconduct	227
[2] Eleventh Amendment Immunity	228
I. Relationship of ADA to Other Federal and State Laws	229
[1] Benefits Statutes	229
[2] Family and Medical Leave Act	230
[3] National Labor Relations Act	235
[4] Genetic Information Nondiscrimination Act (GINA)	235
EEOC Regulations	237
GINA, the ADA, and the ADA AAA	237
[5] Mental Health Parity and Addiction Equity Act	237
J. Enforcement	238
[1] Section 501 of the Rehabilitation Act	238

[2] Section 503 of the Rehabilitation Act	239
[3] Section 504 of the Rehabilitation Act	239
<i>Lane v. Pena</i>	240
[4] Title I of the Americans with Disabilities Act	241
Arbitration Clauses and the ADA	242
[5] Title II of the Americans with Disabilities Act	242
[6] Civil Rights Act of 1964	243
Lilly Ledbetter Fair Pay Act of 2009	243
[7] Other Remedies Issues	244
K. Summary	244
Chapter 4 · Public Accommodations	247
A. Introduction and Overview	247
[1] Chapter Goals	248
[2] Key Concepts and Definitions	249
Hypothetical Problem 4.1	252
<i>Parker v. Metropolitan Life Insurance Co.</i>	254
<i>PGA Tour, Inc. v. Casey Martin</i>	260
<i>Spector v. Norwegian Cruise Line Ltd.</i>	268
B. Nondiscrimination	274
<i>Anderson v. Little League Baseball, Inc.</i>	274
C. Reasonable Accommodations	277
[1] Modification of Policies, Practices, and Procedures	277
<i>Breece v. Alliance Tractor-Trailer Training II, Inc.</i>	278
[2] Auxiliary Aids and Services	287
<i>Roberts v. Kindercare Learning Centers, Inc.</i>	287
D. Architectural Barriers	292
[1] Covered Facilities	292
<i>Fiedler v. American Multi-Cinema, Inc.</i>	295
[2] Accessibility Requirements	300
[a] Alterations	301
<i>Kinney v. Yerusalim</i>	301
[b] Existing Facilities	307
<i>Pinnock v. International House of Pancakes</i>	308
[c] New Construction	315
<i>Paralyzed Veterans of America v. Ellerbe Becket Architects & Engineers</i>	315
E. Exemptions from the ADA and Special Situations	317
[1] Religious Entities	317
[2] Private Clubs	318
[3] Mixed Use Residential Facilities	319
[4] Leased Space	320
[5] Parent/Subsidiary Responsibility	321
[6] Private Homes	322
[7] Smoking	322

<i>Emery v. Caravan of Dreams</i>	322
<i>Staron v. McDonald's Corp.</i>	326
F. Air Transportation	329
<i>United States Department of Transportation v. Paralyzed Veterans of America</i>	330
<i>Tallarico v. Trans World Airlines, Inc.</i>	332
Hypothetical Problem 4.2	336
G. Telecommunications	337
[1] Telephones	337
[2] Television and Other Audiovisual Communication	338
[3] Internet and Other Web-Based Communication	339
H. Enforcement	340
[1] Americans with Disabilities Act	340
[2] Air Carrier Access Act	342
[3] Telecommunications Enforcement	342
I. Summary	343
Chapter 5 • Governmental Services and Programs	345
A. Introduction and Overview	345
[1] Chapter Goals	345
[2] Key Concepts and Definitions	346
B. Nondiscrimination	349
[1] Federal Government Programs	349
[2] State and Local Government Programs	349
Hypothetical Problem 5.1	349
<i>Concerned Parents to Save Dreher Park Center v. City of West Palm Beach</i>	351
C. Modification of Rules, Policies, and Practices	355
<i>Crowder v. Kitagawa</i>	356
D. Architectural Barriers	360
[1] Application of the Architectural Barriers Act, the Rehabilitation Act, and the Americans with Disabilities Act	360
[2] Self-Evaluation and Transition Plans	362
<i>Tyler v. City of Manhattan</i>	362
E. Licensing Practices	370
Hypothetical Problem 5.2	370
[1] Licenses to Do Business	371
<i>Tyler v. City of Manhattan</i>	371
[2] Professional Licensing	373
[a] Licensing Exam Accommodations	373
[b] Character and Fitness Inquiries	376
<i>Applicants v. The Texas State Board of Law Examiners</i>	378
F. Mass Transit	385
G. Driving and Parking	387
[1] The Driver's License	388

[2] The Automobile	390
[3] Parking and Highways	391
[4] Taxicab Service	391
H. Access to Justice	391
[1] Participation on Juries	391
<i>Galloway v. Superior Court</i>	392
[2] Criminal Justice System	397
Hypothetical Problem 5.3	397
<i>Pennsylvania Department of Corrections v. Yeskey</i>	397
I. Voting	403
<i>Lightbourn v. County of El Paso, Texas</i>	404
J. Enforcement	409
[1] Americans with Disabilities Act	410
[2] Section 504 of the Rehabilitation Act	410
[3] The Architectural Barriers Act	410
[4] Immunity Issues	411
<i>Tennessee v. Lane</i>	411
K. Summary	414
Chapter 6 · Higher Education	417
A. Introduction and Overview	417
[1] Chapter Goals	418
[2] Key Concepts and Definitions	419
B. Nondiscrimination in Higher Education	421
[1] The Rehabilitation Act of 1973	421
[2] The Americans with Disabilities Act	423
C. Admissions	424
Hypothetical Problem 6.1	425
[1] Determining Qualifications	425
<i>Halasz v. University of New England</i>	426
<i>Pushkin v. Regents of the University of Colorado</i>	433
[2] Standardized Testing and Other Evaluation	443
<i>Wynne v. Tufts University School of Medicine</i>	443
[3] Identifying and Documenting the Disability	450
<i>Nathanson v. Medical College of Pennsylvania</i>	451
D. The Enrolled Student	457
[1] Auxiliary Aids and Services	457
Hypothetical Problem 6.2	458
<i>United States v. Board of Trustees for the University of Alabama</i>	458
[2] Modifications of Requirements	466
Hypothetical Problem 6.3	466
<i>McGregor v. Louisiana State University Board of Supervisors</i>	467
<i>Guckenberger v. Boston University</i>	470
[3] Behavior and Conduct Issues	479

Hypothetical Problem 6.5	479
<i>Doe v. New York University</i>	480
[4] Obligations after Disqualification	487
Hypothetical Problem 6.6	488
<i>Anderson v. University of Wisconsin</i>	488
[5] Athletics	491
[6] Other Programming	493
[7] Confidentiality Issues	494
<i>Doe v. Southeastern University</i>	495
E. Architectural Barrier and Facility Issues	497
Hypothetical Problems 6.4	497
[1] Housing	498
<i>Coleman v. Zatechka</i>	498
[2] Other Facility Issues	506
F. Faculty Issues	507
G. Other Issues	508
[1] Direct Threat	508
[2] Technology	510
[3] Food Issues	512
H. Summary	513
Chapter 7 • Education	515
A. Introduction and Overview	515
[1] Chapter Goals	517
[2] Key Concepts and Definitions	518
Sequential Listing of Key Statutes and Supreme Court Decisions	519
B. Relationship of Discrimination Statutes to Individuals with Disabilities Education Act	521
<i>Smith v. Robinson</i>	522
C. Substantive Protections under the Individuals with Disabilities Education Act	527
[1] Appropriate Education	527
Hypothetical Problem 7.1	527
<i>Board of Education v. Rowley</i>	529
[2] Related Services	539
Hypothetical Problem 7.2	539
<i>Irving Independent School District v. Tatro</i>	540
<i>Cedar Rapids Community School District v. Garret F.</i>	544
[3] Least Restrictive Environment — Mainstreaming	549
Hypothetical Problem 7.3	549
<i>Sacramento City Unified School District v. Rachel H.</i>	550
<i>Murray v. Montrose County School District</i>	555
[4] Disciplinary Removal — Denial of Services	559
Hypothetical Problem 7.4	559

<i>Honig v. Doe</i>	560
[5] Education during Dispute Resolution	568
Hypothetical Problem 7.5	568
<i>Burlington School Committee v. Department of Education</i>	568
<i>Florence County School District Four v. Carter</i>	573
<i>Forest Grove School District v. T.A.</i>	575
D. Nondiscrimination and Reasonable Accommodation under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act	579
Hypothetical Problem 7.6	579
[1] Students Not Covered by the IDEA	580
<i>Doe v. Belleville Public School District</i>	580
[2] Substantive Application	583
<i>Pottgen v. Missouri State High School Activities Ass'n</i>	584
Hypothetical Problem 7.7	587
<i>Wolff v. South Colonie Central School District</i>	588
<i>Bechtel v. East Pennsylvania School District</i>	590
E. Section 1983 Actions and Students with Disabilities in Schools	593
Hypothetical Problem 7.8	593
<i>Manecke v. School Board</i>	594
F. Enforcement	600
G. Summary	602
Chapter 8 · Housing and Independent Living	605
A. Introduction	605
B. Overview	606
Hypothetical Problem 8.1	609
C. Discrimination	611
<i>Baxter v. City of Belleville</i>	611
D. Reasonable Accommodation	619
[1] Parking	620
<i>Shapiro v. Cadman Towers, Inc.</i>	620
[2] Accommodating Mental Illness and Substance Abuse	628
<i>City Wide Associates v. Penfield</i>	629
[3] Accommodations for Assistance or Service Animals	631
<i>Crossroads Apartments Ass'n v. LeBoo</i>	631
E. Structural Barriers	634
<i>Lincoln Realty Management Co. v. Pennsylvania Human Relations Commission</i>	635
<i>Congdon v. Strine</i>	639
F. Least Restrictive Environment and Independent Living	644
<i>Olmstead v. L.C.</i>	645
<i>Familystyle v. City of St. Paul</i>	653
<i>City of Edmonds v. Oxford House, Inc.</i>	657
<i>Oxford House-C v. City of St. Louis</i>	662

G. Enforcement	664
H. Summary	665
Chapter 9 · Health Care and Insurance	667
A. Introduction and Overview	667
[1] Chapter Goals	667
[2] Key Concepts and Definitions	668
B. Nondiscrimination in Health Care Services	671
<i>Bowen v. American Hospital Ass'n</i>	672
<i>In re Baby K</i>	682
Hypothetical Problem 9.1	689
<i>Bragdon v. Abbott</i>	691
C. Architectural Barriers, Auxiliary Aids and Services, and Reasonable Accommodation	698
Hypothetical Problem 9.2	701
<i>Aikins v. St. Helena Hospital</i>	701
<i>Mayberry v. Von Valtier</i>	709
D. Health Insurance	716
<i>John Doe and Richard Smith v. Mutual of Omaha Insurance Company</i>	717
E. Summary	729
Index	731

Table of Cases

A

- Abbott v. Bragdon, 163 F.3d 87 (1st Cir. 1998), 697
- Abdi v. Karnes, 556 F. Supp. 2d 804 (S.D. Ohio 2008), 402
- Ability Ctr. of Greater Toledo v. City of Sandusky, 385 F.3d 901 (6th Cir. 2004), 369
- ACLU-Indiana-Indiana University School of Law v. Indiana State Board of Law Examiners, 2011 WL 4387470 (D. Ind. 2011), 383
- Adair v. City of Muskogee, 823 F.3d 1297 (10th Cir. May 26, 2016), 114
- Adams v. Hansen, 632 F. Supp. 858 (N.D. Cal. 1985), 4
- Adams v. Rice, 531 F.3d 936 (D.C. Cir. 2008), 4, 57, 83
- Adiutori v. Sky Harbor Int'l Airport, 880 F. Supp. 696 (D. Ariz. 1995), 336
- Agostini v. Felton, 521 U.S. 203 (1997), 548
- Aguilar v. Felton, 473 U.S. 402 (1985), 548
- Aikins v. St. Helena Hosp., 843 F. Supp. 1329 (N.D. Cal. 1994), 701
- Albertson's, Inc. v. Kirkingburg, 119 S. Ct. 2162 (1999), 51, 70, 389
- Alexander v. Choate, 469 U.S. 287 (1985), 14, 22, 23, 24, 430, 445, 672
- Amann v. Stow Sch. Sys., 982 F.2d 644 (1st Cir. 1992), 538
- American Fed'n of Gov't Employees, Local 51 v. Baker, 677 F. Supp. 636 (N.D. Cal. 1987), 202
- Americans Disabled for Accessible Pub. Transp. etc. v. Burnley, 867 F.2d 1471 (3d Cir. 1989), 385
- Anderson v. City of Blue Ash, 798 F.3d 338 (6th Cir. 2015), 634
- Anderson v. Dep't of Pub. Welfare, 1 F. Supp. 2d 456 (E.D. Pa. 1998), 700
- Anderson v. Little League Baseball, Inc., 794 F. Supp. 342 (D. Ariz. 1992), 274
- Anderson v. Univ. of Wis., 841 F.2d 737 (7th Cir. 1988), 488
- Argenyi v. Creighton Univ., 703 F.3d 441 (8th Cir. 2013), 478
- Arizona v. Harkins Amuse. Enters., 603 F.3d 666 (9th Cir. 2010), 291
- Arline v. Sch. Bd. of Nassau Cty., 692 F. Supp. 1286 (M.D. Fla. 1988), 170
- Armstrong v. Turner Indus., 141 F.3d 554 (5th Cir. 1998), 107
- Aronson v. N. Park Coll., 94 Ill. App. 3d 211, 49 Ill. Dec. 756, 418 N.E.2d 776 (1981), 486
- Association for Retarded Citizens of Dall. v. Dall. Cty. Mental Health & Mental Retardation Center Bd. of Trs., 19 F.3d 241 (5th Cir. 1994), 643
- Ault v. Walt Disney World Co., 692 F.3d 1212 (11th Cir. 2012), 282
- Authors Guild, Inc. v. HathiTrust, 755 F.3d 87 (2d Cir. 2014), 511
- Authors Guild, Inc. v. HathiTrust, 902 F. Supp. 2d 445 (S.D.N.Y. 2012), 511

B

- Baby "K", In re, 16 F.3d 590 (4th Cir. 1994), 686

- Baby K, In re, 832 F. Supp. 1022 (E.D. Va. 1993), 682
- Baldetta v. Harborview Med. Ctr., 116 F.3d 482 (9th Cir. 1997), 183
- Baptista v. Hartford Bd. of Educ., 427 F. App'x 39 (2d Cir. 2011), 90
- Barden v. City of Sacramento, 292 F.3d 1073 (9th Cir. 2002), 307
- Barnes v. Gorman, 536 U.S. 181 (2002), 244
- Baron v. Dulinski, 928 F. Supp. 2d 38 (D.D.C. 2013), 723
- Barth v. Gelb, 2 F.3d 1180 (D.C. Cir. 1993), 179
- Bartlett v. N.Y. State Bd. of Law Exam'rs, 2001 U.S. Dist. LEXIS 11926, 2001 WL 930792 (S.D.N.Y. 2001), 51
- Bartlett v. N.Y. State Bd. of Law Exam'rs, 527 U.S. 1031 (1999), 51, 373
- Bates v. Long Island R.R., 997 F.2d 1028 (2d Cir. 1993), 210
- Bates v. UPS, 511 F.3d 974 (9th Cir. 2007), 74, 169
- Battle v. Pennsylvania, 629 F.2d 269 (3d Cir. 1980), 538
- Baughman v. Walt Disney World Co., 685 F.3d 1131 (9th Cir. 2012), 281
- Baxter v. Belleville, 720 F. Supp. 720 (N.D. Ill. 1989), 611
- Baxter v. State, 224 P.3d 1211 (Mont. 2009), 687
- Bechtel v. E. Penn Sch. Dist., No. 93-4898, 1994 U.S. Dist. LEXIS 1327 (E.D. Pa. Dec. 4, 1994), 590
- Beck v. Univ. of Wis. Bd. of Regents, 75 F.3d 1130 (7th Cir. 1996), 202
- Belle Terre v. Boraas, 416 U.S. 1 (1974), 659
- Betts v. Rector & Visitors of Univ. of Va., 967 F. Supp. 882 (W.D. Va. 1997), 490
- Binno v. The Am. Bar Ass'n, No. 12-2263, 2016 U.S. App. LEXIS 10887 (6th Cir. June 16, 2016), 375
- Bledsoe v. Palm Beach Cty. Soil & Water Conserv. Dist., 133 F.3d 816 (11th Cir. 1998), 243
- Block v. Rutherford, 468 U.S. 576 (1984), 399
- Board of Educ. v. Grumet, 512 U.S. 687 (1994), 548
- Board of Educ. v. Rowley, 458 U.S. 176 (1982), 71, 529
- Board of Trs. for Univ. of Ala., United States v., 908 F.2d 740 (11th Cir. 1990), 458
- Board of Trs. of the Univ. of Ala. v. Garrett, 531 U.S. 356 (2001), 38, 228, 243, 411
- Bonnette v. D.C. Court of Appeals, 796 F. Supp. 2d 164 (D.D.C. 2011), 375
- Boren v. Wolverine Tube, Inc., 966 F. Supp. 457 (N.D. Miss. 1997), 87
- Borkowski v. Valley Cent. Sch. Dist., 63 F.3d 131 (2d Cir. 1995), 183
- Bowen v. Am. Hosp. Asso., 476 U.S. 610 (1986), 672, 708
- Bower v. Fed. Express Corp., 96 F.3d 200 (6th Cir. 1996), 337
- Bowers v. NCAA, 118 F. Supp. 2d 494 (D.N.J. 2000), 267
- Bowers v. NCAA, 974 F. Supp. 459 (D.N.J. 1997), 426
- Bradley v. Univ. of Tex. M.D. Anderson Cancer Ctr., 3 F.3d 922 (5th Cir. 1993), 72
- Bragdon v. Abbott, 524 U.S. 624 (1998), 49, 64, 89, 100, 691
- Brandon Coats v. Dish Network, L.L.C., 350 P.3d 849 (Colo. 2015), 107
- Breece v. All. Tractor-Trailer Training II, 824 F. Supp. 576 (E.D. Va. 1993), 278
- Brooms v. Regal Tube Co., 881 F.2d 412 (7th Cir. 1989), 220
- Brown v. 1995 Tenet ParaAmerica Bicycle Challenge, 959 F. Supp. 496 (N.D. Ill. 1997), 267

- Brown v. Bd. of Educ., 347 U.S. 483 (1954), 11, 515
- Brumfield v. Cain, 576 U.S. ___, 135 S. Ct. 2269 (2015), 403
- Buben v. City of Lone Tree, 2010 U.S. Dist. LEXIS 104853, 2010 WL 3894185 (D. Colo. 2010), 401
- Buck v. Bell, 274 U.S. 200 (1927), 37, 38
- Buckhannon Bd. & Care Home v. W. Va. Dep't of Health & Human Res., 532 U.S. 598 (2001), 244
- Buhl v. Hannigan, 16 Cal. App. 4th 1612, 20 Cal. Rptr. 2d 740 (1993), 360
- Bunjer v. Edwards, 985 F. Supp. 165 (D.D.C. 1997), 4, 284
- Burch v. Coca-Cola Co., 119 F.3d 305 (5th Cir. 1997), 93
- Burger v. Bloomberg, 418 F.3d 882 (8th Cir. 2005), 688
- Bush v. Viterna, 795 F.2d 1203 (5th Cir. 1986), 405
- Butle v. BTC Foods, Inc., 2014 U.S. Dist. LEXIS 11286, 2014 WL 336649 (E.D. Pa. 2014), 58
- C**
- California Mobile Home Park Mgmt. Co., United States v., 29 F.3d 1413 (9th Cir. 1994), 628
- Campbell v. Minneapolis Pub. Hous. Auth., 175 F.R.D. 531 (D. Minn. 1997), 630
- Capital City Pub. Charter Sch. v. Gambale, 27 F. Supp. 3d 121 (D.D.C. 2014), 578
- Carey v. Piphus, 435 U.S. 247 (1978), 335
- Carney, Marriage of, v. Carney, 24 Cal. 3d 725, 598 P.2d 36, 157 Cal. Rptr. 383 (1979), 3
- Carothers v. County of Cook, 808 F.3d 1140 (7th Cir. 2015), 89
- Carparts Distrib. Ctr. v. Auto. Wholesaler's Ass'n, 37 F.3d 12 (1st Cir. 1994), 257, 258, 723
- Carper v. TWC Servs., 820 F. Supp. 2d 1339 (S.D. Fla. 2011), 84
- Carr v. Reno, 23 F.3d 525 (D.C. Cir. 1994), 145
- Caruth v. Tex. A & M Univ.-Commerce, 2013 U.S. Dist. LEXIS 35183, 2013 WL 991336 (N.D. Tex. 2013), 507
- Casas v. City of El Paso, 502 F. Supp. 2d 542 (W.D. Tex. 2007), 226
- Castellano v. City of N.Y., 142 F.3d 58 (2d Cir. 1998), 82
- Cedar Rapids Cmty. Sch. Dist. v. Garret F. by Charlene F., 526 U.S. 66 (1999), 544
- Cehrs v. Ne. Ohio Alzheimer Research Ctr., 959 F. Supp. 441 (N.D. Ohio 1997), 87
- Chabner v. United of Omaha Life Ins. Co., 225 F.3d 1042 (9th Cir. 2000), 723
- Chandler v. City of Dall., 2 F.3d 1385 (5th Cir. 1993), 74, 75, 170, 390
- Cherry Hill Tp. v. Oxford House, Inc., 263 N.J. Super. 25, 621 A.2d 952 (App. Div. 1993), 664
- Chevron U.S.A., Inc. v. Echazabal, 536 U.S. 73 (2002), 175
- Chevron, U.S.A., Inc. v. NRDC, Inc., 467 U.S. 837 (1984), 316
- Chico Dairy Co., Store No. 22 v. W. Va. Human Rights Comm'n, 382 S.E.2d 75 (1989), 66, 183
- Circuit City Stores v. Adams, 532 U.S. 105 (2001), 242
- City and County of, See Name of City and County
- City of, See Name of City
- City Wide Assoc. v. Penfield, 409 Mass. 140, 564 N.E.2d 1003 (1991), 629
- Clackamas Gastroenterology Assocs. v. Wells, 538 U.S. 440 (2003), 84
- Clark v. Va. Bd. of Bar Exam'rs, 880 F. Supp. 430 (E.D. Va. 1995), 384

- Class v. Towson Univ., 806 F.3d 236 (4th Cir. 2015), 492
- Cleburne, City of, v. Cleburne Living Ctr., 473 U.S. 432 (1985), 32, 40, 611, 653, 655, 664
- Cleveland v. Policy Mgmt. Sys. Corp., 526 U.S. 795 (1999), 229
- Clyde K. v. Puyallup Sch. Dist., No. 3, 35 F.3d 1396 (9th Cir. 1994), 567
- Coleman v. Ga. Power Co., 81 F. Supp. 2d 1365 (N.D. Ga. 2000), 68
- Coleman v. Zatechka, 824 F. Supp. 1360 (D. Neb. 1993), 498
- Collins v. Sch. Bd., 471 So. 2d 560 (Fla. Dist. Ct. App. 1985), 599
- Commonwealth ex rel., See Name of Relator**
- Community TV of S. Cal. v. Gottfried, 459 U.S. 498 (1983), 338
- Concerned Parents to Save Dreher Park Ctr. v. City of W. Palm Beach, 846 F. Supp. 986 (S.D. Fla. 1994), 351
- Congdon v. Strine, 854 F. Supp. 355 (E.D. Pa. 1994), 639
- Conroy v. N.Y. State Dep't of Corr. Servs., 333 F.3d 88 (2d Cir. 2003), 116
- Cook v. Dep't of Mental Health, Retardation, & Hosps., 10 F.3d 17 (1st Cir. 1993), 67, 161
- Cordoves v. Miami-Dade County, 104 F. Supp. 3d 1350 (S.D. Fla. 2015), 284
- Craig v. Columbia Coll. Chi., 2012 U.S. Dist. LEXIS 19039, 2012 WL 540095 (N.D. Ill. 2012), 507
- Crancer v. Bd. of Regents, 156 Mich. App. 790, 402 N.W.2d 90 (1986), 440
- Crane v. Dole, 617 F. Supp. 156 (D.D.C. 1985), 122
- Crawford v. Metro. Gov't of Nashville & Davidson Cty., 555 U.S. 271 (2009), 227, 242
- Crossroads Apts. Assoc. v. LeBoo, 152 Misc. 2d 830, 578 N.Y.S.2d 1004 (City Ct. 1991), 631
- Crowder v. Kitagawa, 81 F.3d 1480 (9th Cir. 1996), 356
- Cruzan v. Dir., Dep't of Health, 497 U.S. 261 (1990), 687
- Cullen v. Netflix, Inc., 880 F. Supp. 2d 1017 (N.D. Cal. 2012), 268, 340
- Cureton v. NCAA, 198 F.3d 107 (3d Cir. 1999), 267
- Curtis v. University of Houston, 127 F.3d 35 (5th Cir. 1997), 507
- D**
- Dalton v. Subaru-Isuzu Auto., Inc., 141 F.3d 667 (7th Cir. 1998), 211
- D'Amico v. N.Y. State Bd. of Law Examiners, 813 F. Supp. 217 (W.D.N.Y. 1993), 374
- Daniel R.R. v. State Bd. of Educ., 874 F.2d 1036 (5th Cir. 1989), 554
- Dark v. Curry County, 451 F.3d 1078 (9th Cir. 2006), 210
- Davis v. Ma, 568 F. App'x 488 (9th Cir. 2014), 283
- Davis v. Ma, 848 F. Supp. 2d 1105 (C.D. Cal. 2012), 283
- Davoll v. Webb, 943 F. Supp. 1289 (D. Colo. 1996), 160
- Days Inns of Am., United States v., 997 F. Supp. 1080 (C.D. Ill. 1998), 321
- De Long v. Brumbaugh, 703 F. Supp. 399 (W.D. Pa. 1989), 396
- Debord v. Bd. of Educ., 126 F.3d 1102 (8th Cir. 1997), 599
- Defiore v. City Rescue Mission of New Castle, 995 F. Supp. 2d 413 (W.D. Pa. 2013), 273, 284
- Dellmuth v. Muth, 491 U.S. 223 (1989), 26
- DeMarah v. Texaco Group, Inc., 88 F. Supp. 2d 1150 (D. Colo. 2000), 56
- Den Hartog v. Wasatch Acad., 129 F.3d 1076 (10th Cir. 1997), 65, 86
- Dennin v. Conn. Interscholastic Ath. Conf., 94 F.3d 96 (2d Cir. 1996), 587

- Dexler v. Tisch, 660 F. Supp. 1418 (D. Conn. 1987), 67
- DiPompo v. W. Point Mil. Acad., 770 F. Supp. 887 (S.D.N.Y. 1991), 210
- DiPompo v. W. Point Mil. Acad., 960 F.2d 326 (2d Cir. 1992), 210
- Disabled in Action of Pa. v. SEPTA, 635 F.3d 87 (3d Cir. 2011), 386
- District of Columbia v. West, 699 F. Supp. 2d 273 (D.D.C. 2010), 578
- Dobard v. S.F. Bay Area Rapid Transit Dist., No. C-92-3563-DLJ, 1993 U.S. Dist. LEXIS 13677 (N.D. Cal. Sept. 7, 1993), 707
- Doe by Lavery v. Att’y Gen. of the U.S., 34 F.3d 781 (9th Cir. 1994), 169
- Doe v. Belleville Pub. Sch. Dist., 672 F. Supp. 342 (S.D. Ill. 1987), 580
- Doe v. Jam. Hosp., 202 A.D.2d 386, 608 N.Y.S.2d 518 (2d Dep’t 1994), 697
- Doe v. Mut. of Omaha Ins. Co., 179 F.3d 557 (7th Cir. 1999), 717
- Doe v. Nat’l Bd. of Med. Exam’rs, 199 F.3d 146 (3d Cir. 1999), 449
- Doe v. N.Y. Univ., 666 F.2d 761 (2d Cir. 1981), 480
- Doe v. Region 13 Mental Health-Mental Retardation Com., 704 F.2d 1402 (5th Cir. 1983), 158
- Doe v. Se. Univ., 732 F. Supp. 7 (D.D.C. 1990), 495
- Doe v. Wash. Univ., 780 F. Supp. 628 (E.D. Mo. 1991), 441
- Doherty v. S. Coll. of Optometry, 862 F.2d 570 (6th Cir. 1988), 440, 441
- Donald B. v. Bd. of Sch. Comm’rs, 117 F.3d 1371 (11th Cir. 1997), 547
- D.R. by M.R. v. E. Brunswick Bd. of Educ., 838 F. Supp. 184 (D.N.J. 1993), 538
- Dryer v. Flower Hosp., 383 F. Supp. 2d 934 (N.D. Ohio 2005), 715
- Dubois v. Ass’n of Apt. Owners, 453 F.3d 1175 (9th Cir. 2006), 634
- Dumas v. Keebler Co., 98 F.3d 1354 (11th Cir. 1996), 202
- Duran v. Tampa, 430 F. Supp. 75 (M.D. Fla. 1977), 3
- Dutton v. Johnson Cty. Bd. of Cty. Comm’rs, 859 F. Supp. 498 (D. Kan. 1994), 87

E

- Easley by Easley v. Snider, 36 F.3d 297 (3d Cir. 1994), 663
- Edmonds, City of, v. Oxford House, Inc., 514 U.S. 725 (1995), 657
- EEOC v. AIC Sec. Investigation, 820 F. Supp. 1060 (N.D. Ill. 1993), 124
- EEOC v. Amego, Inc., 110 F.3d 135 (1st Cir. 1997), 169
- EEOC v. Ford Motor Co., 782 F.3d 753 (6th Cir. 2015), 155
- EEOC v. Res. for Human Dev., Inc., 827 F. Supp. 2d 688 (E.D. La. 2011), 68
- EEOC v. Rexnord Indus., 966 F. Supp. 2d 829 (E.D. Wis. 2013), 173
- EEOC v. Waffle House, Inc., 534 U.S. 279 (2002), 242
- Ekstrand v. Sch. Dist. of Somerset, 603 F. Supp. 2d 1196 (W.D. Wis. 2009), 219
- Elliott v. Sherwood Manor Mobile Home Park, 947 F. Supp. 1574 (M.D. Fla. 1996), 4
- Emery v. Caravan of Dreams, 879 F. Supp. 640 (N.D. Tex. 1995), 322
- Enyart v. Nat’l Conf. of Bar Exam’rs, Inc., Inc., 630 F.3d 1153 (9th Cir. 2011), 374
- Epstein v. Calvin-Miller Int’l, 100 F. Supp. 2d 222 (S.D.N.Y. 2000), 59
- Equal Rights Ctr. v. Niles Bolton Assocs., 602 F.3d 597 (4th Cir. 2010), 644
- Estate of, See Name of Deceased
- Euclid v. Ambler Realty Co., 272 U.S. 365 (1926), 659

- Evans v. Laurel Links, Inc., 261 F. Supp. 474 (E.D. Va. 1966), 263
- F**
- Fahey v. City of N.Y., 2012 U.S. Dist. LEXIS 15104, 2012 WL 413990 (E.D.N.Y. 2012), 74
- Fair Hous. Bd., Commonwealth ex rel., v. Windsor Plaza Condo. Ass'n, 289 Va. 34, 768 S.E.2d 79 (2014), 628
- Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt., 778 F. Supp. 2d 1028 (D.N.D. 2011), 633
- Falchenberg v. N.Y. State Dep't of Educ., 338 F. App'x 11 (2d Cir. 2009), 160
- Falchenberg v. N.Y. State Dep't of Educ., 642 F. Supp. 2d 156 (S.D.N.Y. 2008), 160
- Familystyle of St. Paul, Inc. v. St. Paul, 923 F.2d 91 (8th Cir. 1991), 653
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998), 221
- Fedro v. Reno, 21 F.3d 1391 (7th Cir. 1994), 210
- Fehr v. McLean Packaging Corp., 860 F. Supp. 198 (E.D. Pa. 1994), 227
- Feist v. Louisiana, 730 F.3d 450 (5th Cir. 2013), 202
- Felde v. City of San Jose, 839 F. Supp. 708 (N.D. Cal. 1994), 140
- Ferrari v. Ford Motor Co., 96 F. Supp. 3d 668 (E.D. Mich. 2015), 84
- Fiedler v. Am. Multi-Cinema, 871 F. Supp. 35 (D.D.C. 1994), 295
- Fields v. Lyng, 705 F. Supp. 1134 (D. Md. 1988), 62
- Fisher v. District of Columbia, 828 F. Supp. 87 (D.D.C. 1993), 574
- Fitch v. Ky. State Police, 2010 U.S. Dist. LEXIS 120013, 2010 WL 4670440 (E.D. Ky. 2010), 402
- Fitzgerald v. Corr. Corp. of Am., 403 F.3d 1134 (10th Cir. 2005), 688
- Fleming v. N.Y. Univ., 865 F.2d 478 (2d Cir. 1989), 505
- Florence Cty. Sch. Dist. Four v. Carter, 510 U.S. 7 (1993), 573, 576
- Florida Bd. of Bar Exam'rs Re S.G., 707 So. 2d 323 (Fla. 1998), 374
- Flynn v. Raytheon Co., 868 F. Supp. 383 (D. Mass. 1994), 227
- Foote v. Folks, Inc., 864 F. Supp. 1327 (N.D. Ga. 1994), 82, 83
- Ford v. Schering-Plough Corp., 145 F.3d 601 (3d Cir. 1998), 82
- Forest Grove Sch. Dist. v. T.A., 557 U.S. 230 (2009), 575
- Fortkamp v. City of Celina, No. 2016 U.S. Dist. LEXIS 11613, 2016 WL 375075 (N.D. Ohio Feb. 1, 2016), 84
- Frame v. City of Arlington, 657 F.3d 215 (5th Cir. 2011), 307
- Frank S. v. Sch. Comm., 26 F. Supp. 2d 219 (D. Mass. 1998), 538
- French v. Omaha Pub. Sch., 766 F. Supp. 765 (D. Neb. 1991), 554
- Frix v. Fla. Tile Indus., 970 F. Supp. 1027 (N.D. Ga. 1997), 89
- Fry v. Napoleon Cmty. Schs., 788 F.3d 622 (6th Cir. 2015), 284
- Furnish v. Svi Sys., 270 F.3d 445 (7th Cir. 2001), 60
- Furtado v. Law, 51 So. 3d 1269 (Fla. 4th DCA 2011), 402
- G**
- Gallagher v. Catto, 778 F. Supp. 570 (D.D.C. 1991), 98
- Galloway v. Superior Court of Dist. of Columbia, 816 F. Supp. 12 (D.D.C. 1993), 392
- Gambone Bros. Dev. Co., United States v., 2008 U.S. Dist. LEXIS 73503, 2008 WL 4410093 (E.D. Pa. 2008), 644
- Gardner v. Morris, 752 F.2d 1271 (8th Cir. 1985), 204
- Gates v. Rowland, 39 F.3d 1439 (9th Cir. 1994), 403
- Gaul v. Lucent Techs., 134 F.3d 576 (3d Cir. 1998), 159

- Gaus v. Norfolk Southern Ry. Co., 2011 U.S. Dist. LEXIS 111089, 2011 WL 4527359 (W.D. Pa. Sept. 28, 2011), 58
- Georgia State Conf. of Branches of NAACP v. Georgia, 775 F.2d 1403 (11th Cir. 1985), 593
- Georgia, United States v., 546 U.S. 151 (2006), 228, 362, 413
- Gibbs v. Ads All. Data Sys., 2011 U.S. Dist. LEXIS 82540 (D. Kan. July 28, 2011), 56
- Gilstrap v. United Air Lines, Inc., 709 F.3d 995 (9th Cir. 2013), 247, 343
- Gonzales v. Oregon, 126 S. Ct. 904, 163 L. Ed. 2d 748 (2006), 688
- Greater Hous. Transp. Co. v. Zrubeck, 850 S.W.2d 579 (Tex. Ct. App. 1993), 387
- Greater L.A. Council on Deafness, Inc., 827 F.2d 1353, 704
- Greer v. Rome City School Dist., 950 F.2d 688, 554
- Gregory v. Ashcroft, 501 U.S. 452 (1991), 398
- Greider v. Shawnee Mission Unified Sch. Dist., 710 F. Supp. 296 (D. Kan. 1989), 599
- Grenier v. Cyanamid Plastics, Inc., 70 F.3d 667 (1st Cir. 1995), 123
- Grove City Coll. v. Bell, 465 U.S. 555 (1984), 81
- Guardians Ass'n v. Civil Serv. Comm'n, 463 U.S. 582 (1983), 15
- Guckenberger v. Bos. Univ., 8 F. Supp. 2d 82 (D. Mass. 1998), 470
- Guckenberger v. Bos. Univ., 974 F. Supp. 106 (D. Mass. 1997), 456, 470, 471, 472, 473, 475
- Guice-Mills v. Derwinski, 967 F.2d 794 (2d Cir. 1992), 147
- Gupton v. Virginia, 14 F.3d 203 (4th Cir. 1994), 198
- Gurmankin v. Costanzo, 411 F. Supp. 982 (E.D. Pa. 1976), 3
- Gurmankin v. Costanzo, 556 F.2d 184 (3d Cir. 1977), 3
- H**
- Hairston v. Drosick, 423 F. Supp. 180 (S.D.W. Va. 1976), 3
- Halasz v. Univ. of New Eng., 816 F. Supp. 37 (D. Me. 1993), 426
- Hall v. Florida, 134 S. Ct. 1986 (2014), 403
- Harding v. City of Toledo, 433 F. Supp. 2d 867 (N.D. Ohio 2006), 657
- Harmer v. Va. Elec. & Power Co., 831 F. Supp. 1300 (E.D. Va. 1993), 198, 328
- Hartman v. City of Petaluma, 841 F. Supp. 946 (N.D. Cal. 1994), 227
- Helen L. v. DiDario, 46 F.3d 325 (3d Cir. 1995), 23, 663
- Heller v. Doe, 509 U.S. 312 (1993), 39
- Hernandez v. Hughes Missile Sys. Co., 362 F.3d 564 (9th Cir. 2004), 138
- Hobart v. City of Stafford, 784 F. Supp. 2d 732 (S.D. Tex. 2011), 402
- Hodgdon v. Mount Mansfield Co., 160 Vt. 150, 624 A.2d 1122 (1992), 66
- Hoffman Estates v. Flipside, Hoffman Estates, 455 U.S. 489 (1982), 309
- Hoffman v. Carefirst of Fort Wayne, Inc., 737 F. Supp. 2d 976 (N.D. Ind. 2010), 56, 156
- Holt v. Grand Lake Mental Health Ctr., Inc., 443 F.3d 762 (10th Cir. 2006), 60
- Honig v. Doe, 484 U.S. 305 (1988), 560
- Horgan v. Simmons, 704 F. Supp. 2d 814 (N.D. Ill. 2010), 49, 56, 61, 65, 90
- Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC, 132 S. Ct. 694 (2012), 85
- Housel v. Rochester Inst. of Tech., 6 F. Supp. 3d 294 (W.D.N.Y. 2014), 507

- Howell v. Michelin Tire Corp., 860 F. Supp. 1488 (M.D. Ala. 1994), 210
- Hubbard v. Samson Mgmt. Corp., 994 F. Supp. 187 (S.D.N.Y. 1998), 628
- Huber v. Wal-Mart Stores, Inc., 486 F.3d 480 (8th Cir. 2007), 211
- Huffman v. Ace Elec. Co., No. 94-2030-KHV, 1994 U.S. Dist. LEXIS 15165 (D. Kan. Aug. 29, 1994), 87
- Humphrey v. Mem'l Hosps., 239 F.3d 1128 (9th Cir. 2001), 99, 149, 215, 220
- Hwang v. Kansas State University, 2014 WL 2212071 (10th Cir. May 29, 2014), 234
- I**
- In re, See Name of Party**
- Independent Hous. Servs. v. Fillmore Ctr. Assocs., 840 F. Supp. 1328 (N.D. Cal. 1993), 662
- Innes v. Bd. of Regents of the Univ. Sys. of Md., 29 F. Supp. 3d 566 (D. Md. 2014), 512
- Intermountain Fair Hous. Council v. CVE Falls Park, L.L.C., 2011 U.S. Dist. LEXIS 79144, 2011 WL 2945824 (D. Idaho 2011), 633
- Irving Indep. Sch. Dist. v. Tatro, 468 U.S. 883 (1984), 540, 545, 672
- Iverson v. City of Bos., 452 F.3d 94 (1st Cir. 2006), 369
- J**
- Jackson v. Inhabitants of Sanford, No. 94-12-P-H, 1994 U.S. Dist. LEXIS 15367 (1994), 401
- Jackson v. Veterans Admin., 22 F.3d 277 (11th Cir. 1994), 72, 147
- James v. James Marine, Inc., 805 F. Supp. 2d 340 (W.D. Ky. 2011), 173
- Jankowski Lee & Assocs. v. Cisneros, 91 F.3d 891 (7th Cir. 1996), 628
- Jansen v. Food Circus Supermarkets, Inc., 110 N.J. 363, 541 A.2d 682 (1988), 173
- Johnson v. Cleveland City Sch. Dist., 2010 U.S. Dist. LEXIS 10229 (N.D. Ohio 2010), 160
- Johnson v. Cleveland City Sch. Dist., 443 F. App'x 974 (6th Cir. 2011), 160
- Johnson v. Dep't of Pub. Safety & Corr., 636 So. 2d 644 (La. Ct. App. 1994), 388
- Johnson v. Gambrinus Company/Spoetzel Brewery, 116 F.3d 1052 (5th Cir. 1997), 283
- Johnston v. Morrison, Inc., 849 F. Supp. 777 (M.D. Ala. 1994), 156
- Jones v. Nat'l Conf. of Bar Exam'rs, 801 F. Supp. 2d 270 (D. Vt. 2011), 375
- Justice v. Crown Cork & Seal Co., 527 F.3d 1080 (10th Cir. 2008), 170
- K**
- Kalani v. Castle Vill., 14 F. Supp. 3d 1359 (E.D. Cal. 2014), 273
- Kapche v. City of San Antonio, 304 F.3d 493 (5th Cir. 2002), 74
- Karbusicky v. City of Park Ridge, 950 F. Supp. 878 (N.D. Ill. 1997), 72, 161
- Karraker v. Rent-A-Center, Inc., 411 F.3d 831 (7th Cir. 2005), 106
- Kees v. Wallenstein, 973 F. Supp. 1191 (W.D. Wash. 1997), 72, 161
- Kenna Homes Coop., In re, 210 W. Va. 380, 557 S.E.2d 787 (2001), 634
- Kennedy v. England, 2006 U.S. Dist. LEXIS 24580, 2006 WL 1129405 (D.S.C. 2006), 56
- King v. Burwell, 135 S. Ct. 2480 (2015), 689
- Kinney v. Century Servs. Corp. II, 2011 U.S. Dist. LEXIS 87996, 2011 WL 3476569 (S.D. Ind. Aug. 9, 2011), 56
- Kinney v. Yerusalam, 9 F.3d 1067 (3d Cir. 1993), 301
- Kirkpatrick v. Dep't of Educ. of Com. of Pa., 7 ADD. 399 (E.D. Pa. 1994), 160

- Klute v. Shinseki, 840 F. Supp. 2d 209 (D.D.C. 2012), 56
- Knapp v. Nw. Univ., 101 F.3d 473 (7th Cir. 1996), 492
- Koessel v. Sublette Cty. Sheriff's Dep't, 717 F.3d 736 (10th Cir. 2013), 72
- Kroll v. White Lake Ambul. Auth., 691 F.3d 809 (6th Cir. 2012), 106
- Kroll v. White Lake Ambul. Auth., 763 F.3d 619 (6th Cir. 2014), 106
- Kuehl v. Wal-Mart Stores, 909 F. Supp. 794 (D. Colo. 1995), 162
- Kupferschmidt v. Runyon, 827 F. Supp. 570 (E.D. Wis. 1993), 74, 174
- L**
- La Crosse Police & Fire Comm'n v. Labor & Indus. Review Comm'n, 139 Wis. 2d 740, 407 N.W.2d 510 (1987), 113
- Labenski v. Goldberg, 678 A.2d 496 (Conn. App. Ct. 1996), 388
- Lales v. Wholesale Motors Co., 328 P.3d 341 (Haw. 2014), 82
- Lamke v. Sunstate Equip. Co., 387 F. Supp. 2d 1044 (N.D. Cal. 2004), 99
- Landgraf v. USI Film Prods., 511 U.S. 244 (1994), 61, 422
- Lane v. Pena, 518 U.S. 187 (1996), 240
- Larkin v. Mich. Dep't of Soc. Servs., 89 F.3d 285 (6th Cir. 1996), 657
- Larkins v. CIBA Vision Corp., 858 F. Supp. 1572 (N.D. Ga. 1994), 159
- Larry P. v. Riles, 495 F. Supp. 926 (N.D. Cal. 1979), 592
- Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1984), 592
- Lawson v. CSX Transp., Inc., 245 F.3d 916 (7th Cir. 2001), 172
- Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), 243
- Lentini v. Cal. Ctr. for the Arts, 370 F.3d 837 (9th Cir. 2004), 282
- Leonel v. Am. Airlines, Inc., 400 F.3d 702 (9th Cir. 2005), 109
- Lesley v. Chie, 250 F.3d 47 (1st Cir. 2001), 698
- Lewis v. Humboldt Acq. Corp., 681 F.3d 312 (6th Cir. 2012), 97, 134
- Lightbourn v. County of El Paso, 118 F.3d 421 (5th Cir. 1997), 404
- Lillback v. Metro. Life Ins. Co., 640 N.E.2d 250 (Ohio Ct. App. 1994), 210
- Lincoln Realty Mgmt. Co. v. Pa. Human Relations Com., 143 Pa. Commw. 54, 598 A.2d 594 (1991), 635
- Little v. FBI, 1 F.3d 255 (4th Cir. 1993), 96
- Littleton v. Wal-Mart Stores, 231 F. App'x 874 (11th Cir. 2007), 4, 60
- Lonberg v. City of Riverside, 571 F.3d 846 (9th Cir. 2009), 369
- Long v. Coast Resorts, Inc., 49 F. Supp. 2d 1177 (D. Nev. 1999), 300
- Lopez v. Hous. Indep. Sch. Dist., 817 F.2d 351 (5th Cir. 1987), 600
- Los Angeles v. Lyons, 461 U.S. 95 (1983), 703
- Lousiana Acorn Fair Hous. Org. v. Jaffe, 2000 U.S. Dist. LEXIS 13224, 2000 WL 1277599 (E.D. La. 2000), 643
- Lowe v. Am. Eurocopter, L.L.C., 2010 U.S. Dist. LEXIS 133343, 2010 WL 5232523 (N.D. Miss. 2010), 68
- Lucas v. S.C. Coastal Council, 112 S. Ct. 2886 (1992), 313
- Lussier v. Runyon, No. CIVIL NO. 92-397-P-H, 1994 U.S. Dist. LEXIS 4668 (D. Me. Mar. 1, 1994), 74
- Lyons v. Legal Aid Soc'y, 68 F.3d 1512 (2d Cir. 1995), 199
- M**
- Maczaczj v. New York, 956 F. Supp. 403 (W.D.N.Y. 1997), 487
- Maddox v. Univ. of Tenn., 62 F.3d 843 (6th Cir. 1995), 93, 227
- Malabarba v. Chi. Tribune Co., 149 F.3d 690 (7th Cir. 1998), 211

- Manecke v. Sch. Bd., 762 F.2d 912 (11th Cir. 1985), 594
- Mannie v. Potter, 394 F.3d 977 (7th Cir. 2005), 220
- Marino v. U.S. Postal Serv., 25 F.3d 1037 (1st Cir. 1994), 74
- Marriage of, See Name of Party
- Mason v. Avaya Communs., Inc., 357 F.3d 1114 (10th Cir. 2004), 148
- Matthews v. NCAA, 79 F. Supp. 2d 1199 (E.D. Wash. 1999), 267
- Mauro, Estate of, by & Through Mauro v. Borgess Med. Ctr., 137 F.3d 398 (6th Cir. 1998), 163
- Mayberry v. Von Valtier, 843 F. Supp. 1160 (E.D. Mich. 1994), 709
- Mazzarella v. U.S. Postal Serv., 849 F. Supp. 89 (D. Mass. 1994), 74, 174
- Mazzeo v. Color Resolutions Int'l, 746 F.3d 1264 (11th Cir. 2014), 114
- McClain v. Smith, 793 F. Supp. 756 (E.D. Tenn. 1989), 574
- McDaniel v. Miss. Baptist Med. Ctr., 869 F. Supp. 445 (S.D. Miss. 1994), 97, 227
- McDavid v. Arthur, 437 F. Supp. 2d 425 (D. Md. 2006), 291
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), 133, 136
- McGregor v. La. State Univ. Bd. of Supervisors, 3 F.3d 850 (5th Cir. 1993), 467
- McKnight v. GMC, No. 07-1479, 2008 U.S. App. LEXIS 24373 (6th Cir. Dec. 4, 2008), 82
- McMillan v. City of N.Y., 711 F.3d 120 (2d Cir. 2013), 72
- McPherson v. Mich. High Sch. Ath. Ass'n, 119 F.3d 453 (6th Cir. 1997), 586
- Meadowland Apts. v. Schumacher, 813 N.W.2d 618 (S.D. 2012), 634
- Medical Soc'y of N.J. v. Jacobs, 1993 U.S. Dist. LEXIS 14294 (1993), 376
- Medical Soc'y of N.J. v. Jacobs, 1994 U.S. Dist. LEXIS 15261 (1994), 378
- Mendoza v. City of Palacios, 962 F. Supp. 2d 868 (S.D. Tex. 2013), 58
- Mengine v. Runyon, 114 F.3d 415 (3d Cir. 1997), 211
- Millay v. Me. DOL, 762 F.3d 152 (1st Cir. 2014), 291
- Miller v. Spicer, 822 F. Supp. 158 (D. Del. 1993), 698
- Mills v. Bd. of Educ., 348 F. Supp. 866 (D.D.C. 1972), 11, 515, 565
- Minnihan v. Mediacom Communs. Corp., 779 F.3d 803 (8th Cir. 2015), 162
- Minnihan v. Mediacom Communs. Corp., 987 F. Supp. 2d 918 (S.D. Iowa 2013), 162
- Molski v. Evergreen Dynasty Corp., 500 F.3d 1047 (9th Cir. 2007), 342
- Montgomery, United States v., 980 F.2d 388 (6th Cir. 1992), 586
- Moore v. Comput. Assocs., 653 F. Supp. 2d 955 (D. Ariz. 2009), 160
- Moore v. E. Cleveland, 431 U.S. 494 (1977), 660
- Morgan v. Joint Admin. Bd., 268 F.3d 456 (7th Cir. 2001), 82
- Morris v. Brandenburg, 356 P.3d 564 (N.M. Ct. App. 2015), 687
- Morriss v. BNSF Ry., 817 F.3d 1104 (8th Cir. 2016), 68
- Murphy v. Ups, 119 S. Ct. 2133 (1999), 51
- Murray v. Montrose Cty. Sch. Dist. RE-1J, 51 F.3d 921 (10th Cir. 1995), 555

N

- Nathanson v. Med. Coll. of Pa., 926 F.2d 1368 (3d Cir. 1991), 451
- National Ass'n of the Deaf v. Netflix, Inc., 869 F. Supp. 2d 196 (D. Mass. 2012), 340, 511

National Coal. for Students with Disabilities Educ. & Legal Def. Fund v. Allen, 152 F.3d 283 (4th Cir. 1998), 409

National Fed'n of Indep. Bus. v. Sebelius, 132 S. Ct. 2566 (2012), 689

National Fed'n of the Blind of Cal. v. Uber Techs., Inc., 103 F. Supp. 3d 1073 (N.D. Cal. 2015), 273, 391

National Fed'n of the Blind v. Lamone, 813 F.3d 494 (4th Cir. 2016), 409

National Fed'n of the Blind v. Target Corp., 582 F. Supp. 2d 1185 (N.D. Cal. 2007), 340

Nedder v. Rivier Coll., 972 F. Supp. 81 (D.N.H. 1997), 508

Newberry v. E. Tex. State Univ., 161 F.3d 276 (5th Cir. 1998), 507

Norman-Bloodsaw v. Lawrence Berkeley Lab., 135 F.3d 1260 (9th Cir. 1998), 114

Nurridin v. Bolden, 818 F.3d 751 (D.C. Cir. 2016), 89

O

O'Connor v. Scottsdale Healthcare Corp., 582 F. App'x 695 (9th Cir. 2014), 283

Oberti v. Board of Educ., 995 F.2d 1204, 554

Oconomowoc Residential Programs, Inc. v. City of Milwaukee, 300 F.3d 775 (7th Cir. 2002), 657

Ohio Civil Rights Comm'n v. Case W. Reserve Univ., 76 Ohio St. 3d 168, 666 N.E.2d 1376 (1996), 439

Olim v. Wakinekona, 461 U.S. 238 (1983), 399

Oliveras-Sifre v. P.R. Dep't of Health, 214 F.3d 23 (1st Cir. 2000), 65

Olmstead v. L.C. by Zimring, 527 U.S. 581 (1999), 645

Oxford House-C v. City of St. Louis, 77 F.3d 249 (8th Cir. 1996), 662

P

Pacific Shores Props., L.L.C. v. City of Newport Beach, 730 F.3d 1142 (9th Cir. 2013), 664

Pahulu v. Univ. of Kan., 897 F. Supp. 1387 (D. Kan. 1995), 492

Palmer Coll. of Chiropractic v. Davenport Civ. Rights Comm'n, 850 N.W.2d 326 (Iowa 2014), 442, 478

Palmieri v. City of Hartford, 947 F. Supp. 2d 187 (D. Conn. 2013), 114

Pandazides v. Va. Bd. of Educ., 752 F. Supp. 696 (E.D. Va. 1990), 159

Pandazides v. Va. Bd. of Educ., 804 F. Supp. 794 (E.D. Va. 1992), 71

Pandazides v. Va. Bd. of Educ., 946 F.2d 345 (4th Cir. 1991), 160

Paralyzed Veterans of Am. v. Ellerbe Becket Architects & Eng'rs, P.C., 945 F. Supp. 1 (D.D.C. 1996), 315

Parents in Action on Special Educ. v. Hannon, 506 F. Supp. 831 (N.D. Ill. 1980), 592

Parker v. Metro. Life Ins. Co., 121 F.3d 1006 (6th Cir. 1997), 254

Partlow v. Runyon, 826 F. Supp. 40 (D.N.H. 1993), 89

Paxton v. State Dep't of Tax & Revenue, 192 W. Va. 213, 451 S.E.2d 779 (1994), 315

Pennhurst State Sch. & Hosp. v. Halderman, 451 U.S. 1 (1981), 13, 644

Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89 (1984), 644

Pennsylvania Ass'n for Retarded Children v. Pennsylvania, 343 F. Supp. 279 (E.D. Pa. 1972), 515, 565

Pennsylvania Asso. for Retarded Children v. Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971), 11, 515

Pennsylvania Dep't of Corrs. v. Yeskey, 524 U.S. 206 (1998), 307, 397, 402

Perez v. Phila. Hous. Auth., 677 F. Supp. 357 (E.D. Pa. 1987), 202

- Perino v. St. Vincent's Med. Center, 132 Misc. 2d 20, 502 N.Y.S.2d 921 (Sup. Ct. 1986), 282
- Peyton v. Otis Elevator Co., 72 F. Supp. 2d 915 (N.D. Ill. 1999), 98
- PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001), 260
- Pinnock v. Int'l House of Pancakes Franchisee, 844 F. Supp. 574 (S.D. Cal. 1993), 308
- Poff v. Caro, 228 N.J. Super. 370, 549 A.2d 900 (1987), 618
- Poff v. Rockford Pub. Sch. Dist. # 205, No. 06 C 50135, 2009 U.S. Dist. LEXIS 16217 (N.D. Ill. Feb. 25, 2009), 159
- Pottgen v. Mo. State High Sch. Activities Ass'n, 40 F.3d 926 (8th Cir. 1994), 584
- Price v. Nat'l Bd. of Med. Exam'rs, 966 F. Supp. 419 (S.D.W. Va. 1997), 449, 456
- Pushkin v. Regents of Univ. of Colo., 658 F.2d 1372 (10th Cir. 1981), 433
- Q**
- Quaker Hill Place v. Saville, 523 A.2d 947 (Del. Super. Ct. 1987), 630
- Quiles-Quiles v. Henderson, 439 F.3d 1 (1st Cir. 2006), 222
- R**
- Raytheon Co. v. Hernandez, 540 U.S. 44 (2003), 93, 134
- Rednour v. Wayne Twp., 51 F. Supp. 3d 799 (S.D. Ind. 2014), 173
- Regan v. Faurecia Auto. Seating, Inc., 679 F.3d 475 (6th Cir. 2012), 202
- Reyazuddin v. Montgomery County, 789 F.3d 407 (4th Cir. 2015), 242
- Rezza v. U.S. Dep't of Justice, 698 F. Supp. 586 (E.D. Pa. 1988), 62
- Ricci v. DeStefano, 557 U.S. 557 (2009), 104
- Riedel v. Bd. of Regents for the State of Kan., 1993 U.S. Dist. LEXIS 17262 (D. Kan. 1993), 491
- Rivera v. Delta Air Lines, Inc., 1997 U.S. Dist. LEXIS 14989 (E.D. Pa. 1997), 337
- Rizzo v. Children's World Learning Ctrs., Inc., 213 F.3d 209 (5th Cir. 2000), 170
- Roberts v. KinderCare Learning Ctrs., 896 F. Supp. 921 (D. Minn. 1995), 287
- Rodriguez v. HSBC Bank USA, N.A., No. 8:14-cv-945- T-30TGW, 2015 U.S. Dist. LEXIS 157,883 (M.D. Fla. Nov. 23 2015), 90
- Roe v. Cheyenne Mt. Conf. Resort, 124 F.3d 1221 (10th Cir. 1997), 120
- Roe v. District of Columbia, 842 F. Supp. 563 (D.D.C. 1993), 170
- Rohan v. Networks Presentations L.L.C., 375 F.3d 266 (4th Cir. 2004), 87
- Rohr v. Salt River Project Agric. Improvement & Power Dist., No. 06-16527, 2009 U.S. App. LEXIS 2856 (9th Cir. Feb. 13, 2009), 156
- Roman-Oliveras v. P.R. Elec. Power Auth., 655 F.3d 43 (1st Cir. 2011), 82
- Roncker on behalf of Roncker, 700 F.2d 1058 (6th Cir. 1993), 554
- Rooney v. Koch Air, L.L.C., 410 F.3d 376 (7th Cir. 2005), 220
- Ross v. Beaumont Hosp., 687 F. Supp. 1115 (E.D. Mich. 1988), 174
- Rothman v. Emory Univ., 123 F.3d 446 (7th Cir. 1997), 496
- R.P. ex rel. C.P. v. Prescott Unified Sch. Dist., 631 F.3d 1117 (9th Cir. 2011), 578
- Rubenstein, In re, 637 A.2d 1131 (Del. 1994), 374
- Runnion v. Girl Scouts of Greater Chi. & Nw. Ind., 786 F.3d 510 (7th Cir. 2015), 292

- Russell v. Salve Regina Coll., 890 F.2d 484 (1st Cir. 1989), 441
- Russman by Russman v. Sobol, 85 F.3d 1050 (2d Cir. 1996), 548
- S
- Sacks v. Gandhi Eng'g, Inc., 999 F. Supp. 2d 629 (S.D.N.Y. 2014), 58
- Sacramento City Unified Sch. Dist., Bd. of Educ. v. Rachel H., 14 F.3d 1398 (9th Cir. 1994), 550, 554
- Sak v. City of Aurelia, 832 F. Supp. 2d 1026 (N.D. Iowa 2011), 283
- Samper v. Providence St. Vincent Med. Ctr., 675 F.3d 1233 (9th Cir. 2012), 155
- San Francisco, City & County of, v. Sheehan, 135 S. Ct. 1765 (2015), 402
- Sanders v. City of Minneapolis, 474 F.3d 523 (8th Cir. 2007), 401
- Sandison v. Mich. High Sch. Athletic Ass'n, 64 F.3d 1026 (6th Cir. 1995), 586
- Sawczyn v. BMO Harris Bank Nat'l Ass'n, 8 F. Supp. 3d 1108 (D. Minn. 2014), 273
- Schaffer v. Weast, 546 U.S. 49 (2005), 539, 602
- Schiavo v. Schiavo, 403 F.3d 1289 (11th Cir. 2005), 688
- School Bd. of Nassau Cty. v. Arline, 480 U.S. 273 (1987), 64, 73, 170, 281, 615, 692
- School Comm. of Burlington v. Dep't of Educ., 471 U.S. 359 (1985), 568
- Schultz v. Spraylat Corp., 866 F. Supp. 1535 (C.D. Cal. 1994), 87
- Scozzari v. City of Clare, 723 F. Supp. 2d 974 (E.D. Mich. 2010), 401
- Scruggs v. Pulaski County, 817 F.3d 1087 (8th Cir. 2016), 114
- Seals v. Loftis, 614 F. Supp. 302 (E.D. Tenn. 1985), 574
- Shanrie Co., United States v., 610 F. Supp. 2d 958 (S.D. Ill. 2009), 644
- Shapiro v. Cadman Towers, Inc., 844 F. Supp. 116 (E.D.N.Y. 1994), 620
- Shinabargar v. Bd. of Trs. of Univ. of Dist. of Columbia, 2016 WL 393180 (D.D.C. 2016), 487
- Shirey v. Devine, 670 F.2d 1188 (D.C. Cir. 1982), 393
- Shirley v. Precision Castparts Corp., 726 F.3d 675 (5th Cir. 2013), 98
- Shurb v. Univ. of Tex. Health Sci. Ctr., 63 F. Supp. 3d 700 (S.D. Tex. 2014), 486
- Silk v. Bd. of Trs., 795 F.3d 698 (7th Cir. 2015), 507
- Simon v. St. Louis County, 563 F. Supp. 76 (E.D. Mo. 1983), 160
- Simon v. St. Louis County, 735 F.2d 1082 (8th Cir. 1984), 72
- Singh v. George Wash. Univ., 368 F. Supp. 2d 58 (D.D.C. 2005), 491
- Sirva Relocation, L.L.C. v. Richie, 794 F.3d 185 (1st Cir. 2015), 723
- Sizemore v. Dep't of Rehab. & Corr., 63 Ohio Misc. 2d 319, 629 N.E.2d 1096 (1992), 98
- Smith v. Midland Brake, 138 F.3d 1304 (10th Cir. 1998), 210
- Smith v. Midland Brake, Inc., 180 F.3d 1154 (10th Cir. 1999), 210
- Smith v. Perkins Bd. of Educ., 2012 U.S. Dist. LEXIS 4039, 2012 WL 112606 (N.D. Ohio 2012), 160
- Smith v. Perkins Bd. of Educ., 708 F.3d 821 (6th Cir. 2013), 160
- Smith v. Robinson, 468 U.S. 992 (1984), 26, 522, 580, 592, 596
- Smith, State v., 124 Idaho 567, 862 P.2d 1080 (1993), 341
- Snowden v. Birmingham-Jefferson County Transit Auth., 551 F.2d 862 (5th Cir. 1977), 387

- Snowden v. Birmingham-Jefferson Cty. Transit Auth., 407 F. Supp. 394 (N.D. Ala. 1975), 387
- Soone v. Kyo-Ya Co., 353 F. Supp. 2d 1107 (D. Haw. 2005), 211
- Southeastern Cmty. Coll. v. Davis, 442 U.S. 397 (1979), 17, 24, 69, 280, 311, 325
- Spector v. Norwegian Cruise Line Ltd., 545 U.S. 119 (2005), 268
- Spiegel v. Schulmann, 604 F.3d 72 (2d Cir. 2010), 82
- Staron v. McDonald's Corp., 51 F.3d 353 (2d Cir. 1995), 326
- State Div. of Human Rights ex rel. McDermott v. Xerox Corp., 65 N.Y.2d 213, 480 N.E.2d 695 (1985), 3
- State v., See Name of Defendant
- Stebbins v. Univ. of Ark., 2012 U.S. Dist. LEXIS 182620, 2012 WL 6737743 (W.D. Ark. 2013), 486, 510
- Steere v. George Wash. Univ., 368 F. Supp. 2d 52 (D.D.C. 2005), 491
- Stolmeier v. Yellow Freight Sys., 64 Empl. Prac. Dec. (CCH) ¶ 42,597 (D. Or. 1994), 202
- Stoutenborough v. Nat'l Football League, 59 F.3d 580 (6th Cir.), 256, 258
- Strathie v. DOT, 716 F.2d 227 (3d Cir. 1983), 389
- Stutts v. Freeman, 694 F.2d 666 (11th Cir. 1983), 103
- Summers v. Altarum Inst., 740 F.3d 325 (4th Cir. 2014), 55
- Sutton v. United Air Lines, 527 U.S. 471 (1999), 50, 51
- Swanson v. Univ. of Cincinnati, 268 F.3d 307 (6th Cir. 2001), 449
- Swartz v. Huffmaster Alarms Sys., Inc., 145 Mich. App. 431, 377 N.W.2d 393 (1985), 341
- T**
- Tadder v. Bd. of Regents, 15 F. Supp. 3d 868 (W.D. Wis. 2014), 173
- Tallarico v. TWA, 881 F.2d 566 (8th Cir. 1989), 332
- Talley v. Family Dollar Stores of Ohio, Inc., No. 07-3971, 2008 U.S. App. LEXIS 19342 (6th Cir. Sept. 11, 2008), 218
- Taub v. Frank, 957 F.2d 8 (1st Cir. 1992), 95
- Taylor v. Burlington N. R.R. Holdings, Inc., 2016 U.S. Dist. LEXIS 19879, 2016 WL 632077 (W.D. Wash. 2016), 68
- Taylor v. Sec'y of the Navy, 852 F. Supp. 343 (E.D. Pa. 1994), 210
- Taylor v. W. & S. Life Ins. Co., 966 F.2d 1188 (7th Cir. 1992), 220
- Teahan v. Metro-N.C.R. Co., 951 F.2d 511 (2d Cir. 1991), 95
- Tennessee v. Lane, 541 U.S. 509 (2004), 307, 411
- T.E.P. v. Leavitt, 840 F. Supp. 110 (D. Utah 1993), 360
- Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc., 135 S. Ct. 2507 (2015), 611
- Thompson v. Holy Family Hosp., 121 F.3d 537 (9th Cir. 1997), 89
- Tidwell v. Stringer, 2014 U.S. Dist. LEXIS 75773, 2014 WL 2508955 (S.D. Ala. June 3, 2014), 688
- Toyota Motor Mfg. v. Williams, 534 U.S. 184 (2001), 53, 54
- Traynor v. Turnage, 485 U.S. 535 (1988), 90, 672
- Trovato v. City of Manchester, 992 F. Supp. 493 (D.N.H. 1997), 628
- Tucker v. Bay Shore Union Free Sch. Dist., 873 F.2d 563 (2d Cir. 1989), 574
- Tudyman v. United Airlines, 608 F. Supp. 739 (C.D. Cal. 1984), 67

Tugg v. Towey, 864 F. Supp. 1201 (S.D. Fla. 1994), 714
 Tyler v. City of Manhattan, 849 F. Supp. 1429 (D. Kan. 1994), 362, 371
 Tyler v. City of Manhattan, 866 F. Supp. 500 (D. Kan. 1994), 369
 Tyndall v. Nat'l Educ. Ctrs., 31 F.3d 209 (4th Cir. 1994), 141

U

United States v., See Name of Defendant
 University of Tex. v. Camenisch, 451 U.S. 390 (1981), 458
 U.S. DOT v. Paralyzed Veterans of Am., 477 U.S. 597 (1986), 26, 330, 333
 U.S. EEOC v. AIC Sec. Investigations, 823 F. Supp. 571 (N.D. Ill. 1993), 131

V

Valdez v. Minn. Quarries, Inc., 2012 U.S. Dist. LEXIS 174265, 2012 WL 6112846 (D. Minn. Dec. 10, 2012), 58
 Vande Zande v. Wis. Dep't of Admin., 44 F.3d 538 (7th Cir. 1995), 191
 Vandenbroek v. PSEG Power Conn. L.L.C., No. CIVIL ACTION NO. 3:07-cv-869 (JCH), 2009 U.S. Dist. LEXIS 18320 (D. Conn. Mar. 9, 2009), 98
 Ventura Vill. v. City of Minneapolis, 419 F.3d 725 (8th Cir. 2005), 657
 Venture Stores, United States v., 1994 U.S. Dist. LEXIS 3053 (1994), 277
 Vickers v. Veterans Admin., 549 F. Supp. 85 (W.D. Wash. 1982), 198, 328
 Virginia Dep't of Educ. v. Riley, 106 F.3d 559 (4th Cir. 1997), 567

W

Walsh v. Nev. Dep't of Human Res., 471 F.3d 1033 (9th Cir. 2006), 82
 Ward v. Skinner, 943 F.2d 157 (1st Cir. 1991), 389

Warren v. Delvista Towers Condo. Ass'n, 49 F. Supp. 3d 1082 (S.D. Fla. 2014), 634
 Washington v. Davis, 426 U.S. 229 (1976), 616
 Weiler v. Household Fin. Corp., 101 F.3d 519 (7th Cir. 1996), 159
 Wells v. Lester E. Cox Med. Ctrs., 379 S.W.3d 919 (Mo. Ct. App. 2012), 441
 Weyer v. Twentieth Century Fox Film Corp., 198 F.3d 1104 (9th Cir. 2000), 82, 268
 Whittaker v. Am.'s Car-Mart, Inc., 2014 U.S. Dist. LEXIS 56919, 2014 WL 1648816 (E.D. Mo. 2014), 68
 Willamette Univ. v. Knight, 35 Or. 33 (1899), 50
 Williams v. AT & T Mobility Servs., L.L.C., 2016 U.S. Dist. LEXIS 63895, 2016 WL 2858930 (W.D. Tenn. May 16, 2016), 83
 Williams v. City of Charlotte, 899 F. Supp. 1484 (W.D.N.C. 1995), 87
 Witters v. Wash. Dep't of Servs. for Blind, 474 U.S. 481 (1986), 466
 Wolfe v. Jurczynski, 241 A.D.2d 88 (3d Dep't 1998), 98
 Wolff v. S. Colonie Cent. Sch. Dist., 534 F. Supp. 758 (N.D.N.Y. 1982), 588
 Wong v. Regents of Univ. of Cal., 410 F.3d 1052 (9th Cir. 2005), 449
 Wood v. Omaha Sch. Dist., 25 F.3d 667 (8th Cir. 1994), 74, 172
 Wood v. President & Trs. of Spring Hill Coll., 978 F.2d 1214 (11th Cir. 1992), 440
 Wormley v. Arkla, Inc., 871 F. Supp. 1079 (E.D. Ark. 1994), 98
 Wray v. AMTRAK, 10 F. Supp. 2d 1036 (E.D. Wis. 1998), 386
 Wright v. Columbia Univ., 520 F. Supp. 789 (E.D. Pa. 1981), 492

Wynne v. Tufts Univ. Sch. of Med., 932
F.2d 19 (1st Cir. 1991), 443, 471,
473, 475
Wynne v. Tufts Univ. Sch. of Med., 976
F.2d 791 (1st Cir. 1992), 448, 471,
473, 474, 476

Y

Yeng Thao v. City of St. Paul, 481 F.3d
565 (8th Cir. 2007), 401
Young v. UPS, 135 S. Ct. 1338 (2015),
85, 234

Z

Zobrest v. Catalina Foothills Sch. Dist.,
509 U.S. 1 (1993), 548

Preface

This book is intended to provide a comprehensive overview of most of the major laws relating to discrimination against individuals with disabilities. Before the late 1980s and early 1990s, few law schools had comprehensive courses on disability law, although some of the issues were covered in courses related to employment law and mental health law. The major topics not addressed in depth in this book relate primarily to entitlements and benefits, such as Social Security and workers' compensation. Also not covered are many of the issues relating to individuals with mental disabilities. While discrimination issues for that population are discussed, the topics related to competency, right to treatment, right to refuse treatment, and deinstitutionalization are not addressed to a great extent. These issues merit coverage in separate books and courses.

The book includes selected cases, problems, questions, and statutory and regulatory references. The notes are designed to highlight additional cases of interest, while the questions are intended to provoke thought about unresolved and complex issues. While there may be case citations following some of the problems, it is essential to note that these may represent only one jurisdiction's view of the issue raised by the problem.

This new edition of the casebook includes important updating and new materials designed to focus students on the important issues in disability law. Now that the Americans with Disabilities Act Amendments Act (ADAAA) has gone into effect, it is important for lawyers and law students to understand the changes the amendments made in both the Americans with Disabilities Act and the Rehabilitation Act. This edition includes several sections that analyze the ADAAA and its effect on the interpretation of the ADA and the Rehabilitation Act. While all the chapters deal with the ADAAA, Chapter 2 explains and analyzes the new amendments in depth.

The new edition also offers a number of features that should make the book more user-friendly and should enable students to further their understanding of the law. First, besides the questions and notes following the case materials, each chapter has a number of hypothetical problems that are introduced at the beginning of the material to be studied. Students are encouraged to read the hypothetical problems and to consider the questions in the hypothetical problems as they read the material in the text. After studying the materials, students and faculty members should discuss the hypothetical in order to assure that the students have gained a working knowledge of the law and analysis.

Second, each chapter begins with an Introduction and Overview, Chapter Goals, and a list of Key Concepts and Definitions. Each chapter ends with a Summary. Students should read each of these sections first before returning to the beginning of the chapter to read it again.

Third, the new edition also has information about many up-to-date issues that affect persons with disabilities. It includes discussions of the Genetic Information Nondiscrimination Act (GINA), the Mental Health Parity and Addiction Equity Act, (MHPAEA), the Lily Ledbetter Act, the recent debate on national health care reform and the Affordable Care Act (ACA). It also includes a chart designed to explain the basics of the Americans with Disabilities Act, the Family and Medical Leave Act and the state worker's compensation statutes.

Chapter 3, the chapter on employment and disabilities, is expanded to include further materials on burdens of proof and persuasion in the areas of reasonable accommodation and undue hardship, the different proof models in employment discrimination law, disability-related hostile work environment and retaliation claims.

Chapter 7, covering education, adds the 2009 Supreme Court decision in *Forest Grove School District v. T.A.* which clarifies the issue of reimbursement for unilateral placement.

Chapter 9, the chapter on health care and insurance, has an expanded section on health insurance and Title III and includes discussion of the Genetic Information Nondiscrimination Act, the Mental Health Parity and Addiction Equity Act, and the Affordable Care Act.

In an overview course on this topic, it is difficult to address in depth all of the legal issues affecting individuals with disabilities. These materials focus on issues of rights and nondiscrimination in the areas of employment, governmental programs and services, public accommodations (by private providers), higher education, education, housing, and health care. As is evident in reading the materials, some areas (such as education and employment) have an enormous body of case law. Others (such as housing and health care) have been more recently developing.

The importance of awareness of these issues has never been greater. With the 1990 passage of the Americans with Disabilities Act (which affects almost all aspects of society), problems with access to health care, and the 2008 amendments to the ADA, it is critical that members of the legal profession, as well as many social service providers and educators, have a working knowledge of this important area of law.

“String” citations and non-quote source citations have been omitted from cases without any note of their omission. Many of the cases are not the full opinion, and material has been omitted in many instances without notation within the case. Some material is not indented and blocked in the same format as the original. The reader should check the full case report when doing research in reliance on the decision.

Because disability law is an evolving area of law, it is essential that reliance on the precedents and materials in this book be followed up by research on the current status in each area.

Laura Rothstein
Ann C. McGinley
August 2016

Acknowledgments

Thanks to Susan Duncan, Dean of the University of Louisville Louis D. Brandeis School of Law and to University of Louisville for institutional support in preparing this edition.

Thanks to Elaine Shoben for suggesting Ann McGinley as coauthor beginning with the 5th edition.

To Kea Middleton and Rita Siegwald for their administrative assistance in preparing the manuscript, to Julia Irzyk and Lisa Goldberg for their research support.

To Charles B. Craver, Freda H. Alverson Professor of Law at George Washington University, for encouraging and supporting publication of the first edition of this book.

To Joe Smith, Bonnie Tucker, Lex Frieden, Wendy Wilkinson, Peg Nosek, Laurie Gerken Redd, the late Kathleen DeSilva, and the late Gretchen George, my thanks for challenging me to think about these issues from their unique perspectives. A similar thanks to all of the students with disabilities who have helped me to consider how to address the challenges they face in new and creative ways.

To the late Paul Steven Miller, Jan Sheldon Sherman, Ilene Shane, Elaine Roberts, Rud Turnbull, Michael Perlin, Robert Silverstein, Peter Blanck, Chai Feldblum, Larry Gostin, Scott Lissner, Jim Kessler, and John Wodatch for their positive influence, in my work on disability law.

To my former colleagues Mary Anne Bobinski, Ron Turner, Mary Anderlik, and Bill Winslade for their insights.

To my current colleague, Sam Marcossan, thanks for engaging in thought provoking discussions about disability law.

Special acknowledgements to Stanley Herr, a law professor at the University of Maryland, who died in 2001. Stan had been involved in several important disability rights issues, including special education, deinstitutionalization, mental health histories for professional licensing, and prohibition of execution of individuals with intellectual disabilities. And to Adam Milani, a law professor at Mercer University, who died in 2005. Adam and I shared an interest in writing about sports and disability law, and a mutual respect for each other's work. Their advocacy and intellect are missed, but their work has enabled others to build on the foundations they have laid.

Additional special acknowledgement to my friend, the late H. Joan Ehrlich, who served in leadership positions within the EEOC until she died in December 2008. Her proactive approach to educating and informing everyone about employment discrimination was extremely valuable and is greatly missed.

In summer 2009, the world lost the great Senator Edward Kennedy. His constant, unflinching and effective leadership is responsible for most of the major legislation providing protection and rights for individuals with disabilities. He inspired many to make sure that the “dream lives on.”

And finally, as always, I thank my parents, Dorothy Friesen and the late Eric J. Friesen, for their constant support and example; to my daughters, Julia and Lisa for their patience; and to Mark, my husband and colleague for his valuable contributions and suggestions on issues of employment, genetics, and privacy.

Laura Rothstein

Thanks to Dean Dan Hamilton, current dean of the William S. Boyd School of Law, University of Nevada, Las Vegas, and Chancellor John White, former dean of the William S. Boyd School of Law and current Chancellor of the Nevada System of Higher Education, for supporting this project.

Thanks also to Jeanne Price, Associate Dean for Academic Affairs, Professor of Law, and Director of the Wiener-Rogers Law Library at Boyd School of Law, UNLV, who supported this project wholeheartedly. Thanks also to David McClure, Associate Director of the Wiener-Rogers Law Library, and to library faculty Chad Schatzle, and Jennifer Gross and to Boyd law students for their excellent and very quick research.

Thanks to my colleagues at UNLV, Boyd School of Law for supporting this project, especially Elaine Shoben, Terry Pollman, Linda Edwards, and Jeff Stempel.

Thanks to Nettie Mann, our amazing administrative assistant, who has worked on this book and so many other projects at UNLV Boyd School of Law.

Thanks to those students, friends, and family members who live with disabilities and have helped me understand the difficulties they face and the important and creative role that law and understanding can play in helping them live and soar with those disabilities.

Special thanks go to my mother, Mary McGinley, who turned ninety-seven years old as I was preparing this manuscript, and who never wavered in her support, to my late father, Paul McGinley, a lawyer’s lawyer who gave me courage as a child to be what I wanted to be, to my brother and sisters, Paul, Laurie and Ellin, who are always supportive of my projects.

Special thanks to Jeff Stempel, my colleague and husband, for his valuable contributions, especially on issues of insurance and disabilities, and to my children, Ryan, Shanen, and Reed for helping me understand what young adults need in order to learn.

Both of us thank Keith Moore and Sean Caldwell of Carolina Academic Press for their timely and considerable efforts and support.

Finally, thank you to Laura Rothstein, my amazing, knowledgeable coauthor. It is a pleasure to work with you.

Ann McGinley