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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 EQUAL EMPLOYMENT OPPORTUNITY
9 COMMISSION,

10 Plaintiff,

11 v.

12 UNITED AIRLINES, INC.,

13 Defendant.

C06-1407Z

MINUTE ORDER

14 The following Minute Order is made by direction of the Court, the Honorable Thomas
15 S. Zilly, United States District Judge:

16 (1) Defendant's Motion for Summary Judgment, docket no. 46, is DENIED.
17 There are material issues of fact as to (1) the fundamental job duties of the employment
18 position at issue and (2) what constitutes a reasonable accommodation and whether special
19 circumstances warrant a finding that a particular accommodation is reasonable even if it
20 conflicts with the CBA.

21 (2) Pursuant to Rule 56(d), the Court holds as a matter of law, that United's offer
22 of a three-year unpaid leave, with medical benefits and collective seniority, is not a
23 "reasonable accommodation" for a disabled claimant that does not have a temporary medical
24 condition.

25 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
26 record.

Filed and entered this 21st day of March, 2008.

BRUCE RIFKIN, Clerk

25 s/ Claudia Hawney
26 By _____
Claudia Hawney
Deputy Clerk