IN THE UNITED STAT	ES DISTRICT COURT
FOR THE MIDDLE DISTRIC	T OF NORTH CAROLINA 5 161
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	FILED 4 MAR 20 2003
Plaintiff,	MAIN THIS OFFICE Out Clerk, U. S. District Court Clerk, U. S. Office Republic, N. C. Greensboro, N. C.
v.	1:01CV918
DOLLAR GENERAL CORPORATION)
and DOLGENCORP, INC.,)
d/b/a DOLLAR GENERAL STORES,))
Defendants.	j – j

ORDER

BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, the genuine issue of material fact as to whether Ms. Bost's accommodation was reasonable presents two questions: 1) whether Ms. Bost's job coach was a temporary training accommodation such that she might, at some point, have been able to perform her job functions without a job coach; and 2) if the job coach was temporary, whether the job coach performed Ms. Bost's job duties for her. In turn, the determination of whether she held the status of a "qualified individual with a disability" is contingent upon whether her accommodation was reasonable. Therefore, a genuine issue of material fact exists as to whether Ms. Bost was a "qualified individual with a disability" for purposes of the ADA. Accordingly, the Court will DENY Plaintiff's Motion for Summary Judgment [Document #28] which requests a finding that this element of its prima facie case has been satisfied. For the same reasons, the Court will DENY Defendants' Motion for Summary Judgment [Document #24], which contends that Ms. Bost was

not a "qualified individual with a disability." Further, because the Court's finding of the existence of a genuine issue of material fact as to one of the elements of Plaintiff's prima facie case prevents the Court from going beyond the prima facie elements and examining the remaining considerations necessary for Plaintiff to prove discrimination, the Court will further DENY Plaintiff's Motion for Summary Judgment [Document #28] to the extent it requests an overall finding that Defendants violated the ADA. Those remaining considerations, which are associated with the McDonnell Douglas proof scheme, are for the finder of fact to decide, if it first determines that Plaintiff has met its prima facie requirement of demonstrating that Ms. Bost was a "qualified individual with a disability" by showing that her accommodation was reasonable.

This, the 20 day of March, 2003.

United States District Judge