

MARK E. SHEPHERD, Plaintiff, v. UNITED STATES OLYMPIC COMMITTEE, a corporation, Defendant; SCOT HOLLENBECK JOSE ANTONIO INGUEZ JACOB WALTER JUNG HO HEILVEIL, and VIE SPORTS MARKETING, INC, a Georgia corporation, Plaintiffs, v. UNITED STATES OLYMPIC COMMITTEE, a federally chartered corporation, and U.S. PARALYMPICS, INC., f/k/a UNITED STATES PARALYMPIC CORPORATION, a Colorado non-profit corporation, Defendants.

Civil Action No. 99-cv-02077-JLK, Civil Action No. 03-cv-1364-JLK

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

June 14, 2006, Decided

June 14, 2006, Filed

COUNSEL: [*1] For Mark E. Shepherd, Plaintiff: Amy Farr Robertson, Timothy Patrick Fox, Fox & Robertson, P.C., Denver, CO; Darold W. Kilmer, Kilmer, Lane & Newman, LLP, Denver, CO; Michael Wayne Breeskin, Arc of Denver, Inc., Denver, CO.

For United States Olympic Committee, a corporation, Defendant: Christopher Todd Handmann Hogan & Hartson, LLP-DC, Washington, DC; Edward John Butler, Nancy Dawn Webber, Raymond Myles Deeny, Sherman & Howard, L.L.C. -- Colorado Springs CO, Colorado Springs, CO; John William Cook, Hogan & Hartson, LLP-Colorado Springs, Colorado Springs, CO.

Scot Hollonbeck, Jose Antonio Iniguez, Jacob Walter Jung Ho Heilveil, Vie Sports Marketing, Inc., a Georgia corporation, Plaintiffs: Amy Farr Robertson, Fox & Robertson, P.C., Denver, CO; Kevin William Williams, Colorado Cross-Disability Coalition, Denver, CO.

For United States Olympic Committee, a federally-chartered corporation, Defendant: Christopher Todd Handman, Hogan & Hartson, LLP-DC, Washington, DC.

JUDGES: John L. Kane, SENIOR UNITED STATES DISTRICT JUDGE.

OPINION BY: John L. Kane

OPINION

ORDER

Before me are Plaintiffs' Motions for Ruling (Doc.

188 in 99-cv-2077 and Doc. 43 in 03-cv-1364) on the Motions in these [*2] related cases regarding the viability of Plaintiffs "Athlete Claims" as cognizable causes of action under the Americans with Disabilities Act. The Motions for Ruling are GRANTED. Despite having completed significant work on the parties' cross-Motions for Summary Judgment in 99-cv-2077 (Docs. 139 & 140) and Defendants' Motion to Dismiss in 03-cv-1364 (Doc. 3) in the weeks leading up to oral argument last fall, the intervening *Cook v. Rockwell* Rocky Flats class action trial and press of other business have conspired to deny the parties a written decision in a timely manner.

I recommit to completing my decision and, to aid in that effort, ask the parties over Defendants' objection to submit competing proposed orders on the Motions directed to Plaintiffs' Athlete Claims. Specifically, the parties shall *each* present their respective proposed findings and conclusions with regard to the viability of Plaintiffs' Athlete Claims in a single Order with the combined caption above, and shall file their proposed Orders both in accordance with the Court's e-filing instructions as .pdf documents and as WordPerfect editable documents to my chambers email account at Kane_Chambers@cod.uscourts. [*3] gov. The proposed Orders shall include substantive and accurate citation to legal authority and present proposed rulings in defensible, competent legal analysis. The proposed Orders shall be filed on or before June 29, 2006.

Dated June 14, 2006

s/ **John L. Kane**

SENIOR U.S. DISTRICT JUDGE