

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NANCY L. BARROWS,)
)
 PLAINTIFF)
)
 v.)
)
 KEY SERVICES CORPORATION,)
)
 DEFENDANT)

Civil No. 99-188-B-H

ORDER ON MOTIONS FOR SUMMARY JUDGMENT

The summary judgment record makes clear that this will be a very difficult case for the plaintiff to prove, given her consistent and uncontradicted record of latenesses, leaving early, and absences—usually without explanation and often in association with a weekend or vacation—and the ordinary needs of an employer for dependable attendance.

However, the defendant’s and the plaintiff’s motions for summary judgment are both **DENIED**. On the summary judgment record, I cannot conclude that the plaintiff did or did not suffer from a “serious health condition” under the Family and Medical Leave Act of 1993, 29 U.S.C.A. § 2611(11) (West 1999); 29 C.F.R. § 825.114(a) (2000); or that she did or did not fail to provide appropriate notice to her employer of her need for leave time, 29 U.S.C.A. § 2612(e) (West 1999); 29 C.F.R. § 825.303 (2000); or that she made no request for accommodation under the

Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12111, 12112 (West 1994);
or that the accommodation she requested was unreasonable. Id.

SO ORDERED.

DATED THIS 12TH DAY OF MAY, 2000.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE

U.S. District Court
District of Maine (Bangor)
Civil Docket for Case #: 99-CV-188

NANCY L BARROWS
plaintiff

JOHN R. LEMIEUX, ESQ.
P.O. BOX 68
READFIELD, ME 04355
(207) 685-3221

v.

KEY SERVICES CORPORATION
defendant

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