

**NONPRECEDENTIAL**

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

PETER MITCHELL, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 VIRGIN ISLANDS WATER AND )  
 POWER AUTHORITY, )  
 )  
 Defendant )

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CIVIL NO. 2000-0167

**ORDER**

THIS MATTER is before the Court on Defendant Virgin Islands Water and Power Authority's Motion for Summary Judgment, docket item # 96. Defendant asks the Court to grant summary judgment in its favor on the one and only count of Plaintiff's Second Amended Complaint.

Upon consideration of the matter and in accordance with the attached memorandum opinion, the Court finds that Defendant is not entitled to judgment as a matter of law on Plaintiff's ADA claim because there are genuine issues of material fact as to whether Defendant regarded Plaintiff as disabled. Accordingly, it is hereby

**ORDERED** that Defendant's Motion is **DENIED**.

**ENTER:**

**Dated:** March 16, 2004

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**RAYMOND L. FINCH**  
**CHIEF U.S. DISTRICT JUDGE**

**Attest:**

Wilfredo F. Morales  
Clerk of the Court

**By:** \_\_\_\_\_  
**Deputy Clerk**

cc: Honorable Jeffrey L. Resnick, U.S. Magistrate Judge  
Sharmane Davis-Brathwaite, Esq.  
Natalie Nelson Tang How, Esq.