

## **Third Circuit Affirms Summary Judgment for Saiber Client in Higher Education Case**

June 22, 2017

Saiber attorneys Sean R. Kelly, William F. Maderer, John F. Finnegan III, and Monvan Hu were successful in persuading the United States Court of Appeals for the Third Circuit to affirm summary judgment in favor of their clients Rutgers, the State University of New Jersey and Rutgers New Jersey Medical School. The Third Circuit opinion was issued by the Honorable Luis Felipe Restrepo on June 22, 2017.

The underlying complaint was brought in 2014 by a former medical student of Rutgers, who claimed that Rutgers had discriminated against her by failing to accommodate her alleged disability under the federal Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“NJLAD”).

Rutgers was successful both on its underlying motion for summary judgment before the United States District Court for the District of New Jersey and on the student’s subsequent appeal to the Third Circuit, because Saiber attorneys demonstrated to those courts that the school’s decision to dismiss the student from the medical school was not related to any alleged disability, but rather was a rational determination based on the student’s history of repeated academic failures. Saiber attorneys successfully argued that Rutgers should be afforded deference in its academic decision-making, highlighted that there was no record evidence that the student was “otherwise qualified” under the ADA or the NJLAD, and detailed the myriad of ways Rutgers had proactively engaged the student to provide her with accommodations throughout her eight-year tenure at the medical school in accordance with Rutgers’ student policies.

The Firm’s victory in this matter was in large part the result of extensive fact discovery, including reviewing years of communications and school records, as well as taking and defending several depositions of the individual parties.