

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
ATHENS DIVISION**

SKYLER MUSGROVE,)	
)	
Plaintiff,)	Civil Action No.
)	3:18-cv-00080-CDL
v.)	
)	
THE BOARD OF REGENTS OF)	
THE UNIVERSITY SYSTEM OF)	
GEORGIA, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF’S UNOPPOSED MOTION TO CLARIFY
AND/OR AMEND ORDER**

Plaintiff Skyler Musgrove, by and through the undersigned counsel, respectfully submits this unopposed Motion pursuant to Federal Rule of Civil Procedure 59(e) and LR 7.6 for clarification and modification of the Court’s Order, dated February 14, 2019, ECF No. 55 (“Order”). Defendant Board of Regents of the University System of Georgia (“Board”) does not oppose this motion.

The Court’s Order states that the Board sought to dismiss, *inter alia*, Plaintiff’s “ADA claims” based on Eleventh Amendment immunity. Order at 13; *see also id.* at 3, 6, 15 (referring to “ADA claims” against the Board). In granting the Board’s partial motion to dismiss, *inter alia*, the “ADA claims,” the Court’s Order further states that “[t]he claims that remain pending are Plaintiff’s Title VII claim against the Board for damages and equitable relief, his Rehabilitation Act

claim against the Board, and his § 1983 claims against the Board for prospective injunctive relief based upon violations of the Fourteenth Amendment Equal Protection Clause.” *Id.* at 18; *see also id.* at 3.

In his Complaint, Mr. Musgrove seeks not only *monetary damages* but also declaratory and injunctive relief against the Board under Titles I and II of the ADA. *See* Compl. ¶¶ 62-89 (“First Cause of Action, Unlawful Discrimination on the Basis of Disability in Violation of Title I of the Americans with Disabilities Act, Against All Defendants (for compensatory damages, *declaratory relief*, and *injunctive relief*)”) (emphasis added); *id.* ¶¶ 90-100 (“Second Cause of Action, Unlawful Discrimination on the Basis of Disability in Violation of Title II of the Americans with Disabilities Act, Against . . . Board of Regents (for compensatory damages, *declaratory relief*, and *injunctive relief*)”) (emphasis added); *id.* at 43 ¶¶ A-B (requesting declaratory and injunctive relief), ECF No. 1.

With respect to Plaintiff’s ADA claims, the Board’s partial motion to dismiss sought to dismiss only Plaintiff’s claims for “monetary damages” under Titles I and II of the ADA—not Plaintiff’s claims for declaratory and injunctive relief under Titles I and II of the ADA. *See* Def. Board of Regents’ Mot. to Dismiss at 1, ECF No. 37 (“Defendants seek the dismissal of the following claims and remedies against them: (1) monetary damages under Title I of the Americans with Disabilities Act (Count I); (2) monetary damages under Title II of the

Americans with Disabilities Act (Count II)”); *see also id.* at 2 (“Defendants are entitled to Eleventh Amendment immunity from Plaintiff’s claim for monetary damages under Title I and Title II of the ADA.”).

Accordingly, Plaintiff respectfully requests that this Court clarify and/or amend the portions of its Order that reference Plaintiff’s ADA claims against the Board to indicate that the Board only sought dismissal of the monetary damages remedy, that the Order dismissed only Plaintiff’s claims for monetary damages under Titles I and II of the ADA, and that his claims for declaratory and injunctive relief under Titles I and II of the ADA remain.

Respectfully submitted this 28th day of February, 2019.

/s/ Kevin M. Barry
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