

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Bledsoe v. Palm Beach Soil and Water Conservation District

942 F. Supp. 1439 (S.D. Fla. 1996) · No. 94-8360-CIV · Decided October 17, 1996

SUMMARY

The court granted the Palm Beach Soil and Water Conservation District's motion for summary judgment in an employment discrimination action brought under Title II of the Americans with Disabilities Act and the Rehabilitation Act. It held that a workers' compensation settlement release barred the plaintiff's discrimination claims and further concluded that Title II of the ADA does not provide a cause of action for employment discrimination.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Kenneth A. Ryskamp
JURISDICTION	Florida
DECIDED	October 17, 1996
DOCKET	94-8360-CIV
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in an employment-discrimination action brought under Title II of the Americans with Disabilities Act and the Rehabilitation Act. The district court granted the motion.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The moving party bears the initial burden; once met, the nonmoving party must identify specific evidence showing a genuine issue for trial.
PRECEDENTIAL VALUE	Published federal district court opinion; persuasive authority outside the Southern District of Florida and not binding on the Eleventh Circuit.
PARTIES	Mark Bledsoe v. Palm Beach Soil and Water Conservation District

TOPICS

ada / disability

disability discrimination

summary judgment

statutory interpretation

employment law

PRACTICE AREAS

employment law

civil rights

disability discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether the workers' compensation settlement release barred Bledsoe's ADA and Rehabilitation Act claims.
2. Whether Title II of the ADA creates a cause of action for employment discrimination by a public entity.

HOLDINGS

1. The broad release in Bledsoe's workers' compensation settlement contractually released the District from the discrimination claims asserted in this action.
2. Title II of the ADA does not create a cause of action for employment discrimination.

KEY QUOTATIONS

“Whether this Court is “bound” by the judgment of the Eleventh Circuit or merely “persuaded,” it will join Judge Hurley and the Eleventh Circuit in finding that the release terminated plaintiff’s right to sue for discrimination on the basis of handicap.” (1442)

“As a matter of first impression, they do not.” (1444)

“The meaning of Titles I and II of the ADA is plain enough as to the employment issue, and the Justice Department’s regulation, therefore, is overruled.” (1449)

FACTUAL BACKGROUND

Mark Bledsoe worked for approximately four years as a Resource Technician for the Palm Beach Soil and Water Conservation District, a position requiring substantial walking, surveying, and manual labor in fields. After injuring his left knee during field work, he was advised to avoid excessive walking and uneven terrain and requested an accommodation. The District offered him a Resource Conservationist position, which he rejected, and terminated him in October 1992. In 1994, he settled his workers' compensation claim and signed a broad release before filing this disability-discrimination action.

PROCEDURAL HISTORY

Bledsoe was terminated by the District after sustaining a knee injury and later sued, alleging disability discrimination and failure to accommodate. The court had previously dismissed Palm Beach County and considered, but declined to resolve as a matter of law, whether a workers' compensation settlement release barred the claims. After reconsideration and oral argument, the court held that the release barred the action and additionally concluded that Title II of the ADA does not create a cause of action for employment discrimination.

DISPOSITION

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48, 256 (1986)
- *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1970)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)
- *Clark v. Coats & Clark, Inc.*, 929 F.2d 604, 608 (11th Cir. 1991)
- *Barefoot v. Sears Roebuck & Co.*, 650 So. 2d 1036 (Fla. 1st DCA 1995)
- *F.M. v. Palm Beach County*, 912 F. Supp. 514 (S.D. Fla. 1995)
- *F.M. v. County Commissioners*, 84 F.3d 438 (11th Cir. 1996)
- *United States v. Cagnina*, 697 F.2d 915, 923 (11th Cir. 1983)
- *Iskander v. Rodeo Sanitary District*, 1995 WL 56578, at *9 (N.D. Cal. 1995)
- *Dertz v. City of Chicago*, 912 F. Supp. 319, 325 (N.D. Ill. 1995)
- *Wagner v. Texas A&M University*, 939 F. Supp. 1297, 1309-10 (S.D. Tex. 1996)
- *Graboski v. Giuliani*, 937 F. Supp. 258, 268-69 (S.D.N.Y. 1996)
- *Silk v. City of Chicago*, 1996 WL 312074, at *10 (N.D. Ill. 1996)
- *Bruton v. Southeastern Pennsylvania Transportation Authority*, 1994 WL 470277, at *2 (E.D. Pa. 1994)
- *Ethridge v. Alabama*, 847 F. Supp. 903, 905-07 (M.D. Ala. 1993)
- *Eisfelder v. Michigan Department of Natural Resources*, 847 F. Supp. 78, 83 (W.D. Mich. 1993)
- *Finley v. Giacobbe*, 827 F. Supp. 215, 219-20 (S.D.N.Y. 1993)
- *Petersen v. University of Wisconsin Board of Regents*, 818 F. Supp. 1276, 1278-79 (W.D. Wis. 1993)
- *Bell v. Retirement Board of the Firemen's Annuity and Benefit Fund of Chicago*, 1993 WL 398612, at *4 (N.D. Ill. 1993)
- *Doe v. University of Maryland Medical System Corp.*, 50 F.3d 1261, 1264-65 (4th Cir. 1995)
- *Bread Political Action Committee v. Federal Election Commission*, 455 U.S. 577, 580 (1982)
- *Dawson Chemical Co. v. Rohm & Haas Co.*, 448 U.S. 176, 187 (1980)
- *Consumer Product Safety Commission v. GTE Sylvania, Inc.*, 447 U.S. 102, 108 (1980)
- *Eric L. By and Through Schierberl v. Bird*, 848 F. Supp. 303, 314 (D.N.H. 1994)
- *Independent Housing Services of San Francisco v. Fillmore Center Associates, DMJM*, 840 F. Supp. 1328, 1344 (N.D. Cal. 1993)
- *Concerned Parents to Save Dreher Park Center v. City of West Palm Beach*, 846 F. Supp. 986 (S.D. Fla. 1994)
- *McCarthy v. Bronson*, 500 U.S. 136, 139 (1991)
- *Crandon v. United States*, 494 U.S. 152, 158 (1990)
- *K Mart Corp. v. Cartier*, 486 U.S. 281, 291 (1988)
- *Consolidated Rail Corp. v. Darrone*, 465 U.S. 624, 626 (1984)

- *Kungys v. United States*, 485 U.S. 759, 778 (1988)
- *Shannon v. United States*, 512 U.S. 573, 585-86 (1994)
- *International Brotherhood of Electrical Workers, Local Union No. 474 v. NLRB*, 814 F.2d 697, 712 (D.C. Cir. 1987)
- *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 843-44 (1984)
- *I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421, 446 (1987)
- *Dole v. United Steelworkers of America*, 494 U.S. 26, 42 (1990)
- *Estate of Cowart v. Nicklos Drilling Co.*, 505 U.S. 469, 475 (1992)
- *MCI Telecommunications Corp. v. American Telephone and Telegraph Co.*, 518 U.S. 218, 231 (1996)
- *Demarest v. Manspeaker*, 498 U.S. 184, 190 (1991)
- *Hutchinson v. United Parcel Service, Inc.*, 883 F. Supp. 379, 396-97 (N.D. Iowa 1995)
- *Harrelson v. Elmore County*, 859 F. Supp. 1465, 1468 (M.D. Ala. 1994)
- *Pinnock v. International House of Pancakes*, 844 F. Supp. 574, 578 n. 3 (S.D. Cal. 1993)
- *Kinney v. Yerusalim*, 812 F. Supp. 547, 548 (E.D. Pa. 1993), *aff'd*, 9 F.3d 1067 (3d Cir. 1993), *cert. denied*, 511 U.S. 1033 (1994)