

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AARP,

Plaintiff,

v.

**UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION,**

Defendant.

Civil Action No. 16-2113 (JDB)

ORDER

Upon consideration of [31] the government's motion to dismiss/motion for summary judgment, and [35] plaintiff's cross-motion for summary judgment, and the entire record herein, and for the reasons stated in the memorandum opinion issued on this date, it is hereby

ORDERED that [31] the government's motion to dismiss/motion for summary judgment is **DENIED**; it is further

ORDERED that plaintiff's cross-motion for summary judgment is **GRANTED**; it is further

ORDERED that EEOC's 2016 Regulations Under the Americans with Disabilities Act, 81 Fed. Reg. 31, 126 (May 17, 2016), and 2016 Regulations Under the Genetic Information Nondiscrimination Act, 81 Fed. Reg. 31,143 (May 17, 2016) are **REMANDED** to the agency without vacatur for further consideration consistent with the opinion issued on this date; it is further

ORDERED that [29] the government's and [32] plaintiff's motions to file [29-2] the government's unredacted motion to dismiss under seal are **GRANTED**; and it is further

ORDERED that EEOC shall file a status report by not later than September 21, 2017 proposing a schedule for its review of the rules, including any further administrative proceedings, and shall disclose this proposed schedule to plaintiff before filing it with the Court.

SO ORDERED.

/s/
JOHN D. BATES
United States District Judge

Dated: August 22, 2017