

1 HAROLD J. McELHINNY (CA SBN 66781)  
 2 MATTHEW I. KREEGER (CA SBN 153793)  
 3 KRISTINA PASZEK (CA SBN 226351)  
 HMcElhinny@mofo.com  
 MKreeger@mofo.com  
 KPaszek@mofo.com  
 4 MORRISON & FOERSTER LLP  
 425 Market Street  
 5 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 6 Facsimile: (415) 268-7522

7 Attorneys for Defendant  
 TARGET CORPORATION

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

13 NATIONAL FEDERATION OF THE BLIND,  
 14 the NATIONAL FEDERATION OF THE  
 BLIND OF CALIFORNIA, on behalf of their  
 15 members, and Bruce F. Sexton, on behalf of  
 himself and all others similarly situated,

16 Plaintiffs,

17 v.

18 TARGET CORPORATION,

19 Defendant.

Case No. C 06-01802 MHP

**[PROPOSED] ORDER GRANTING  
 TARGET CORPORATION'S  
 MOTION TO STRIKE THE  
 SECOND AMENDED COMPLAINT  
 AND DISMISS PLAINTIFFS'  
 CLAIMS UNDER THE  
 AMERICANS WITH  
 DISABILITIES ACT**

Date: January 7, 2008  
 Time: 2:00 PM  
 Judge: Hon. Marilyn Hall Patel

1 Based on the Court's review of the pleadings and papers filed in connection with this  
2 matter, the argument of counsel, and good cause appearing,

3 IT IS HEREBY ORDERED THAT Target Corporation's motion to strike the Second  
4 Amended Complaint and dismiss plaintiffs' claims under the Americans with Disabilities  
5 Act, filed on November 19, 2007, is GRANTED. The Second Amended Complaint, filed on  
6 November 1, 2007, is hereby STRICKEN. In addition plaintiffs' claims under the Americans  
7 with Disabilities Act are hereby DISMISSED.

8

9

10 IT IS SO ORDERED.

11

12 Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Marilyn Hall Patel  
United States District Court Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28