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 TARGET CORPORATION

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

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

16 Plaintiffs,

17 v.

18 TARGET CORPORATION,

19 Defendant.

Case No. C 06-01802 MHP

**DECLARATION OF MATTHEW I.  
 KREEGER IN SUPPORT OF  
 TARGET CORPORATION'S  
 MOTION TO SHORTEN TIME**

NO HEARING REQUESTED

Judge: Hon. Marilyn Hall Patel

1 I, Matthew I. Kreeger, declare:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel of record for  
3 Defendant Target Corporation (“Target”) in the above-captioned case. I am admitted to practice  
4 before the United States District Court for the Northern District of California. I have personal  
5 knowledge of the facts set forth in this declaration.

6 2. Plaintiffs’ motion for class certification is scheduled to be heard on Thursday, April  
7 12, 2007 at 2:30 pm.<sup>1</sup>

8 3. Target is filing, concurrent with the instant motion to shorten time, a motion for  
9 summary judgment against Plaintiff Bruce F. Sexton. Based on the filing date of the motion  
10 (March 8, 2007) and on the Court’s outgoing message regarding available hearing dates, the next  
11 available hearing date for Target’s summary judgment motion is Monday, April 16, 2007.

12 4. It would be considerably more convenient and efficient to hear the class certification  
13 motion and the summary judgment motion on the same day (April 12, 2007) because the  
14 questions raised by the two motions overlap so significantly. A combined hearing would permit  
15 the Court to consider those intermingled issues together.

16 5. For example, at issue in both motions is whether Plaintiff Bruce F. Sexton has  
17 suffered any legally cognizable harm. Target contends that Mr. Sexton has not suffered a legally  
18 cognizable injury, as defined by the Court in the September 6, 2006 Order on Defendant’s Motion  
19 to Dismiss. As a result, Target is entitled to summary judgment on Mr. Sexton’s claims. For the  
20 same reason, as demonstrated in Target’s opposition to Plaintiffs’ motion for class certification,  
21 Plaintiffs have failed to show that Mr. Sexton’s claims are typical, or that Mr. Sexton can  
22 adequately represent the purported class. Considering both motions together would be efficient.

23 6. On Friday, March 2, 2007, I contacted Roger Heller, counsel for Plaintiffs, by  
24 telephone and proposed that the parties file a stipulated request that the Court hear Target’s  
25 summary judgment motion concurrently with Plaintiffs’ motion for class certification on April 12,  
26 2007.

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27 <sup>1</sup> Plaintiffs’ bifurcation motion will also be heard on April 12, 2007 at 2:30 pm.

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