

EXHIBIT A

-----Original Message-----

From: Roger Heller [mailto:rheller@exchange.drlegal.org]

Sent: Monday, March 05, 2007 12:41 PM

To: Kreeger, Matthew I.

Cc: Larry Paradis; Josh G. Konecky; Daniel F. Goldstein; Rachel E. Brill; Daniel Brome

Subject: NFB v. Target

Matt-

In response to your request, Plaintiffs cannot stipulate to the Court hearing a summary judgment motion from Target concurrently with Plaintiffs' pending motion for class certification. In fact, it would be improper for Target to bring a motion for summary judgment at this stage of the case. As you know, at Target's insistence, merits discovery has been put on hold pending resolution of the class cert issue. For Target to bring a motion on the merits at this stage is thus: (1) inconsistent with Target's prior position presented to the Court; (2) contrary to the intent and spirit of the Court's case management order; and (3) unfair to Plaintiffs who have not had an opportunity to conduct merits discovery.

Plaintiffs ask that Target reconsider the timing of its motion.

-Roger

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