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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WESTERN REGIONAL ADVOCACY
PROJECT, et al.,

Plaintiffs,

v.

MAYOR GAVIN NEWSOM, et al.,
Defendant.

No. C-08-4087 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO DISMISS**

Defendants' motion to dismiss, filed October 29, 2008, came on regularly for hearing before the Court on December 19, 2008. Christine Van Aken and James M. Emery appeared on behalf of defendants. Sid Wolinsky appeared on behalf of plaintiffs.


Having read and considered the papers filed in support of and in opposition to the motion and the arguments of counsel, and for the reasons stated on the record at the hearing, the Court rules as follows.

To the extent defendants seek dismissal of plaintiffs' Third Cause of Action (Title III of the Americans with Disabilities Act), the motion is hereby GRANTED, and said Cause of Action is hereby DISMISSED.

In all other respects, the motion is hereby DENIED.

IT IS SO ORDERED.

Dated: December 19, 2008


MAXINE M. CHESNEY
United States District Judge