

1 Robert A. Naeve (State Bar No. 106095)
 2 RNaeve@jonesday.com
 3 JONES DAY
 4 3161 Michelson Drive, Suite 800
 5 Irvine, California 92614
 6 Telephone: (949) 851-3939
 7 Facsimile: (949) 553-7539

8 Aaron L. Agenbroad (State Bar No. 242613)
 9 alagenbroad@jonesday.com
 10 JONES DAY
 11 San Francisco, California 94104
 12 Telephone: (415) 875-5808
 13 Facsimile: (415) 875-5700

14 Attorneys for Defendants
 15 TARGET CORPORATION and
 16 PIZZA HUT, INC.

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 JAMES GONSALVES and MARY
 20 FOWLER,

21 Plaintiffs,

22 v.

23 TARGET CORPORATION; MADISON
 24 BAYFAIR, LLC; PIZZA HUT, INC.; AND
 25 DOES 1-10, INCLUSIVE,

26 Defendants.

Case No. C09-03966 TEH

Assigned for all purposes to
 Honorable Thelton E. Henderson

**STIPULATION REGARDING
 DISMISSAL WITH PREJUDICE OF
 DEFENDANT MADISON BAYFAIR,
 LLC**

[[Proposed] Order Submitted Concurrently
 Herewith]

27 Plaintiffs James Gonsalves and Mary Fowler (“Plaintiffs”) and Defendants Target
 28 Corporation, Pizza Hut, Inc., and Madison Bayfair, LLC (collectively, “Defendants”) stipulate
 and jointly move the Court for an order dismissing Defendant Madison Bayfair, LLC for the
 reasons set forth herein:

1 1. On August 27, 2009, Plaintiffs filed this action asserting claims against Defendants
2 for injunctive relief and damages pursuant to California Civil Code sections 51, 52, 54, 54.1,
3 54.3, and 55; California Health & Safety Code sections 19955 *et seq.*; and a claim for injunctive
4 relief pursuant to Title III of the Americans with Disabilities Act. Plaintiffs allege that they are
5 physically disabled and that on multiple occasions since August 27, 2007, they have patronized or
6 attempted to patronize the Target department store located at 15555 East 14th Street, Suite 400,
7 San Leandro, California (the Target department store is hereinafter referred to as the “Property”).
8 Plaintiffs further allege that the Property is inaccessible to Plaintiffs and other allegedly disabled
9 persons.

10 2. Target Corporation has owned the Property since January 23, 2006, and is solely
11 responsible for operating and maintaining the Property, including the areas that Plaintiffs allege
12 are inaccessible.

13 3. Madison Bayfair, LLC and its affiliates and subsidiaries have not owned, operated,
14 managed, or controlled the Property or any areas within the Property since January 23, 2006.

15 4. Defendants Target and Pizza Hut will not, in future proceedings associated with
16 this case, allege that Madison Bayfair, LLC is responsible for any of the acts or omissions alleged
17 by Plaintiffs or claim that any of Plaintiff’s attorneys’ fees should be attributed solely to Madison
18 Bayfair, LLC.

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5. Accordingly, Plaintiffs agree to dismiss their Complaint with prejudice against defendant Madison Bayfair, LLC.

Dated: March 15, 2010.

JONES DAY

By: /S/ Aaron Agenbroad
Aaron Agenbroad

Attorneys for Defendants
TARGET CORPORATION and
PIZZA HUT, INC.
E-mail: alagenbroad@jonesday.com

Dated: March 15, 2010.

LAW OFFICES OF PAUL REIN

By: /S/ Paul Rein
Paul Rein

Attorneys for Plaintiffs
JAMES GONSALVES and
MARY FOWLER
E-mail: cmcguinness@reinlawoffice.com

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Dated: March 15, 2010.

BRADLEY & GMELICH

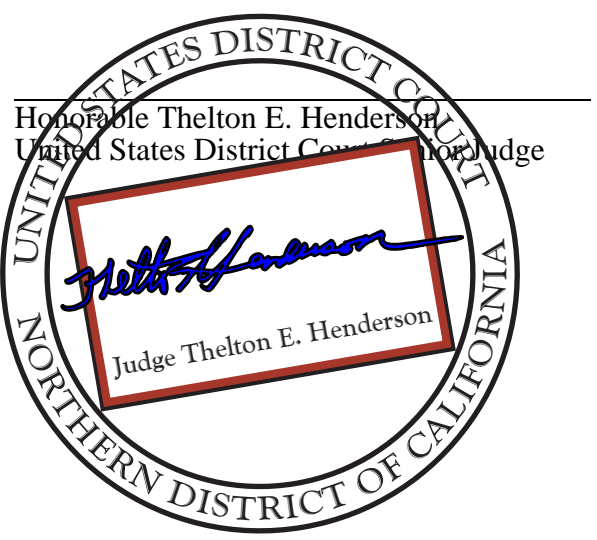
By: /S/ Dean Guerrero
Dean Guerrero

Attorneys for Defendant
MADISON BAYFAIR, LLC
E-mail: dguerrero@bglawyers.com

PROPOSED ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

 03/16/10
Dated



SFI-632363v1