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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 THOMAS FOLEY, VITA ZAVOLI, LILLIAN  
4 SCAIFE, AND THE CALIFORNIA COUNCIL  
OF THE BLIND,

5 Plaintiffs,

6 v.

7 JETBLUE AIRWAYS CORP.,

8 Defendant.

Case No. C10-03882 JCS

**SECOND STIPULATION TO  
RESCHEDULE HEARING ON  
DEFENDANT'S MOTION TO  
DISMISS AND CASE MANAGEMENT  
CONFERENCE, TO PERMIT THE  
PARTIES TO FILE SUPPLEMENTAL  
BRIEFS, AND TO PERMIT  
DEFENDANT TO FILE REQUEST  
FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS;  
[PROPOSED] ORDER**

9  
10 Date: July 22, 2011  
11 Time: 9:30 a.m.  
12 Courtroom: A  
13 Judge: Hon. Magistrate Judge  
Joseph C. Spero

14 WHEREAS the initial Case Management Conference in this action and the hearing on  
15 Defendant's motion to dismiss were postponed to June 24, 2011 to enable the parties to  
16 participate in early settlement negotiations;

17 WHEREAS the parties have been unable to reach a settlement;

18 WHEREAS defense counsel has a conflict on the date currently scheduled for the next  
19 case management conference and the hearing on Defendant's motion;

20 WHEREAS Defendant notified the Court of the recent decision in *National Federation of*  
21 *the Blind v. United Airlines, Inc.*, United States District Court, Northern District of California,  
22 Docket No. 3:10-cv-04816-WHA ("*National Federation of the Blind v. United Airlines, Inc.*"),  
23 whereby the Court held that plaintiff's claims that United Airlines violated California's Unruh  
24 Civil Rights Act, California Civil Code §§ 51-51.13 and the Disabled Persons Act, California  
25 Civil Code §§ 54-54.9, by allegedly not making its automated kiosks in California airports  
26 accessible to blind passengers in a particular manner, were federally preempted under the Air  
27 Carrier Access Act ("ACCA"), 49 U.S.C. § 41705 and the Airline Deregulations Act of 1978  
28 ("Deregulation Act") 49 U.S.C. § 41713.

1           WHEREAS the parties seek to submit supplemental briefing to this Court on Defendant's  
2 motion to dismiss in light of the recent developments in the case of *National Federation of the*  
3 *Blind v. United Airlines, Inc.* Brief shall be filed no later than July 1, 2011; limited to no more  
4 than five pages in length.

5           WHEREAS Defendant also seeks to have the Court take judicial notice of the United  
6 States Department of Transportation statement of opinion in *National Federation of the Blind v.*  
7 *United Airlines, Inc.*

8           **IT IS HEREBY STIPULATED AS FOLLOWS:**

9           1.       The hearing on Defendant's Motion to Dismiss currently scheduled for June 24,  
10 2011 shall be rescheduled for July 22, 2011 at 9:30 a.m.;

11           2.       The Case Management Conference currently scheduled for June 24, 2011 shall  
12 also be rescheduled for July 22, 2011 at 9:30 a.m.;

13           3.       Defendant JetBlue Airways Corp. may file a Request for Judicial Notice of the  
14 Statement of Interest by the United States in *National Federation of the Blind v. United Airlines,*  
15 *Inc.*; and

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1           4.       Within 30 calendar days after entry of an Order based on this Stipulation, Plaintiffs  
2 and Defendant may each file a brief of up to 15 pages to address the statement of interest, or as  
3 may otherwise be ordered by the Court.

4 Dated: May 11, 2011

JACKSON LEWIS LLP

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By: \_\_\_\_\_ /s/

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JETBLUE AIRWAYS CORPORATION

10 Dated: May 11, 2011

GOLDSTEIN, DEMCHAK, BALLER,  
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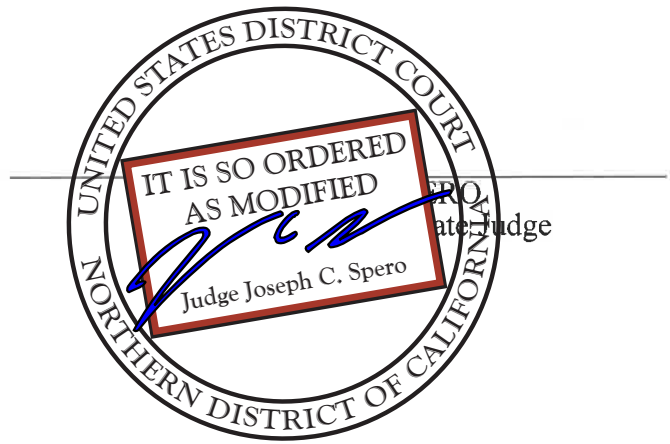
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By: \_\_\_\_\_ /s/

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THE CALIFORNIA COUNCIL OF  
THE BLIND

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19 **IT IS SO ORDERED.**

20 Dated: May 19, 2011



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23 4831-6499-4313, v. 2

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