

the Plan was private, limited to employees of Carlson. Because the Plan was not offered to the public in general, it is not a **public** accommodation under Title III of the ADA. See King v. Burwell, 135 S. Ct. 2480 (2015) (rules of statutory construction require that when interpreting statute, words of a statute must be read in their context and with a view to their place in the overall statutory scheme); United States v. Felt & Tarrant Mfg. Co., 283 U.S. 269, 273 (1931) (finding it is not within judicial province to read words out of a statute).

Accordingly,

IT IS HEREBY ORDERED that Prudential's motion to dismiss (ECF No. 11) is **GRANTED**. Counts Four and Six are hereby dismissed.

DATED: September 23, 2015

s/ Michael J. Davis _____

MICHAEL J. DAVIS

United States District Court