

FILED

JUL 07 2009

*No. 08-55078 Pereira, et al. v. Ralphs Grocery*

**QUIST, District Judge, dissenting:**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

I dissent. The plaintiff in Doran presented evidence of additional barriers that became known through discovery. Here, plaintiffs failed to present evidence of barriers beyond those disclosed in the F&F Report in their response to Ralph's motion for summary judgment. In addition, Doran involves the issue of standing while the instant case involves a district judge's discretion. I would affirm the district court.