UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Verne A. Hall, et al., Plaintiffs, vs. Best Buy Co., Inc. and Best Buy Enterprise Services, Inc. Defendants.	)	Civil No. 04-4812 MJD/JGL **ORDER REGARDING DEFENDANTS' MOTION TO DISMISS COUNT THREE OF PLAINTIFFS' AMENDED COMPLAINT**

Based on the parties' Stipulation Regarding Amendment of Plaintiffs' Amended Complaint and Dismissal of Count III (OWBPA) (filed March 25, 2005; Docket No. 26) and on Plaintiffs' voluntary eliminati on of the count brought under the Older Workers' Benefit Protection Act ("OWBPA") (Count III of Plaintiffs' Amended Complaint (Docket Nos. 10 and 11)) in Plaintiffs' Second Amended Complaint (Docket Nos. 30 and 31), the Court DENIES Defendants' Motion to Dismiss Count Three of Plaintiffs' Amended Complaint as moot, and the hearing previously set for that motion for April 15, 2005, is removed from the Court's calendar.

Dated: April 4, 2005

s/ Michael J. Davis
Michael J. Davis, District Judge