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27 UNITED STATES DISTRICT COURT  
28 NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

ADRIAN SCOTT DUANE,

Plaintiff Intervenor,

vs.

IXL Learning, Inc.,

Defendant.

Case No.: 3:17-cv-02979-VC

**PLAINTIFFS' OBJECTIONS/PROPOSED  
MODIFICATIONS TO PROPOSED JURY  
INSTRUCTIONS**

Courtroom: 4, 17<sup>th</sup> Floor  
Judge: Hon. Vince Chhabria

Plaintiffs object to the proposed jury instructions and propose the following modifications:

**INSTRUCTION NO. 9:** Plaintiffs propose the addition of the words “on the ADA claim” at the end of the final sentence in the final paragraph. Plaintiffs propose that the sentence should read “If, on the other hand, you find that the plaintiffs have failed to prove one or more of these elements, your verdict should be for IXL on the ADA claim.”

**INSTRUCTION NO. 10:** Plaintiffs propose the addition of the words “on the Title VII claim” at the end of the final sentence in the final paragraph. Plaintiffs propose that the sentence should read “If, on the other hand, you find that the plaintiffs have failed to prove one or more of these elements, your verdict should be for IXL on the Title VII claim.”

Respectfully submitted,

Dated: October 26, 2018

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

By: /s/ Ami Sanghvi  
AMI SANGHVI, Senior Trial Attorney  
Attorney for Plaintiff EEOC

Dated: October 26, 2018

THE MAREK LAW FIRM

By: /s/ David Marek  
DAVID MAREK  
Attorney for Plaintiff-Intervenor Duane

**LOCAL RULE 5-1(i)(3) ATTESTATION**

I, Ami Sanghvi, am the ECF User whose ID and password are being used to file the Plaintiffs’ Objections/Proposed Modifications to the Proposed Jury Instructions. In compliance with Local Rule 5-1(i)(3), I hereby attest that David Marek concurred in this filing

Dated: October 26, 2018

/s/ Ami Sanghvi  
AMI SANGHVI, Senior Trial Attorney