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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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12 José Parra; Gonzalo Estrada;)
Aurelia Martinez, on behalf)
13 of themselves and all)
individuals similarly)
14 situated,)

No. CIV 02-0591-PHX-RCB

O R D E R

15 Plaintiffs,)

16 v.)

17 Bashas', Inc.,)

18 Defendant.)

19


20 Prior to this court's ruling on the issue of class
21 certification of the unequal pay claim in this case, defendant
22 Bashas', Inc. filed for Chapter 11 bankruptcy. See Doc. 288. In
23 accordance with 11 U.S.C. § 362, the Bankruptcy Code's automatic
24 stay provision, Bashas' "ceased any further action in this matter."
25 Id. at 1:22-23 (citation omitted). Effective August 28, 2010, that
26 stay was "terminated" as part of the United States Bankruptcy
27 Court's Order Confirming Plan. See Doc. 293, and attachment 1
28 thereto (Doc. 293-1). After the termination of that stay,

1 plaintiffs filed the pending "Request for Ruling" on the class
2 certification issue (Doc. 294). Plaintiffs are "request[ing] that
3 the Court rule on the issue of the certification of the unequal pay
4 claim . . . so that a trial may be set for adjudication of the
5 working conditions and pay class claim, if certified." Id. at
6 2:17-19.

7 In the meantime, on December 6, 2010, the Supreme Court
8 granted *certiorari* in Wal-Mart Stores, Inc. v. Dukes, 603 F.3d 571
9 (9th Cir. 2010) (*en banc*), *cert. granted*, --- S.Ct. ---, 2010 WL
10 3358931, 79 U.S.L.W. 3128 (U.S. Dec. 6, 2010) (No. 10-277).
11 Resolution of Dukes has the potential to significantly impact the
12 class certification motion pending before this court. Therefore,
13 rather than deciding this case in haste without the benefit of the
14 Supreme Court's decision in Dukes, this court will defer resolution
15 of the class certification issue pending a decision in Dukes. See
16 Mazza v. American Honda Motor Co., Inc., No. 09-55376, (9th Cir.
17 Dec. 7, 2010) ("Submission . . . DEFERRED" after full briefing and
18 oral argument "pending the Supreme Court's decision in" Dukes["]).

19 IT IS SO ORDERED plaintiffs' Request for a Ruling at this time
20 is denied.

21 DATED this 15th day of December, 2010.

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24 
25 Robert C. Broomfield
26 Senior United States District Judge
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28 Copies to counsel of record