

1 deadline, the Court is court has specifically considered and rejected Plaintiffs’
2 argument in her Reply that “there is little doubt but that the filing date for
3 PLAINTIFFS’ motion for class certification would have been set [by the Northern
4 District of California] in October 2012 or later.” The Court finds it doubtful that the
5 Northern District would have deemed a date more than a year after Plaintiffs’
6 complaint was filed the sort of “early practicable time” Rule 23(c)(1)(A) contemplates
7 for filing a class-certification motion absent an applicable local rule.

8 The Court also specifically rejects Plaintiffs’ contention that application of
9 Local Rule 23-3’s 90-day class certification deadline—even applied to the date this
10 Court received this action—would cause Plaintiffs prejudice. (*See* Reply 4.) Any
11 such prejudice would be of Plaintiffs’ own making. As Defendant notes,
12 “[p]resumably, as required by Rule 11, plaintiffs’ counsel conducted a thorough and
13 good faith investigation into this matter before it was filed in September 2011, and
14 thus plaintiffs’ counsel has been preparing to move for class certification for over
15 seven months.” (Opp’n Ex. E, at 1.) In addition, Rule 26(d)(1) provides that
16 discovery may not commence “before the parties have *conferred* as required by Rule
17 26(f)” (emphasis added). The parties submitted a Joint Rule 26(f) Report on
18 January 11, 2012, which necessarily means that the parties conferred pursuant to
19 Rule 26(f) by January 11, 2012, at the latest. (ECF No. 23.) Thus, although no
20 scheduling conference has been held in this action to date, Plaintiffs could have
21 commenced discovery as early as January 11, 2012. The fact that Plaintiffs chose not
22 to avail themselves of the preceding four-month opportunity to conduct discovery
23 does not establish good cause for the Court to depart from Local Rule 23-3’s 90-day
24 filing deadline.

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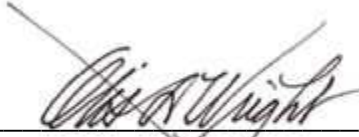
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1 For the reasons stated above, Plaintiffs' Motion is **DENIED**. Plaintiffs may file
2 a class-certification motion no later than **June 6, 2012**.

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4 **IT IS SO ORDERED.**

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6 May 1, 2012

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HON. OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE

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