



1 December 10, 2014, Defendant Guthy-Renker LLC filed its Motion to Dismiss the  
2 First Amended Complaint. (ECF No. 36.)

3 On February 27, 2015, the Court granted in part and denied in part Guthy-  
4 Renker's Motion to Dismiss. (ECF No. 41.) On March 13, 2015, the parties filed the  
5 pending Joint Stipulation regarding the class certification deadlines, in compliance  
6 with the Court's October 17, 2014 Order. (ECF No. 46.) In the Joint Stipulation, the  
7 parties request a bifurcation of class certification and the merits, and propose a  
8 December 18, 2015 deadline for Plaintiffs to file their motion for class certification.  
9 (*Id.*)

10 The Court rejects both proposals. First, the proposed class certification  
11 deadline is arbitrary and excessive. Had the Court not waived the requirements of  
12 Local Rule 23-3, the original class certification deadline would have been October 31,  
13 2014. The parties are now requesting a date thirteen and a half months after the  
14 original deadline, and a year and a half after the original Complaint was filed. The  
15 Joint Stipulation offers no justification for such a delay and without one the Court sees  
16 no reason for such a dramatic departure from the regular Central District requirements  
17 regarding class certification. Parties bringing class action lawsuits in this District are  
18 on notice that the Local Rules regarding class certification motions are more stringent  
19 than the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 23(c)(1)(A). There is  
20 simply no excuse to not be prepared. This is especially true for these litigants, who  
21 have been in court for nearly eight months already. In the interest of fairness, the  
22 Court will re-start the Local Rule 23-3 clock as of today. The class certification  
23 motion and all subsequent briefing shall be in compliance with the Local Rules.

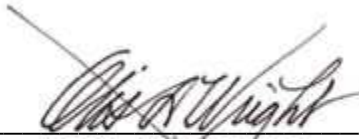
24 Second, the Court sees no need to bifurcate the discovery in this matter. Class  
25 certification is proper only if "the trial court is satisfied, after a rigorous analysis, that  
26 the prerequisites of Rule 23(a) have been satisfied." *Gen Tel. Co of Sw. v. Falcon*,  
27 457 U.S. 147, 161 (1982). "Frequently that 'rigorous analysis' will entail some  
28 overlap with the merits of the plaintiff's underlying claim. That cannot be helped."

1 *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541, 2551 (2011). Because the discovery  
2 required for class certification and the merits will overlap, the Court sees no need to  
3 unnecessarily delay the litigation through bifurcation. The parties can suggest an  
4 appropriate case management schedule in their Joint Rule 26(f) Report.

5 Accordingly, the Court hereby rejects the proposed timeline in the Joint  
6 Stipulation. (ECF No. 46.) The deadline to file a class certification is **Wednesday,**  
7 **June 17, 2015.**

8 **IT IS SO ORDERED.**

9  
10 March 17, 2015



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13 **OTIS D. WRIGHT, II**  
14 **UNITED STATES DISTRICT JUDGE**