

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MOISES NEGRETE, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

CONAGRA FOODS, INC., et al.,

Defendants.

STEPHEN ANDERSON, et al.,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

CONAGRA FOODS, INC., et al.,

Defendants.

VALENTIN VILLAR, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

CONAGRA FOODS, INC., et al.,

Defendants.

Case No. CV 16-0631 FMO (AJWx)  
Case No. CV 16-2219 FMO (AJWx)  
Case No. CV 16-2801 FMO (AJWx)  
Case No. CV 16-8069 FMO (AJWx)  
Case No. CV 17-3141 FMO (AJWx)

**ORDER RE: CONSOLIDATION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 JORDYN NJOROGÉ, on behalf of  
2 herself, all others similarly situated, and  
the general public,

3 Plaintiffs,

4 v.

5 FIRST RATE STAFFING  
CORPORATION, et al.,

6 Defendants.

---

7 JESSE ALVAREZ, et al., on behalf of  
8 herself, all others similarly situated, and  
the general public,

9 Plaintiffs,

10 v.

11 CONAGRA BRANDS INC., et al.,

12 Defendants.

---

13  
14 Having reviewed and considered plaintiffs' Response to [Order] to Show Cause in Alvarez,  
15 et al. v. Conagra Brands, Inc., et al., Case No. 17-3141 (C.D. Cal.) ("Alvarez"), (Dkt. 21, "Alvarez  
16 Response"), and the parties' Joint Response to Order to Show Cause re Consolidation of Actions  
17 in Negrete, et al. v. Conagra Foods, Inc., et al., Case No. 16-0631 (C.D. Cal.) ("Negrete"), (Dkt.  
18 97, "Negrete Response"), IT IS ORDERED THAT:

19 1. Paragraph 5 of the Court's Order of December 22, 2016 (Dkt. 75) is hereby **vacated**.  
20 The court will decide at a later time whether and if the appointment of lead counsel is necessary.

21 2. Case Nos. CV 16-0631 FMO (AJWx), CV 16-2219 FMO (AJWx), CV 16-2801 FMO  
22 (AJWx), CV 16-8069 FMO (AJWx), and CV 17-3141 FMO (AJWx) are hereby **consolidated**. The  
23 Clerk shall consolidate the actions such that the earlier filed action, Case No. CV 16-0631 FMO  
24 (AJWx), is the lead case. All future filings shall be filed in Case No. CV 16-0631 FMO (AJWx) until  
25 further notice from the court.

26 3. The Clerk shall administratively close Case No. CV 17-3141 FMO (AJWx).

27 4. Defendants' motion to dismiss (**Document No. 81**) is **denied without prejudice**.

1 5. Plaintiffs shall file a Consolidated Second Amended Complaint no later than **July 20,**  
2 **2017.** Plaintiffs are informed that the court cannot refer to a prior pleading in order to make their  
3 Consolidated First Amended Complaint complete. Local Rule 15-2 requires that an amended  
4 pleading be complete in and of itself without reference to any prior pleading. This is because, as  
5 a general rule, an amended pleading supersedes the original pleading. See Ramirez v. Cnty. of  
6 San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (“It is well-established in our circuit that an  
7 amended complaint supersedes the original, the latter being treated thereafter as non-existent.  
8 In other words, ‘the original pleading no longer performs any function[.]’”) (citations and internal  
9 quotation marks omitted).

10 6. Defendants shall file an Answer to the Consolidated Second Amended Complaint or a  
11 motion pursuant to Fed. R. Civ. P. 12 no later than **August 3, 2017.**

12 7. In the event defendants wish to file a motion to dismiss, then counsel for the parties  
13 shall, on **July 27, at 10:00 a.m.**<sup>1</sup> meet and confer to discuss defendants’ motion to dismiss.  
14 Defendants’ motion must include copies of all meet and confer letters as well as a declaration that  
15 sets forth, in detail, the entire meet and confer process (i.e., when and where it took place, how  
16 long it lasted and the position of each attorney with respect to each disputed issue that will be the  
17 subject of the motion). Failure to include such a declaration will result in the motion being denied.<sup>2</sup>

18 Dated this 27th day of June, 2017.

19  
20 \_\_\_\_\_  
21 /s/  
22 Fernando M. Olguin  
23 United States District Judge  
24

25 \_\_\_\_\_  
26 <sup>1</sup> Counsel may agree to meet and confer at another time without seeking court approval for  
27 such an agreement.

28 <sup>2</sup> Unless otherwise noted, the case deadlines set forth in the Court’s Order of March 7, 2017  
(Dkt. 89), control.