

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EFRAIN MUNOZ, et al.,	Case No. 1:08-cv-0759-AWI-BAM
Plaintiffs,	SCHEDULING ORDER RE: CLASS
VS.	DISCOVERY AND SUPPLEMENTAL BRIEFING ON CLASS CERTIFICATION
PHH CORP. et al.,	
Defendants.	

On August 14, 2013, the Court held a Status Conference concerning the status of this case in light of the Court's Findings and Recommendations Granting in Part and Denying in Part Plaintiffs' Motion for Class Certification (Doc. 230), as well as the Court's Order granting Marcella Villalon's Motion to Intervene (Doc. 242.)

Having considered the arguments of the parties, additional class discovery and supplemental briefing on class certification is warranted. Specifically, the parties shall be permitted to conduct discovery on the following issues: (1) whether Ms. Villalon's claims are typical of a tolling subclass pursuant to Fed. R. Civ. P. 23(a)(3); (2) whether Ms. Villalon is an adequate class representative pursuant to Fed. R. Civ. P. 23(a)(4); (3) whether resolving the merits of claim tolling involves adjudicating common issues pursuant to Fed. R. Civ. P. 23(a)(2); and (4) whether the common issues involved in litigating claim tolling predominate over individual inquiries pursuant to Fed. R. Civ. P.

23(b)(3).

Once the above-reference discovery has been completed, the parties will submit supplemental briefing on Plaintiffs' Motion for Class Certification. The Supplemental briefing will discuss the typicality and adequacy of Ms. Villalon as a tolling subclass representative, as well as whether the merits of claim tolling can be litigated on a class-wide basis -- specifically, whether common issues involved in the tolling determination will predominate over individual inquiries. The parties' briefs shall offer a distilled presentation of the issues *specifically requested* in this Order. Each supplemental brief shall be limited to fifteen pages. The Court will not accept any further briefing on the matter.

Accordingly, the Court sets the following scheduling order:

- 1. The cutoff to complete class discovery is **October 31, 2013**;
- 2. Plaintiffs shall file their supplemental brief in support of Plaintiffs' Motion for Class Certification by **November 15, 2013**;
- 3. Defendants shall file its supplemental opposition by **December 6, 2013**;
- 4. A hearing regarding class certification will be held on **December 13, 2013**, at 9:00 AM, in Courtroom 8, before United States Magistrate Judge Barbara A. McAuliffe.

17 | IT IS SO ORDERED.

Dated: August 14, 2013 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE