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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SABAS ARREDONDO, et al.,
Plaintiffs,
vs.
DELANO FARMS COMPANY, et al.,
Defendant.

CASE NO. CV F 09-1247 LJO DLB
ORDER TO VACATE DEFENSE MOTIONS
(Docs. 203-205.)

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This Court will conduct a January 15, 2013 trial on the bifurcated issue whether defendant Delano Farms Company is a joint employer of the farm laborer plaintiffs. Due to inadvertence, this Court failed to set pretrial and related dates, including a motion cutoff and pretrial conference.

On November 13, 2012, defendants filed motions to decertify class and for a trial plan and further depositions (docs. 203-205). This Court has reviewed the defense motions and finds that they address issues not central to the joint employer issue, burden plaintiffs' trial preparation and this Court's case management, and thus should be addressed after the bifurcated first trial phase. This Court does not entertain such motions so close to trial and inadvertently failed to issue a scheduling order to that effect. As such, this Court:

1. VACATES the December 12, 2012 hearing on the defense motions to decertify class and for a trial plan and further depositions, which defendants may reset, if appropriate, after the bifurcated first trial phase and give no less than 28 days notice;

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2. SETS a pretrial conference for December 5, 2012 at 8:15 a.m. at which this Court will address evidentiary and proof matters;
3. ORDERS the parties, no later than November 28, 2012, to file a joint pretrial statement which satisfies the requirements of Local Rule 281;
4. DIRECTS the clerk to term docs. 203-205 as at this time, this Court will take no further action on the motions to decertify class and for a trial plan and further depositions, and plaintiffs need not respond to them until reset, if appropriate, after the first bifurcated trial phase.

IT IS SO ORDERED.

Dated: November 15, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE