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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALFRED GONZALES AND
KELLY GONZALES, Individually
and on Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

COMCAST CORPORATION, and
DOES 1 through 10 Inclusive,

Defendants.

CASE NO. 1: 10-cv-01010-LJO-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS; DENYING
PLAINTIFF’S MOTION FOR CLASS
CERTIFICATION

By notice filed on August 22, 2011, plaintiffs Alfred Gonzales and Kelly Gonzales (“Plaintiffs”) filed a motion to certify two putative classes in this matter. (Doc. 64.) Defendant Comcast Corporation. (“Comcast”) filed an opposition on September 26, 2011. (Doc. 75.) Plaintiffs filed their Reply Brief on October 14, 2011. (Doc. 78.) The matter was referred to United States Magistrate Judge Barbara A. McAuliffe pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The Court heard oral arguments on the matter on November 18, 2011.¹

On January 3, 2012, United States Magistrate Judge Barbara A. McAuliffe issued Findings and Recommendations recommending Plaintiffs’ motion for class certification be denied. (Doc. 86.) The January 3, 2012 findings and Recommendations were served on the parties and contained notice to the parties that any objections to the Findings and Recommendations were to be filed within

¹ Counsel Kevin Ruf and Coby Turner appeared for Plaintiffs. Counsel Bryan Merryman and Jaime Bianchi appeared for Comcast.

1 fifteen days of service of the Order. (Doc. 86, 31: 19-22.) The parties have not filed timely
2 objections to the Findings and Recommendations.

3 In accordance with the provisions of Title 28 of the United States Code section 636(b)(1)(c),
4 this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the
5 Court finds that the Findings and Recommendations are supported by the record and proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed January 3, 2012, is adopted in full;
- 8 2. Plaintiffs' Motion for Class Certification is DENIED.

9 IT IS SO ORDERED.

10 **Dated:** January 23, 2012

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