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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY M. LINDELL, ON BEHALF OF
HIMSELF AND ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

vs.

SYNTHES USA, SYNTHES USA SALES
LLC, SYNTHES SPINE COMPANY, LP,

Defendants.

Case No.: No. 11-cv-02053-LJO-BAM

**ORDER GRANTING DEFENDANTS'
MOTION TO CONTINUE THE HEARING
ON PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

Currently before the Court is Defendants' Motion to Continue the Hearing on Plaintiff's Motion for Class Certification. (Doc. 131.) Plaintiff filed his opposition on February 11, 2014. (Doc. 131.)

Defendants' lead counsel, Anthony B. Hallar of Blank Rome LLP ("Counsel"), practices out of Philadelphia, Pennsylvania. Counsel arranged to appear in person at the hearing on Plaintiff's Motion for Class Certification, currently scheduled for February 14, 2014. Counsel has informed the Court that the National Weather Service and major media outlets are currently forecasting that a major winter storm will affect the entire east coast of the United States with significant snowfall starting on February 12, 2014, continuing into February 13, 2014. It is anticipated that the storm will cause travel disruptions, including flight cancellations and delays.

Counsel submits that, due to the importance of Plaintiff's Motion, it is "essential and ethically required for him to appear in person at the hearing to represent his clients and argue Defendants' Opposition to Plaintiff's Motion." Accordingly, Defendants request a continuance of the hearing on Plaintiff's Motion for Class Certification.

1 Plaintiff opposes Defendant's request. Plaintiff notes the delays and several continuances
2 that have already occurred on the hearing on Plaintiff's Motion for Class Certification. Plaintiff
3 also opposes the notion that a continuance is proper before it is known whether Counsel's travel
4 arrangements will *in fact* be disrupted by inclement weather. Lastly, Plaintiff notes there are
5 several other possibilities for Defendants to appear at the hearing, including a telephonic
6 appearance by Counsel, or an in person appearance by Defendants' local counsel.

7 The Court sympathizes with Plaintiff's concerns. Class certification in this matter has
8 been a subject of considerable delay – notably, at the request of both parties. Nevertheless,
9 weather-related delays, cancellations, missed connection flights and the like are all too common
10 when traveling from the East to West Coast during inclement conditions. To ensure the parties
11 are adequately represented at the hearing, and to avoid an eleventh hour scramble to rearrange
12 calendars and continue the hearing on Plaintiff's Motion, the Court will continue the hearing on
13 Plaintiff's Motion for Class Certification.

14 CONCLUSION

15 The Court ORDERS as follows:

16 Plaintiff's Motion for Class Certification, currently set for February 14, 2014, is
17 CONTINUED to February 24, 2014, at 9:00 AM, in Courtroom 8, before United States
18 Magistrate Judge Barbara A. McAuliffe.

19 The Court ADMONISHES the parties that there will be no further continuances of the
20 hearing on Plaintiff's Motion for Class Certification absent an extraordinary showing of both
21 good cause and prejudice.

22 IT IS SO ORDERED.

23
24 Dated: February 12, 2014

/s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE
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