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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER OLNEY, on behalf of himself
and all others similarly situated.

Case No. 1:12-cv-01724-LJO-SKO

Plaintiff,

ORDER SETTING MOTION DEADLINES

v.

JOB.COM, INC., and WINDY CITY CALL
CENTER, LLC,

Defendants,

v.

RESUMEDIRECTOR.COM, NORTH
AMERICA LIVECAREER, INC.,
LIVECAREER, LTD.,

Third Party Defendants.

_____ /

On February 4, 2014, the parties appeared for a telephonic scheduling conference. Nicholas Bontrager, Esq., appeared on behalf of Plaintiff; Hugh McCabe, Esq., and Robert Olson, Esq., appeared on behalf of Defendant Job.com, Inc. ("Job.com"); Cari Dawson, Esq., and Darryl Horowitz, Esq., appeared on behalf of third-party Defendants North America Livecareer, Inc. ("Livecareer") and Resumedirector.com ("Resumedirector"). No appearance was made on behalf

1 of Defendant Windy City Call Center, LLC as that Defendant has not yet responded to the Second
2 Amended Complaint.

3 Defendant Job.com indicates that it is prepared to file a motion for summary judgment
4 ("MSJ") as to Plaintiff's individual claims within the next 30 days. Given that this motion may be
5 dispositive of the entire case, it is more efficient that class discovery remain stayed and the motion
6 for summary judgment be presented to the Court. *Wright v. Schock*, 742 F.2d 541, 544 (9th Cir.
7 1984) ("It is reasonable to consider a Rule 56 motion first when early resolution of a motion for
8 summary judgment seems likely to protect both parties and the court from needless and costly
9 further litigation."). Further, although third-party Defendants Livecareer and Resumedirector
10 indicate a desire to file a motion for judgment on the pleadings as to Defendant Job.com's third-
11 party complaint, Job.com's MSJ has the potential to moot the motion for judgment on the
12 pleadings. Thus, at this time, the Court sets only a schedule for Job.com to file its MSJ:

- 13 **1. Deadline to File MSJ by Job.com: March 4, 2014**
- 14 **2. Plaintiff's Opposition Brief Deadline: March 25, 2014**
- 15 **3. Reply Brief Deadline: April 1, 2014**
- 16 **4. Hearing on MSJ: April 15, 2014, at 8:30 a.m.¹**

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Defendant Job.com may file a motion for summary judgment on or before March 4,
19 2014, with a briefing schedule and hearing date as set forth above;
- 20 2. Class discovery remains stayed pending the outcome of Job.com's motion for
21 summary judgment; and
- 22 3. A further status conference will be set as appropriate following the Court's ruling
23 on Job.com's motion.

24 IT IS SO ORDERED.

25 Dated: February 5, 2014

26 /s/ Sheila K. Oberto
27 UNITED STATES MAGISTRATE JUDGE

28 ¹ This hearing date is subject to availability on Judge O'Neill's calendar and may be reset by the Court to remedy any scheduling conflicts on the Court's calendar that may arise.

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