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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORY LARSON, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

HARMAN-MANAGEMENT
CORPORATION and 3SEVENTY, INC.,

Defendants.

No. 1: 16-cv-00219-DAD-SKO

ORDER GRANTING MOTION FOR
LEAVE TO FILE NOTICE OF
SUPPLEMENTAL AUTHORITY

(Doc. No. 163)

Plaintiff Cory Larson (“plaintiff”) filed the complaint in this action on February 17, 2016, naming Harman-Management Corporation and 3Seventy, Inc. (“defendants”) and alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”). (Doc. No. 1.) On May 15, 2018, the parties appeared for a motions hearing regarding plaintiff’s motion for class certification (Doc. No. 98), defendant 3Seventy, Inc.’s motion for summary judgment (Doc. No. 101), and defendant Harman-Management Corporation’s (“HMC”) motion for summary judgment (Doc. No. 128).

On September 26, 2018, plaintiff filed a motion for leave to file notice of supplemental authority, citing the Ninth Circuit’s September 20, 2018 decision in *Marks v. Crunch San Diego, LLC*, No. 14-56834, 2018 WL 4495553 (9th Cir. Sept. 20, 2018). (Doc. No. 163.) Plaintiff states

1 that *Marks* provides controlling authority regarding the definition of an “automatic telephone
2 dialing system” under the TCPA and seeks leave to file a Notice of Supplemental Authority
3 addressing *Marks*.” (*Id.* at 2.) Defendants do not oppose plaintiff’s request to file supplemental
4 authority. (*Id.*)

5 Finding good cause, the court grants all parties leave to submit additional, simultaneous
6 briefing addressing the Ninth Circuit’s recent decision in *Marks*, not to exceed ten (10) pages in
7 length within fourteen (14) days of the service of this order.

8 IT IS SO ORDERED.

9 Dated: October 2, 2018

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12 UNITED STATES DISTRICT JUDGE
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