

1 Kevin D. Reese (State Bar No. 172992)  
Adam V. Truong (State Bar No. 318896)  
2 JACKSON LEWIS P.C.  
50 California Street, 9th Floor  
3 San Francisco, California 94111-4615  
Telephone (415) 394-9400  
4 Facsimile: (415) 394.9401  
E-mail: Kevin.Reese@jacksonlewis.com  
5 Adam.Truong@jacksonlewis.com

6 Attorneys for Defendant  
CMG CIT ACQUISITION, LLC  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

11 MARGARITA ERGUERA, an INDIVIDUAL  
ON BEHALF OF HERSELF AND OTHERS  
12 SIMILARLY SITUATED,

13 Plaintiff,

14 v.

15 CMG CIT ACQUISITION, LLC;  
CIRCHARO ACQUISITION LLC; and  
16 DOES 1 through 10, inclusive,

17 Defendants.  
18

Case No.: 1:20-cv-01744-JLT-SKO

**[PROPOSED] ORDER DENYING AS  
MOOT DEFENDANT'S EX PARTE  
APPLICATION TO STRIKE  
PLAINTIFF'S MOTION FOR CLASS  
CERTIFICATION AND GRANTING AN  
ORDER EXTENDING DEFENDANT'S  
TIME TO RESPOND TO THE SAME**

(Doc. 25)

19 Based upon changed circumstances, CMG CIT ACQUISITION, LLC's ex parte request to  
20 Strike Plaintiffs' Motion for Class Certification, Or, In The Alternative, Grant An Order Extending  
21 Defendant's Time To Respond, the Court **ORDERS**:

- 22 1. The request to strike the motion for class certification is **DENIED as MOOT**.
- 23 2. The Defendant **SHALL** file an opposition to Plaintiffs' motion (Doc. 24) or a  
24 statement of non-opposition within 60 days.
- 25 3. The reply, if any, **SHALL** be filed within 30 days thereafter.

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. The hearing on the motion for class certification is **VACATED** and will be re-set only if the Court determines a hearing is needed.

IT IS SO ORDERED.

Dated: January 10, 2022

  
UNITED STATES DISTRICT JUDGE