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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON CAMPBELL and  
SARAH SOBEK, individually,  
and on behalf of all other  
similarly situated current  
and former employees of  
PricewaterhouseCoopers, LLP,,

NO. CIV. S-06-2376 LKK/GGH

Plaintiffs,

v.

PRICEWATERHOUSECOOPERS, LLP,  
a Limited Liability Partnership;,  
and DOES 1-100, inclusive,

O R D E R

Defendant.

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Pending before the court is a motion to re-open discovery in this case, following remand from the Ninth Circuit. The motion resulted in extended discussion concerning matters relating to class certification, but essentially irrelevant to the instant motion.

The court's deadline for completing non-expert discovery in this case was February 20, 2009. ECF No. 254. In March 2009 this court granted summary judgment to plaintiffs on the question of

1 whether class members were exempt from overtime pay under the 2001  
2 Wage Order issued by California's Industrial Welfare Commission.  
3 The court certified the issue for interlocutory appeal and stayed  
4 all proceedings in the case, including a motion by defendant to  
5 decertify the class. ECF No. 425. On June 15, 2011, the Ninth  
6 Circuit reversed this court's March 2009 summary judgment order.  
7 Campbell v. PricewaterhouseCoopers, LLP, 642 F.3d 820 (9th Cir.  
8 2011). Defendant has indicated that it intends to file a new motion  
9 to decertify the class. Defendant now seek to re-open discovery in  
10 light of the Ninth Circuit decision and the intervening Supreme  
11 Court opinion concerning class certification in Walmart Stores  
12 Inc., v. Dukes, 131 S.Ct. 2541 (2011).

13 By an order of this court, discovery was to be completed by  
14 February 20, 2009. The court finds that cases decided subsequent  
15 to that date have not altered the issues faced by the parties in  
16 this case. The factual issues relevant to this case subsequent to  
17 Campbell and Walmart were relevant before those opinions were  
18 issued. The court notes that it must defend its own rules,  
19 including the deadlines set in this case.

20 Accordingly, the court ORDERS as follows:

21 [1] Defendant's motion to re-open discovery, ECF No.  
22 494, is DENIED.

23 [2] Defendant SHALL file a new motion to decertify the  
24 class no later than February 17, 2012.

25 [3] Plaintiffs SHALL file an opposition to the  
26 decertification motion no later than March 2, 2012.


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[4] Defendant SHALL file a reply, if any, no later than  
March 12, 2012.

[5] A hearing on the decertification motion is specially  
SET for March 23, 2012 at 10:00 a.m.

IT IS SO ORDERED.

DATED: December 12, 2011.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT