

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

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.

\_\_\_\_\_ /

On December 5, 2012, this court set a Scheduling Conference in this matter for February 4, 2013, with Status Reports due on January 18, 2013. On January 18, 2013, defendant for the first time advised the court that six weeks before, it had filed papers at the Court of Appeals on December 7, 2012, seeking interlocutory appeal of the November 29, 2012 order of this court denying defendant's motion to decertify the class. Defendant now seeks to postpone the February 4, 2013 Scheduling Conference based upon its

1 December 7, 2012 filing.<sup>1</sup>

2 As a separate ground for postponing the Scheduling Conference,  
3 defendant says that its attorney, Daniel J. Thomasch, Esq., is not  
4 available on February 4, 2013. Defendant does not assert that  
5 Lauren J. Elliot, Esq., Julian W. Poon, Esq., Alexander K.  
6 Mircheff, Esq., Norman C. Hile, Esq., Julie A. Totten, Esq., David  
7 A. Prahl, Esq., and/or Michel L. Maryott, Esq., who are also  
8 attorneys for defendant, could not conduct the Scheduling  
9 Conference, presumably in coordination with Mr. Thomasch, who is  
10 lead counsel.<sup>2</sup>

11 The court concludes that defendant has not established cause  
12 for postponing the Scheduling Conference. Accordingly, defendant's  
13 ex parte application (ECF No. 560), is **DENIED**.

14 IT IS SO ORDERED.

15 DATED: January 23, 2013.

16

17

18

19



LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

20

---

21 <sup>1</sup> Defendant advises the court that the appellate filing was  
22 made pursuant to Fed. R. Civ. P. 23(f). The court assumes, without  
23 deciding, that defendant was not required to notify this court of  
24 its request for leave to appeal, however sensible it would have  
been to do so. Given that the appellate filing is the basis for  
the relief defendant seeks, it would have been the better practice  
for defendant to let this court know about the filing around the  
time it was made.

25

26

<sup>2</sup> It would have been the better practice, in any event, to let  
the court know about this conflict around the time the court's  
order issued scheduling the conference.