

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANINE SUGAWARA, individually
and on behalf of all others
similarly situated,

No. 2:08-cv-01335-MCE-DAD

Plaintiff,

v.

ORDER

PEPSICO, INC.,

Defendant.

-----oo0oo-----

On December 10, 2008, this Court approved the parties' first stipulation to continue the hearing scheduled for Defendant's Motion to Dismiss Plaintiff's First Amended Complaint from December 19, 2008, to February 6, 2009. The parties have since filed a second stipulation proposing that the hearing currently scheduled for February 6, 2009, be continued to May 1, 2009.

///
///
///
///

1 The Court is not willing to further continue the already
2 scheduled hearing. Rather, Defendant's Motion to Dismiss is
3 DENIED without prejudice and Defendant is directed to re-file
4 this Motion, should it so choose, at such time that the parties
5 are prepared to schedule a hearing and to follow the briefing
6 schedule prescribed by the Local Rules.

7 IT IS SO ORDERED.

8 Dated: January 26, 2009

9
10 

11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28