

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

ROBERT WATTS, on behalf
of himself individually and
all others similarly situated,

NO. CIV. S-08-1877 LKK/GGH

Plaintiff,

v.

O R D E R

ALLSTATE INDEMNITY CO.,
an Illinois corporation, et al.,

Defendants.

_____ /

On May 4, 2012, defendant filed a motion to dismiss and strike class allegations. ECF No. 297. The motion is currently scheduled to be heard on June 18, 2012. Because of the pending motion, this court vacated a status conference that was set for May 14, 2012. On May 14, 2012, plaintiffs filed an ex parte application, seeking a scheduling order on briefing for class certification. ECF No. 300. Defendants oppose the ex parte application.

The court finds that the issues to be analyzed in deciding the motion to strike class allegations are duplicative of those that


1 are likely to be raised in a class certification motion by
2 plaintiff. Plaintiff has stated his intent to file a class
3 certification motion on August 27, 2012. Accordingly, the court
4 DENIES the defendants' motion to dismiss and strike the class
5 allegations, ECF No. 297. The hearing on that motion is VACATED.

6 A status conference is SET for June 11, 2012, at 3:00 p.m. The
7 parties shall file updated status reports no later than 14 days
8 prior to the status conference.

9 IT IS SO ORDERED.

10 DATED: May 22, 2012.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT