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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

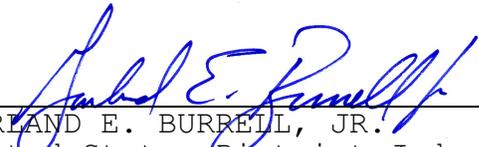
BRYN GARRETT, on behalf of)	
himself and all others similarly)	2:09-cv-02651-GEB-JFM
situated,)	
)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
SMOKING EVERYWHERE, INC., a)	
Florida Corporation,)	
)	
Defendant.)	
_____)	

At the Status Hearing heard on October 18, 2011, the Court decided that Plaintiff shall file a motion for class certification, which is timely noticed for hearing on or before May 16, 2011. Alternatively, Plaintiff shall explain in a filing noticed for hearing no later than May 16, 2011, why this action should not be dismissed for failure of prosecution.

A further status hearing is scheduled to commence at 9:00 a.m. on September 19, 2011. A joint status report shall be filed no later than fourteen (14) days prior to the status hearing.

IT IS SO ORDERED.

Dated: October 19, 2010



 GARLAND E. BURRELL, JR.
 United States District Judge