

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

BRYN GARRETT, individually, and)
on behalf of other members of) 2:09-cv-02651-GEB-JFM
the general public similarly)
situated,)
Plaintiff,) ORDER
v.)
SMOKING EVERYWHERE, INC., a)
Florida Corporation,)
Defendant.)

The parties' Joint Stipulation filed on March 23, 2011, in essence seeks the below continuance, which is granted without deciding the good cause issue. Therefore, Plaintiff shall a motion for class certification which is timely noticed for hearing on July 25, 2011, commencing at 9:00 a.m. Alternatively, Plaintiff shall explain in a filing noticed for hearing at the same time and date, why this action should not be dismissed for failure of prosecution.

IT IS SO ORDERED.

Dated: March 24, 2011



GARLAND E. BURRELL, JR.
United States District Judge