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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KYLE DEI ROSSI and MARK
LINTHICUM, on behalf of themselves and
those similarly situated,

Plaintiff,

v.

WHIRLPOOL CORPORATION,

Defendant.

No. 2:12-cv-00125

**ORDER DENYING DEFENDANT’S
PETITION FOR PERMISSION TO
APPEAL**

By Order entered on April 28, 2015, this Court Granted in Part and Denied in Part Plaintiffs Kyle Dei Possi and Mark Linthicum’s (“Plaintiffs”) Motion for Class Certification. (ECF No. 160). Defendant Whirlpool Corporation (“Defendants”) subsequently filed a Motion Requesting permission to appeal this Court’s ruling pursuant to Federal Rule of Civil Procedure 23(f). (ECF No. 161.) Rule 23(f) states:

A court of appeals may permit an appeal from an order granting or denying class-action certification under this rule if a petition for permission to appeal is filed with the circuit clerk *within 14 days after the order is entered*. An appeal does not stay proceedings in the district court unless the district judge or the court of appeals so orders.

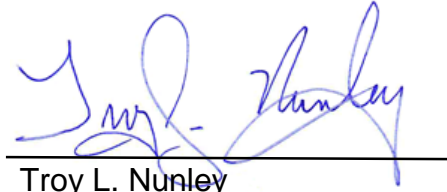
Fed. R. Civ. P. 23(f) (emphasis added). Defendants filed this petition on May 19, 2015, twenty-

1 one (21) days after this Court's ruling. Accordingly, Defendant's petition is untimely and is thus
2 DENIED.

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4 Dated: May 28, 2015

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Troy L. Nunley
United States District Judge