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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
AT SACRAMENTO

ALEXANDRA BERNAL and ALEXIA
HERRERA, individually and on behalf of
all others similarly situated,
Plaintiff,
v.
ZUMIEZ, INC., and Does 1 through 10,
inclusive,
Defendants.

No. 2:16-cv-01802-SB

INITIAL SCHEDULING ORDER

On December 5, 2016, the Court held a status conference where David Leimbach appeared on behalf of Plaintiffs and Nathan Austin appeared on behalf of Defendant Zumiez, Inc. The parties indicate that two essential motions are forthcoming: 1) a plaintiffs' motion to certify a class; and 2) a defense motion to compel arbitration. Under Local Rule 205, the Court is empowered to postpone certain proceedings until the issue of class certification is determined. Additionally, proceeding to trial when some or all of the potential class members could be compelled into arbitration could waste the time and resources of the parties and the Court.

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INITIAL SCHEDULING ORDER ^ 1

1 Therefore the Court will establish a briefing schedule for these motions in
2 lieu of a trial schedule which would inevitably face continuance. Once the motions
3 to certify a class and to compel arbitration are adjudicated, and if the case remains
4 before the Court, the parties will cooperate with the Court in creating a full trial
5 schedule.

6 Accordingly, **IT IS HEREBY ORDERED THAT:**

7 1. Defendant shall file their motion to compel arbitration by **Friday, March**
8 **10, 2017.**

9 2. Plaintiffs shall file their motion to certify a class by **Friday, June 2,**
10 **2017.**

11 3. Upon the filing of one of these motions, the parties shall contact the
12 chambers of Judge Stanley A. Bastian at (509) 573.6640 to request Deputy Clerk
13 of Court Laurie McClure in order to establish a hearing date, deadlines for filing
14 responses and replies, and to decide whether oral argument will be requested at the
15 hearing.

16 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
17 and forward copies to counsel.

18 **DATED** this 6th day of December, 2016.

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21 Stanley A. Bastian
22 United States District Judge