

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES ROWLAND on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

CARMAX AUTO SUPERSTORES
CALIFORNIA, LLC, a limited liability
company; CARMAX AUTO
SUPERSTORES WEST COAST, INC., a
corporation, and DOES 1-100, inclusive,

Defendants.

Case No. 16-cv-02135-VC

**ORDER RE MOTION TO COMPEL
HEARING**

Re: Dkt. No. 6

The parties are ordered to file supplemental briefs by Monday, January 16 at 5:00 PM,
addressing the following questions:

1. Whether the plaintiff has adequately alleged CAFA's minimal diversity and amount-in-controversy requirements to establish subject-matter jurisdiction.
2. Whether the DRA/DRRP's provisions regarding an employee's right to seek relief from the NLRB or EEOC grant employees any right to which they are not otherwise entitled under law. *See EEOC v. Waffle House, Inc.*, 534 U.S. 279, 291-92 (2002); *NLRB v. Strong*, 393 U.S. 357, 360-62 (1969); *see also EEOC v. Frank's Nursery & Crafts, Inc.*, 177 F.3d 448, 456 (6th Cir. 1999); *EEOC v. Goodyear Aerospace Corp.*, 813 F.2d 1539, 1542-43 (9th Cir. 1987).
3. The effect, if any, on the enforceability of the rest of the agreement if the class action waiver clause of the DRA is unenforceable.

IT IS SO ORDERED.

Dated: 1/12/2017



VINCE CHHABRIA
United States District Judge