

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 DENYING MOTION TO
COMPEL WITHOUT PREJUDICE**

Re: Dkt. No. 6

The motion to compel is denied without prejudice. As the plaintiff concedes, the complaint does not adequately allege CAFA jurisdiction. Therefore, the complaint must be dismissed without prejudice. Any amended complaint must be filed within 21 days.

Moreover, the Court is of the tentative view that if an amended complaint were filed, the case would need to be stayed pending the Supreme Court's decision in *Ernst & Young LLP v. Morris*. Accordingly, if the plaintiff files an amended complaint, the Court will entertain a motion to stay the case.

IT IS SO ORDERED.

Dated: January 18, 2017



VINCE CHHABRIA
United States District Judge