

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

DUKES, ET AL.,

No. CV 01-02252 CRB

Plaintiffs,

**ORDER TO SHOW CAUSE**

v.

WAL-MART STORES, INC.,

Defendant.

United States District Court  
For the Northern District of California

Now pending before the Court are two motions for summary judgment filed by Defendant Wal-Mart Stores, Inc. as to Plaintiff Christine Kwarnoski (dkt. 921) and as to Plaintiff Deborah Gunter (dkt. 922). These motions are “only on the portion of [plaintiffs’] claims that overlap with plaintiffs’ proposed classes,” and “therefore serve as the basis for plaintiffs’ assertion that [plaintiffs’] claims are ‘typical of the claims of the classes.’” After briefing on these two motions for summary judgment was completed in June 2013, this Court issued an order denying Plaintiffs’ motion for class certification. See Dkt. 991.

The Court finds that, in light of the denial of Plaintiffs’ motion for class certification, it is in the interests of justice to DENY the pending motions for summary judgment without prejudice. The parties are hereby ORDERED to show cause why the motions should or should not be denied. The parties shall have 14 days from the issuance of this Order to file a response with the Court.

**IT IS SO ORDERED.**

Dated: September 23, 2013



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE