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

MELISSA GABRIELLA, *et al.*,

No. C 06-4347 SI

Plaintiffs,

**ORDER *SUA SPONTE* LIFTING STAY;
DIRECTING PARTIES TO MEET AND
CONFER REGARDING FURTHER CASE
MANAGEMENT; AND SETTING THIS
CASE FOR A FURTHER CASE
MANAGEMENT CONFERENCE ON
SEPTEMBER 9, 2011 AT 3:00 PM**

v.

WELLS FARGO FINANCIAL, INC., *et al.*,

Defendants.

In an order filed January 29, 2009, the Court granted plaintiffs' motion to stay all further proceedings in this action until the California Supreme Court's decision in *Brinker Restaurant Corporation v. Superior Court of San Diego County*, 80 Cal. Rptr. 3d 781 (2008), *pet. for review granted* (Oct. 22, 2008). The Court finds it appropriate to *sua sponte* lift the stay because *Brinker* is still pending before the California Supreme Court, and a decision does not appear forthcoming in the near future as the Court has not yet held oral argument in that case.

The Court directs the parties to meet and confer regarding the resumption of this litigation, and to file a joint case management conference statement by September 2, 2011. The Court will hold a case management conference on **September 9, 2011 at 3:00 p.m.**

IT IS SO ORDERED.

Dated: August 3, 2011



SUSAN ILLSTON
United States District Judge