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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELINDA FRIEND, et al.,

Plaintiff,

v.

HERTZ CORPORATION,

Defendant.

No. C-07-5222 MMC

**ORDER DIRECTING PARTIES TO FILE
SUPPLEMENTAL MEMORANDA;
CONTINUING HEARING ON
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND DEFENDANT'S
MOTION TO STRIKE**

Before the Court is plaintiffs' Motion for Class Certification, filed September 17, 2010; defendant has filed opposition thereto, plaintiffs have filed a reply, and defendant has filed a surreply. Also before the Court is defendant's Motion to Strike, filed October 15, 2010; plaintiffs have filed opposition thereto, and defendant has filed a reply.

Both parties, in their respective briefing in support of and in opposition to the motion for class certification, cite to and rely on the Ninth Circuit's decision in Dukes v. Wal-Mart Stores, Inc., 603 F.3d 571 (9th Cir. 2010). Subsequent to such briefing, however, the United States Supreme Court granted a petition for a writ of certiorari. See Wal-Mart Stores, Inc. v. Dukes, — S.Ct. — , 2010 WL 3358931 (Dec. 6, 2010). Under the circumstances, the Court hereby DIRECTS each party to file a supplemental memorandum addressing whether resolution of the instant motion for class certification should be stayed pending the Supreme Court's ruling in Dukes. See, e.g., Landis v. North American Co.,

1 299 U.S. 248, 254, 258 (1936) (holding district court has power to stay proceedings in light
2 of pendency of another action; observing district court should consider if “decision [in other
3 action] may be expected within a reasonable time”).

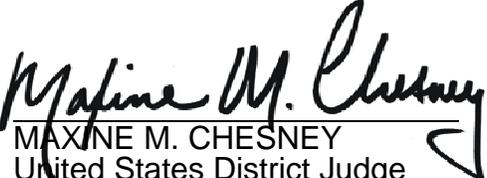
4 Additionally, the parties are hereby DIRECTED to address the propriety of the
5 named plaintiffs’ representing a class seeking injunctive relief, given that each of said
6 plaintiffs is a former employee of defendant. See Fed. R. Civ. P. 23(b)(2); see also Fed. R.
7 Civ. P. 23(a)(3).

8 The parties shall file their respective supplemental memorandum, not to exceed ten
9 pages in length, no later than January 7, 2011.

10 The hearings on plaintiffs’ motion for class certification and defendant’s motion to
11 strike are hereby CONTINUED from December 17, 2010 to January 28, 2011.

12 **IT IS SO ORDERED.**

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14 Dated: December 14, 2010

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MAXINE M. CHESNEY
United States District Judge