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

WILLIAM HELM, ET AL.

No. C 08-01184 SI

Plaintiffs,

**ORDER DENYING PLAINTIFFS’
MOTION FOR LEAVE TO FILE A
MOTION FOR RECONSIDERATION**

v.


ALDERWOODS GROUP, INC.,

Defendant.

Plaintiffs have filed a motion for leave to file a motion for reconsideration of the Court’s March 9, 2011 order denying plaintiffs’ renewed motion for class certification. Contrary to plaintiffs’ assertions, the Court did not fail to consider material facts with regard to numerosity and the community work class. With regard to the on-call class, the Court considered plaintiffs’ interpretation of the payroll records, but determined that the records do not speak for themselves. Finally, with regard to the meal break class, the Court considered both of plaintiffs’ theories. The fact that some employees received a 1-hour meal break is certainly relevant, as those employees are included in plaintiffs’ proposed class definition. The Court notes that the class definitions in this case were often a moving target, and that a motion for leave to file a motion for reconsideration of the denial of a renewed motion for class certification is not the time to request that the Court redefine a subclass. Accordingly, the Court DENIES plaintiff’s motion. (Docket No. 300).

IT IS SO ORDERED.

Dated: April 21, 2011



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California