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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 CLAUDE BRYANT, et al.,

No. C 08-01190 SI

9 Plaintiffs,

**ORDER CONTINUING HEARING ON  
PLAINTIFFS' MOTION FOR  
PROTECTIVE ORDER AND  
SANCTIONS, SETTING STATUS  
CONFERENCE, AND DENYING  
PLAINTIFFS' MOTION FOR A STAY**

10 v.

11 SERVICE CORPORATION  
12 INTERNATIONAL, et al.,

13 Defendants.  
14 \_\_\_\_\_/

15 Plaintiffs have filed a motion for protective order and sanctions and a motion to stay  
16 proceedings in this case. The motions were filed as a result of defense counsel's ex parte contact  
17 with members of the plaintiff class in *Stickle v. SCI Western Market Support Center, L.P.*, No. 08-  
18 083 (D. Ariz.), the FLSA counterpart to this action. Plaintiffs have filed identical motions in *Stickle*.  
19 The district court in that case has denied the stay motion and set the sanctions motion for oral  
20 argument on April 5, 2010. While *Stickle* has been certified as an FLSA collective action, the  
21 present matter is proceeding on an individual basis, and the two *Stickle* class members with whom  
22 defense counsel communicated are not plaintiffs in the present action. Accordingly, the Court  
23 wishes to defer ruling on plaintiffs' sanctions motion until the District of Arizona has had a chance  
24 to do so. Oral argument on plaintiffs' motion for sanctions is therefore continued to **Friday, April**  
25 **23, 2010, at 9:00 a.m.** (Docket No. 249). The parties are directed to appear for a status conference  
26 at **3:00 p.m.** the same day. The parties should be prepared to discuss the current status of these  
27 proceedings at the conference.

28 Plaintiffs seek a stay of proceedings pending the Court's resolution of the sanctions motion.

1 As defendants point out, no “proceedings” are currently ongoing in this case other than discovery.  
2 Plaintiffs assert that they will be prejudiced if discovery is not stayed because they “would be forced  
3 to make a choice as to whether to confer with defense counsel whois subject to disqualification or  
4 not to confer with defense counsel and thereby prejudice their ability to obtain complete and  
5 adequate discovery responses from defendants.” Reply at 1-2. In the Court’s view, plaintiffs have  
6 not presented a persuasive justification for staying discovery or any other proceedings in this case.  
7 Plaintiffs’ motion for a stay is therefore DENIED. (Docket No. 254).

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9 **IT IS SO ORDERED.**

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11 Dated: March 24, 2010

  
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SUSAN ILLSTON  
United States District Judge