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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIE CAMPANELLI, et al.,)
)
Plaintiff(s),)
)
v.)
)
THE HERSHEY COMPANY,)
)
Defendant(s).)
)
)
_____)

No. C 08-1862 BZ

**ORDER RE DEFENDANT'S MOTION
TO STRIKE OPT-IN PLAINTIFFS
FROM COLLECTIVE ACTION**

Before me is defendant's motion to strike the following four opt-in plaintiffs from this collective action: Robert Beasley, Conni Smith, Michael Bain, and Sheryl Paxton (Docket No. 304). **IT IS ORDERED** as follows:

1. The Court finds no need for argument at this time and **VACATES** the hearing set for **February 2, 2011**.

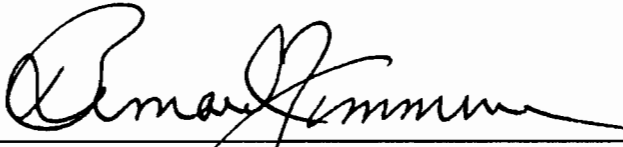
2. Defendant's motion as to Beasley, is **DENIED AS MOOT**. On January 21, 2011, based on a stipulation by the parties, Beasley was dismissed with prejudice from this lawsuit (Docket No. 336).

3. Defendant's motion as to Smith and Bain, is **DENIED**. Assuming that defendant's motion to strike is the proper procedural mechanism to dismiss these plaintiffs from this

1 collective action, defendant's concerns about Smith and Bain's
2 inconsistent declarations are properly addressed through
3 cross-examination at trial.

4 4. Defendant's request to strike Paxton from this
5 collective action is taken under submission so that
6 plaintiffs' counsel may have additional time to contact their
7 client. Plaintiffs' counsel shall supplement their opposition
8 with respect to Paxton by **February 10, 2011**.

9 Dated: January 25, 2011

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11 _____
12 Bernard Zimmerman
13 United States Magistrate Judge
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