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

MIGUEL CASTANEDA, on behalf of  
himself and others similarly situated,

Plaintiff,

No. C 08-04262 WHA

v.

BURGER KING CORPORATION and  
BURGER KING HOLDINGS, INC.,


Defendants.

**ORDER DENYING  
MOTION TO CONTINUE**

Plaintiffs have already been provided architectural plans for the stores in question and it is hard to see why the materials at issue in the discovery matter before Magistrate Judge Larson would make a difference on class certification. At all events, plaintiffs' counsel had ample time to seek discovery for the class certification motion and it was counsel's responsibility to bring discovery motions in sufficient time to allow for the magistrate judge to rule and to have the materials in time for the opening memorandum. It appears that counsel let the issue now before Judge Larson slide to the point that the motion practice could not be completed in time. The submission does not show substantial justification for the delay. It is important to honor the case schedule, so the motion to delay the class certification motion is now **DENIED**. This is without prejudice to the possibility that any nuggets found in the sought-for materials can be submitted in the reply brief.

**IT IS SO ORDERED.**

Dated: July 20, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California