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

MIGUEL CASTANEDA, KATHERINE
 CORBETT, and JOSEPH WELLNER on
 behalf of themselves and others similarly
 situated,

No. C 08-4262 WHA

Plaintiffs,

v.

BURGER KING CORPORATION,

**ORDER REGARDING
INTERLOCUTORY APPEAL**

Defendant.

Separate trials have been scheduled for each of the ten certified classes in this matter. The first trial — for the class of patrons of the store located at 6021 Central Avenue, in El Cerrito — is scheduled to begin on April 19, 2010. Motions for summary judgment by plaintiffs and defendant regarding the first trial only are scheduled for hearing on March 18, 2010.

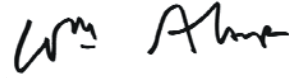
On February 10, 2010, the Court of Appeals granted plaintiff's petition for permission to appeal the order in this matter granting in part and denying in part class action certification. Plaintiffs contend on appeal that the class certification order in this matter erred by rejecting a single class across all 96 restaurants leased by defendant Burger King Corporation in California, and instead certified a separate class for each of the ten restaurants visited by named plaintiffs. Plaintiffs also contend that the order erred by finding that plaintiffs' claims for damages predominated over their claims for injunctive relief and therefore certified the classes under

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Rule 23(b)(3) instead of Rule 23(b)(2). The written input of the parties is requested by
FEBRUARY 19, 2010, AT NOON, regarding whether a stay of this matter is appropriate while this
interlocutory appeal is pending.

IT IS SO ORDERED.

Dated: February 16, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE