

United States District Court
For the Northern District of California

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

ERIC ROSS, et al,

Plaintiff,

No. C 09-00670 JSW

v.

TREX COMPANY, INC.,

Defendant.

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Now before the Court are requests by the parties to vacate the case management conference and approve briefing schedules for motions to approve class action settlement and motions to enforce judgment.

The Court declines to vacate the case management conference. Although the parties are working towards settling the remaining claims in this action, the motions to enforce judgment are still pending. Therefore, the Court CONTINUES the case management conference to January 18, 2013 at 1:00 p.m. By no later than January 11, 2013, the parties shall file a joint case management statement. In this statement, Defendant shall address whether it has attempted to move to dismiss the claims it contends are barred by the judgment in the courts where the claims are currently pending. If Defendant has not done so, Defendant shall address why it is not preferential to seek relief in those courts before requesting this Court to enjoin those proceedings. It appears as though the courts in where the claims are currently pending, and have been pending for months, would be in a better position to assess whether the claims, and respective parties, fall within the settlement agreement and release.

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With respect to the requested briefing schedule, the Court notes that the parties have not demonstrated good cause for continuing the deadlines for filing opposition and reply briefs. Nevertheless, the Court GRANTS the stipulated request. Defendant shall serve a copy of this Order on William Clark and McCormick Pier Condominium Association and file proofs of service by no later than January 4, 2013.

The Court FURTHER ORDERS that the proposed briefing schedule for the motion for preliminary approval of the class action settlement is APPROVED.

IT IS SO ORDERED.

Dated: January 3, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE