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

9 ERIC ROSS, et al,

10 Plaintiff,

No. C 09-00670 JSW

11 v.

12 TREX COMPANY, INC.,

13 Defendant.

**AMENDED ORDER
CONTINUING CASE
MANAGEMENT CONFERENCE**

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

18 The Court declines to vacate the case management conference. Although the parties are
19 working towards settling the remaining claims in this action, the motions to enforce judgment
20 are still pending. Therefore, the Court CONTINUES the case management conference to
21 January 18, 2013 at **1:30 p.m.** By no later than January 11, 2013, the parties shall file a joint
22 case management statement. In this statement, Defendant shall address whether it has
23 attempted to move to dismiss the claims it contends are barred by the judgment in the courts
24 where the claims are currently pending. If Defendant has not done so, Defendant shall address
25 why it is not preferential to seek relief in those courts before requesting this Court to enjoin
26 those proceedings. It appears as though the courts in where the claims are currently pending,
27 and have been pending for months, would be in a better position to assess whether the claims,
28 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