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**United States District Court**  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Jorge R. Quezada,  
Plaintiff,  
v.  
Con-Way Inc.,  
Defendant.

NO. C 09-03670 JW  
NO. C 10-00100 JW

**ORDER SETTING HEARING FOR  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION AND SETTING CASE  
MANAGEMENT CONFERENCE**

\_\_\_\_\_  
Jose Alberto Fonseca Pina, et al.,  
Plaintiffs,  
v.  
Con-Way Freight Inc., et al.,  
Defendants.

These cases were transferred to Chief Judge James Ware on September 28, 2011 and September 29, 2011. (See Docket Item No. 32 in No. C 09-03670; Docket Item No. 50 in No. C 10-00100.) On October 13, 2011, the parties in C 10-00100 (the "Pina Action") filed a Joint Status Report indicating that they have both: (1) "briefed the issue of class certification" in that case; and (2) "discussed the possibility of mediating the case." (Docket Item No. 52 in the Pina Action.) In their Joint Status Report, the parties disagree as to whether the Court should schedule a hearing on

1 the Motion for Class Certification<sup>1</sup> in that case or hold it “in abeyance pending a further report by  
2 the parties regarding the status of the contemplated mediation.” (Id.)

3       Upon review, the Court finds good cause to set a hearing on the Motion for Class  
4 Certification since it has been on file since May 2011 and fully briefed since August 2011. The  
5 parties’ vague reference to contemplated mediation is insufficient to hold a pending Motion in  
6 abeyance. Accordingly, the Court sets **January 30, 2012 at 9 a.m.** for a hearing on Plaintiffs’  
7 Motion for Class Certification in the Pina Action.

8       In addition, the Court finds good cause to set a Case Management Conference for these  
9 cases. Accordingly, the Court sets **January 30, 2012 at 10 a.m.** for a Case Management  
10 Conference for both of these cases. On or before **January 20, 2012**, the parties in each case shall  
11 file a Joint Case Management Conference Statement including, *inter alia*, the parties’ positions as to  
12 whether these cases should be consolidated and how these cases should proceed.

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14 Dated: December 20, 2011

  
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JAMES WARE  
United States District Chief Judge

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27 <sup>1</sup> (Plaintiffs’ Notice of Motion for Class Certification, hereafter, “Motion for Class  
28 Certification,” Docket Item No. 39 in the Pina Action.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Michelle MacEachern Lunde mlunde@carverlaw.com  
Paul Scott Cowie pcowie@sheppardmullin.com

5 **Dated: December 20, 2011**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**  
**Susan Imbriani**  
**Courtroom Deputy**

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