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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIASTEVEN GALES, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

WINCO FOODS,

Defendant.
_____ /

No. C 09-05813 CRB

**ORDER VACATING MAY 10, 2011
ORDER AND SETTING STATUS
CONFERENCE**

In light of Plaintiff Steven Gales's motion (dkt. 83) asking the Court to exclude certain evidence in connection with class certification, this Court yesterday ordered that Plaintiff be permitted to depose certain witnesses, and vacated Plaintiff's Motion for Class Certification. See dkt. 85. Defendant has now filed a Motion for Reconsideration, asking that the Court permit it to oppose Plaintiff's Motion to Exclude, and arguing that "[f]or seven months, [Plaintiff] has had in his possession, but has elected to do nothing with, the evidence he now has moved to exclude." See dkt. 86 at 1. The Court finds that discussion with the parties, rather than further briefing, is appropriate. The Court therefore VACATES its May 10, 2011 Order (dkt. 85), and SETS a Status Conference, at which the parties may appear

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1 telephonically, on Monday, May 16, at 10:00 a.m. in courtroom 8.

2 **IT IS SO ORDERED.**

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4 Dated: May 11, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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