

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re SONY PS3 "OTHER OS"  
LITIGATION

CASE NO. 3:10-CV-01811

**[PROPOSED] ORDER GRANTING  
MOTION TO STRIKE**

Date: November 4, 2010  
Time: 1:30 p.m.  
Judge: Hon. Richard Seeborg  
Courtroom: 3

1           On November 4, 2010, the Court heard defendant Sony Computer Entertainment America  
2 LLC's ("SCEA") Motion To Strike, brought pursuant to Federal Rules of Civil Procedure  
3 ("Rule") 12(f) and 23. Having considered the briefs submitted by the parties and other  
4 documents in support of and opposition to the motion, and having heard the arguments of counsel  
5 and being fully advised in this matter, the Motion is GRANTED.

6           SCEA moved to strike the class allegations in Plaintiffs' Consolidated Class Action  
7 Complaint (the "Consolidated Complaint"). The Court has considered the evidence offered by  
8 the parties, as well as the Court's own records, and has concluded that striking these allegations is  
9 appropriate because Plaintiffs will be unable to satisfy the requirements of Rule 23(a), (b)(2) or  
10 (b)(3).

11 IT IS SO ORDERED.

12 DATED: \_\_\_\_\_, 2010

13 \_\_\_\_\_  
14 THE HONORABLE RONALD R. SEEBORG  
15 United States District Court Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28