

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DANIEL CALIX, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED

CIVIL ACTION

VERSUS

NO. 10-676-BAJ-SCR

APPLE, INC.

RULING ON MOTION FOR RECONSIDERATION
and
RULING ON SECOND MOTION EXTEND TIME
TO FILE MOTION FOR CLASS CERTIFICATION

Before the court are the plaintiff's Motion for Reconsideration and his Second Unopposed Motion to Extend Deadline for Filing Motion for Class Certification Pursuant to Local Civil Rule 23.1(B) and Incorporated Memorandum in Support. Record document numbers [8](#) and [9](#), respectively.

Plaintiff's first motion for an extension of the time to file a motion for class certification was denied because he unnecessarily delayed pursuing discovery and did not identify any particular discovery necessary before he can file a motion for class certification.¹ Plaintiff appealed that ruling to the district judge² and simultaneously filed these two motions. Plaintiff then filed his Motion for Class Certification³ before the

¹ Record document number [6](#), Ruling on Motion to Extend Time to File Motion for Class Certification.

² Record document number [7](#).

³ Record document number [10](#).

district judge ruled on the appeal or the undersigned magistrate judge ruled on these two motions. Consequently, both the Motion for Reconsideration and the Second Unopposed Motion to Extend Deadline for Filing Motion for Class Certification Pursuant to Local Civil Rule 23.1(B) are now moot.

Accordingly, the plaintiff's Motion for Reconsideration and his Second Unopposed Motion to Extend Deadline for Filing Motion for Class Certification Pursuant to Local Civil Rule 23.1(B) are denied as moot.

Baton Rouge, Louisiana, December 1, 2010.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE