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

MOHAN VALLABHAPURAPU, *et al.*,

No. C 11-00667 WHA

Plaintiffs,

v.

BURGER KING CORPORATION,

**ORDER REGARDING MOTIONS
TO SEVER BY THIRD-PARTY
DEFENDANTS**

Defendant.

Severance of claims concerning the third-party defendants in this matter (franchisees/lessees and/or guarantors of the Burger King restaurants at issue) will not be considered until all third-party defendants have had the opportunity to participate in briefing and to be heard on the severance issue. Burger King has been dilatory in serving the third-party defendants when the third-party complaint was filed on May 31, 2011. There are still “approximately half” of 31 third-party defendants listed by Burger King who have yet to be served (Dkt. No. 70).

To cure this problem, Burger King shall have until **NOON ON AUGUST 31, 2011**, to file proofs of service of the third-party complaint on all third-party defendants. Thereafter, no third-party defendants may be joined by anyone.

All motions to sever by third-party defendants must be filed by **SEPTEMBER 22, 2011**. Oppositions to such motions will be due by October 6, and replies will be due by October 13. All third-party defendant motions to sever shall be heard on **THURSDAY, OCTOBER 27, 2011, AT 8:00 A.M.** The pending motions to sever noticed for hearings on September 1 and September 8 (Dkt.


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Nos. 59 and 65) will be held in abeyance until and will be heard at the October 27 hearing. Regarding briefing as to the pending motions, Burger King may file its opposition to the motion filed by counsel from Jeffer Mangels Butler & Mitchell LLP (Dkt. No. 65) by October 6, and replies as to both pending motions may be filed by October 13. In other words, the briefing yet to be submitted on these motions can be submitted in conformity with the new above schedule.

Burger King is ordered to serve this notice on all third-party defendants and to make them aware of this schedule for the severance issue.

IT IS SO ORDERED.

Dated: August 11, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE