

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE FORD TAILGATE LITIGATION

Case No. [11-cv-02953-RS](#)

**ORDER GRANTING MOTION TO  
AMEND JUDGMENT AND SETTING  
TELEPHONIC CASE MANAGEMENT  
CONFERENCE**

On November 25, 2015, the Court granted defendant Ford Motor Company's motion for summary judgment and ordered the clerk to close the file in this matter. On December 21, 2015, plaintiffs sent a letter to the court requesting the judgment be clarified to reflect its limited application to the named plaintiffs from California, New Jersey, and Florida. Subsequently, on December 28, 2015, plaintiffs filed a notice of appeal.

Plaintiffs' letter will be construed as a motion to alter or amend the judgment under Rule 59(e) of the Federal Rules of Civil Procedure. The Court retains jurisdiction to adjudicate this request because a timely-filed Rule 59(e) motion holds in abeyance a premature notice of appeal. See Fed. R. App. Proc. 4(a)(4)(A)(iv); *Schroeder v. McDonald*, 55 F.3d 454, 458–59 (9th Cir. 1995) (noting Rule 4(a)(4) “provide[s] that when a notice [of appeal] is prematurely filed, it shall be in abeyance and become effective upon the date of entry of an order disposing of the Rule 59(e) motion”).

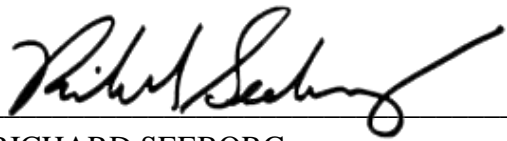
Given that the November 25, 2015, order granted Ford's summary judgment motion only as to the California, New Jersey, and Florida plaintiffs' claims, plaintiffs' motion to amend the

1 judgment will be granted.<sup>1</sup> Additionally, the Clerk is directed to reopen the file in this matter.

2 A Case Management Conference shall be held on January 28, 2016, at 11:00 a.m. All  
3 parties shall appear telephonically and must contact Court Conference at (866) 582-6878 at least  
4 one week prior to the Conference to arrange their participation. The parties shall file a Joint Case  
5 Management Statement at least one week prior to the Conference.

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7 **IT IS SO ORDERED.**

8  
9 Dated: January 11, 2016

10   
11 RICHARD SEEBORG  
12 United States District Judge

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<sup>1</sup> An amended judgment will issue simultaneously with this order.