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

KEVIN MCCONNELL, on behalf of
himself and all others similarly situated,
and the general public,

No. C 11-03026 WHA

Plaintiff,

**ORDER REGARDING MOTION
TO DETERMINE ADEQUACY
OF CLASS REPRESENTATIVE**

v.

RED ROBIN INTERNATIONAL, INC.,

Defendant.

Defense counsel has submitted a request for clarification to determine if defendant is obligated to bring a motion to determine the adequacy of plaintiff Kevin McConnell as a class representative by March 15, 2012, and if failure to do so by said date will operate as a waiver of defendant's right to assert lack of adequacy as a defense at the class certification stage.

Counsel must either bring a motion to determine the adequacy of Mr. Connell as a class representative by March 15, or turn over the discovery that was the subject of plaintiff's discovery dispute letter filed February 16, 2012. Should defense counsel not file a motion to determine the adequacy of Mr. McConnell as a class representative by March 15, this will not preclude defendant from raising the issue in the class certification briefing.

IT IS SO ORDERED.



Dated: March 13, 2012.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California