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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**

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10 24 HOUR FITNESS USA, INC., a California
corporation dba 24 HOUR FITNESS,

Case No. 12-cv-02878 NC

11
12 Plaintiff,

**ORDER OF SUA SPONTE
REFERRAL AS TO WHETHER
CASES ARE RELATED**

13 v.

14 KIRK FONTENOT,

15 Defendant .
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18 Northern District Civil Local Rule 3-12(c) provides: “Whenever a Judge believes
19 that a case pending before that Judge is related to another case, the Judge may refer the
20 case to the Judge assigned to the earliest-filed case with a request that the Judge assigned
21 to the earliest-filed case consider whether the cases are related.”

22 Upon reviewing of the papers in connection with the order transferring this case
23 from the Western District of Texas, it has come to the Court’s attention that this action
24 might be related to *Beauperthuy v. 24 Hour Fitness*, Case No. 06-cv-0715 SC. *See* Pet. to
25 Compel Arbitration at 2-3, Dkt. No. 1 (“Claimant was formerly an opt-in plaintiff in an
26 FLSA collective action entitled *Beauperthuy v. 24 Hour Fitness*, Case No. C 06 0715
27 (SC), pending in the Northern District of California.”).

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Case No. 12-cv-02878 NC
ORDER REFERRAL RE
CASES RELATED

1 In accordance with Rule 3-12(c), this action is referred to the Honorable Judge
2 Samuel Conti for a determination of whether this action relates to *Beauperthuy v. 24*
3 *Hour Fitness*, Case No. 06-cv-0715 SC.

4 IT IS SO ORDERED.

5 DATED: June 14, 2012

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8 NATHANAEL M. COUSINS
9 United States Magistrate Judge
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