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10 Attorneys for Plaintiff and the Proposed Class
 11 in *Ruff v. Del Monte Corp.*, No. 3:12-cv-05251 SC

12 [Additional Counsel listed on Signature Page]

13 **UNITED STATES DISTRICT COURT**
 14
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 MAXINE S. RUFF, on behalf of herself and
 17 all others similarly situated,
 18 Plaintiff,
 19 v.
 20 DEL MONTE CORPORATION d/b/a DEL
 21 MONTE FOODS and MILO'S KITCHEN,
 22 LLC,
 23 Defendants.

) Case No. C 12-05251 JSW
)
) **CLASS ACTION**
) ~~PROPOSED~~ ORDER
)
) DATE: April 12, 2013
) TIME: 9:00 a.m.
) LOCATION: Courtroom 11, 19th Floor
)
)
)
)

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, the Court hereby grants the following relief:

WHEREFORE, on December 18, 2012, Plaintiff Maxine Ruff filed a motion for administrative relief to relate cases pursuant to Civil Local Rule 3-12 and to consolidate cases pursuant to Federal Rule of Civil Procedure 42(a) in the case *Langone v. Del Monte Corp Corporation, et al.*, 12-CV-04671-JSW (“*Langone*”) (*Langone* Docket No. 6; “Motion to Consolidate”); and

WHEREFORE, on January 9, 2013, Defendants Del Monte Corporation and Milo’s Kitchen, LLC filed their Opposition to Plaintiffs’ Motion for Administrative Relief to Relate Cases Pursuant to Civil L.R. 3-12 and Consolidate Cases Pursuant to Fed. R. Civ. P. 42(a) in *Langone* (*Langone* Docket No. 15; “Opposition to Consolidation”). Defendants also filed their Motion to Stay Consideration of Plaintiffs Motion to Consolidate in *Langone* (*Langone* Docket No. 16; “Motion to Stay”), and incorporated the arguments set forth therein into their Opposition to Consolidation; and

WHEREFORE, on January 23, 2013, Plaintiffs filed their Opposition to Defendant Del Monte Corporation and Milo’s Kitchen, LLC’s Motion to Stay Consideration of Plaintiff Ruff’s Motion to Consolidate in *Langone* (*Langone* Docket. No. 22); and

WHEREFORE, on January 24, 2013, this Court issued its Order Granting Motion and Stipulation to Relate; Denying Motion to Stay; and Order Setting Hearing Date on Pending Motions in *Langone* (*Langone* Docket No. 28), and on January 25, 2013 entered the same order in two additional cases ordered related to *Langone*, including the instant action *Ruff v. Del Monte Corporation, et al.*, 12-CV-05251-JSW (“*Ruff*”) and *Funke v. Del Monte Corporation, et al.*, 12-CV-05323-JSW (“*Funke*”) (*Ruff* Docket No. 21; *Funke* Docket No. 16) (hereinafter, the “Order”), stating “Plaintiffs’ administrative motion to consolidate is not a proper subject of an administrative motion. Because Defendants have filed an opposition, the Court shall not deny the motion on procedural grounds. Plaintiffs shall file a reply to the motion to consolidate by no later than February 8, 2013,” denying Defendants’ Motion to Stay, and further stating that “The Court shall

1 consider Plaintiffs’ motion to consolidate in conjunction with the motions to transfer and dismiss
2 in the *Ruff* case [] and the *Funke* case [] on Friday, April 12 2013, at 9:00 a.m.”; and

3 WHEREFORE, on February 6, 2013, Plaintiffs filed their Reply to Defendants’ Opposition
4 to Motion to Consolidate (*Langone* Dkt. No. 34); and

5 WHEREFORE, on March 20, 2013, Plaintiffs filed an Administrative Motion Requesting
6 Consideration of Motion to Consolidate concurrently with the Declaration of Edmund S.
7 Aronowitz Re Administrative Motion Requesting Consideration of Motion to Consolidate;

8 IT IS HEREBY ORDERED THAT, Plaintiffs’ Administrative Motion Requesting
9 Consideration of Motion to Consolidate is GRANTED and the Court shall accordingly consider
10 the Motion to Consolidate fully submitted without further motion or briefing by any party and
11 shall hear and consider all motions, including Plaintiffs’ motion to consolidate *Ruff v. Del Monte*
12 *Corporation, et al.*, 12-CV-05251-JSW and *Funke v. Del Monte Corporation, et al.*, 12-CV-05323-
13 JSW with each other, on April 12, 2013 at 9:00 a.m.

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15 **IT IS SO ORDERED.**

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18 DATED: March 27, 2013



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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