

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

ELIZABETH ORTIZ,

Plaintiff,

No. C -12-05859(EDL)

V.

CVS CAREMARK CORPORATION,

ORDER

Defendant.

On May 21, 2013, Defendant CVS filed a notice of pendency of other action, under Civil Local Rule 3-13, which calls for a party to file a notice when it learns that its case "involves all or a material part of the same subject matter and all or substantially all of the same parties as another action which is pending in any other federal or state court." Civ. L.R. 3-13(a). Defendant's notice stated that there is a potentially related case called Kimberly Murphy v. CVS Caremark Corporation, LASC No. BC464785, pending in Superior Court in L.A. County. Plaintiffs filed an opposition under Local Rule 3-13, objecting to Defendant's delay in filing the Notice and contending that Defendant must have known about Murphy long before it filed the Notice on May 21, 2013, and pointing to another potentially related case, Howard v. CVS Caremark Corporation, LASC No. BC502899, also pending in L.A. County Superior Court, filed on March 14, 2013.

In its response, Defendant maintains that Plaintiffs' claims are broader than those in Murphy, but that some claims related to off-the-clock bag checks of employees overlap, and that should the Superior Court grant class certification in Murphy, Defendant would seek a stay of those claims in this case. According to Defendant's reply, the next hearing on the Murphy class certification motion is set for June 21, 2013. It is HEREBY ORDERED that Defendant file a status report by July 9,

1 2013, updating the Court about the status of the Murphy class certification motion. The parties shall
2 meet and confer before filing the status report and, if necessary, may seek a short continuance of the
3 class certification filing deadline, which is currently July 30, 2013. The Court will hold a Case
4 Management Conference on July 16, 2013, at 10:30 am, in Courtroom E, 450 Golden Gate Ave., 15th
5 Floor, San Francisco, California.

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IT IS SO ORDERED.

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10 Dated: June 21, 2013

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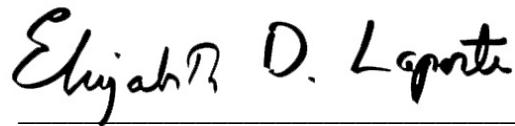
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ELIZABETH D. LAPORTE
Chief United State Magistrate Judge