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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOHAMMED RAHMAN,
Plaintiff,

v.

MOTT'S LLP,
Defendant.

Case No. [13-cv-03482-SI](#)

**ORDER VACATING HEARING DATE;
RE: PLAINTIFF'S MOTION FOR
RECONSIDERATION**

Re: Dkt. No. 122

On December 1, 2017, plaintiff Mohammed Rahman filed a motion for reconsideration with this Court. Dkt. No. 122. Plaintiff's motion is based on the Ninth Circuit's recent decision in *Davidson v. Kimberly-Clark Corporation*, 873 F.3d 1103 (9th Cir. 2017) ("*Davidson*"). The parties have informed the Court that a petition for rehearing en banc in *Davidson* was filed on November 3, 2017. The Ninth Circuit has yet to resolve the pending petition.

The Court finds that in the interests of judicial economy, the Court will consider the questions presented by plaintiff's motion for reconsideration after the Ninth Circuit resolves the en banc petition.¹ Accordingly, the Court VACATES the January 17, 2018, hearing date and denies plaintiff's motion without prejudice. Dkt. No. 122. The parties are instructed to contact the Court once a decision on the petition has been made. Once the petition has been denied, or has been granted and the case decided, the motion will be rescheduled.

IT IS SO ORDERED.

Dated: January 12, 2017



SUSAN ILLSTON
United States District Judge

¹ Plaintiff opposes the request to delay the hearing pending the Ninth Circuit's decision. Dkt. No. 124.