

United States District Court
For the Northern District of California

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

ZAK HURICKS, an individual, and TRISTA ROBINSON, an individual, by themselves and on behalf of all other similarly situated,

Plaintiffs,

v.

SHOPKICK, INC.,

Defendant.

No. C 14-2464 MMC

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S MOTION TO STAY OR EXTEND DEADLINE TO FILE CLASS CERTIFICATION MOTION; EXTENDING DEADLINE TO FILE CLASS CERTIFICATION MOTION; CONTINUING CASE MANAGEMENT CONFERENCE; VACATING HEARING

Before the Court is defendant’s “Motion to Stay Litigation,” filed February 3, 2015, by which motion defendant seeks a stay of the above-titled action or, alternatively, an extension of the deadline for plaintiffs to file their motion for class certification. Plaintiffs have filed opposition to the extent defendant seeks a stay, and defendant has replied. Having read and considered the parties’ respective written submissions, the Court finds the matter suitable for decision thereon, VACATES the hearing scheduled for March 13, 2015, and rules as follows:

1. To the extent the motion seeks a stay of the action, in order to afford the Federal Communications Commission (“FCC”) an opportunity to respond to two petitions submitted to the FCC in, respectively, October 2013 and March 2014 (see Buckley Decl. Exs. C, D), the motion is hereby DENIED, as there is no showing the FCC will issue a ruling thereon,


1 much less within a reasonable period of time. See American Auto. Mfrs. Ass'n v.
2 Massachusetts Dep't of Env'tl. Prot., 163 F.3d 74, 81 (1st Cir. 1998) (holding any benefit
3 that might be realized from staying action in favor of administrative proceedings "must be
4 balanced against the potential for delay"); Alvarado v. Bay Area Credit Service, LLC, 2015
5 WL 224950, at *2 (N.D. Cal. January 16, 2015) (declining to stay action for possible
6 resolution of petitions pending before FCC, given "there [was] no indication that a decision
7 from the FCC [was] coming any time soon").

8 2. To the extent the motion seeks an order extending by three months the deadline
9 for plaintiffs to file their motion for class certification, to afford defendant an opportunity to
10 first file a motion for summary judgment, the motion is hereby GRANTED; the deadline for
11 plaintiffs to file a motion for class certification is hereby EXTENDED from April 17, 2015 to
12 July 17, 2015.

13 3. In light of the above, the Case Management Conference is hereby CONTINUED
14 from July 17, 2015, to October 23, 2015, at 10:30 a.m. A Joint Case Management
15 Conference Statement shall be filed no later than October 16, 2015.

16 **IT IS SO ORDERED.**

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18 Dated: March 9, 2015


MAXINE M. CHESNEY
United States District Judge

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