

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAREN SOLBERG, et al.,

Plaintiffs,

v.

VICTIM SERVICES, INC. D/B/A
CORRECTIVESOLUTIONS, et al.,

Defendants.

Case No. [14-cv-05266-VC](#)

**ORDER STRIKING MOTION TO
DENY CLASS CERTIFICATION AND
ORDER TO SHOW CAUSE**

Re: Dkt. Nos. 244, 246, 251


The motion to deny class certification is stricken as redundant and improperly filed in light of the motion for class certification that is currently being briefed. *See* Fed. R. Civ. P. 12(f).

Additionally, defense counsel are ordered to show cause why they should not be sanctioned under 28 U.S.C. § 1927 and/or Federal Rule of Procedure 11 for filing an improper motion. Defense counsel did not seek leave of the Court before filing this motion; nor have defense counsel explained why a separate, redundant series of briefs is needed for this motion when there is a pending motion for class certification, and when the defendants are making the same kinds of arguments in both motions (and even referencing the same exhibits). In contrast to the motion to deny class certification, the motion for class certification was scheduled more than six months ago, and the briefing schedule was established in advance. The motion to deny class certification therefore appears to be frivolous and is needlessly increasing the cost of litigation. *See Huy Nguyen v. Wells Fargo Bank, N.A.*, No. 15-cv-05239, 2017 WL 4224930, at *1 n.2 (N.D. Cal. Sept. 22, 2017) (distinguishing cross-motions for summary judgment and explaining why simultaneous motions for class certification and to deny class certification are

unnecessary). By no measure is this a "preemptive" motion to deny class certification either, as in *Vinole v. Countrywide Home Loans, Inc.*, 571 F.3d 935, 939 (9th Cir. 2009). Therefore, defense counsel is ordered to file its response to this order to show cause by 9:00 am on Wednesday, July 11, 2018. The Court will decide the order to show cause on the papers.

IT IS SO ORDERED.

Dated: July 10, 2018



VINCE CHHABRIA
United States District Judge