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

REBEKAH PREWITT, et al.,
Plaintiffs,
v.
SAFEWAY, INC.,
Defendant.

Case No. [16-cv-02753-MMC](#)

**ORDER AFFORDING DEFENDANT
OPPORTUNITY TO FILE SUR-REPLY
RE: MOTION TO REMAND;
CONTINUING HEARING ON MOTION
TO REMAND**

Re: Dkt. Nos. 7, 24

Before the Court is the “Motion to Remand Action to San Francisco Superior Court,” filed May 26, 2016, by plaintiffs Rebekah Prewitt and Lauren Barry and noticed for hearing on July 8, 2016. Defendant Safeway, Inc. (“Safeway”) has filed opposition, to which plaintiffs have replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court finds it appropriate, for the reasons stated below, to afford Safeway an opportunity to file a sur-reply.

In the motion, plaintiffs argue that the instant action should be remanded for certain specified reasons. In the reply, however, plaintiffs seek remand on a ground not raised in their moving papers, namely, that Safeway failed to prove, by attaching evidence to its opposition, that this Court has jurisdiction over the above-titled action.


Accordingly, Safeway is hereby afforded leave to file, no later than June 30, 2016, a sur-reply not to exceed eight pages in length, exclusive of exhibits, in which Safeway addresses the above-referenced issue. Given the June 30, 2016, deadline for Safeway’s sur-reply, and the Court’s unavailability on July 15, 2016, the hearing on the Motion to

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Remand is hereby CONTINUED to July 22, 2016.

IT IS SO ORDERED.

Dated: June 21, 2016


MAXINE M. CHESNEY
United States District Judge