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United States District Court  
For the Northern District of California

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

GREGORY INGALLS and TONY HONG,  
individually and on behalf of all others  
similarly situated,

No. C 16-03533 WHA

Plaintiffs,

v.

SPOTIFY USA, INC., a Delaware  
corporation, and DOES 1–10, inclusive,

**ORDER DENYING MOTION  
FOR LEAVE TO SEEK  
CERTIFICATION OF  
NEWLY-DEFINED CLASS**

Defendants.

On August 2, following denial of his motion for class certification, plaintiff Gregory Ingalls moved for leave to certify a newly-defined class, which would only address only one alleged Automatic Renewal Law violation, and would consist only of individuals who cancelled Spotify Premium and did not listen to it during the post-cancellation remainder of their paid term (Dkt. No. 103 at 1).

The parties have already gone through lengthy Rule 23 motion practice and discovery, and certification was denied. The newly-proposed class is too removed from the class the parties have sought to certify thus far. Ingalls motion for leave to seek certification of a newly-defined class is **DENIED**.

**IT IS SO ORDERED.**

Dated: August 7, 2017.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE