IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MITZIE PEREZ, ET AL.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 17-cv-00454-MMC

ORDER GRANTING DEFENDANT'S MOTION TO STRIKE; AFFORDING PLAINTIFFS LEAVE TO AMEND; DEFERRING RULING ON MOTION FOR RELIEF FROM DISCOVERY ORDERS; GRANTING MOTION TO STAY RELATED DISCOVERY PENDING RESOLUTION OF MOTION FOR RELIEF; VACATING HEARING

Before the Court are three motions filed by defendant Wells Fargo Bank, N.A.: (1) "Motion to Strike Portions of the Second Amended Complaint" ("Motion to Strike"), filed November 22, 2017; (2) "Motion for Relief from the December 15, 2017 and December 21, 2017 Discovery Orders of the Honorable Elizabeth D. Laporte Regarding Scope of Discovery and Organizational Charts" ("Motion for Relief"), filed December 27, 2017; and (3) "Motion to Stay Related Discovery Pending Final Disposition of Wells Fargo's Motion for Relief from the December 15, 2017 Discovery Order of the Honorable Elizabeth D. Laporte" ("Motion to Stay"), filed December 27, 2017.[1] The Court, having read and considered the papers filed in support of and in opposition to the motions, deems the matters suitable for decision thereon, VACATES the hearing scheduled for February 2, 2018, and rules as follows.

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[1]The parties' respective administrative motions to seal specified exhibits, filed in connection therewith, will be addressed by separate order.

For the reasons stated by defendant in the Motion to Strike, the Court finds the proposed class definition set forth in the Second Amended Complaint is a fail-safe class. (See Def.'s Mot. to Strike, filed November 22, 2017, at 4:8 - 6:11.) Accordingly, the Motion to Strike is hereby GRANTED and plaintiffs' class allegations are hereby STRICKEN.[2] Plaintiffs are hereby afforded leave to amend for purposes of redefining the proposed class; any Third Amended Complaint shall be filed no later than February 16, 2018.

As plaintiffs have been given leave to amend to redefine the proposed class, the Court finds it appropriate to defer ruling on the Motion for Relief, by which defendant seeks an order vacating Magistrate Judge Laporte's order requiring defendant to provide discovery as to matters relating solely to putative class members. Accordingly, the Court hereby DEFERS ruling on the Motion for Relief until after plaintiffs have filed a Third Amended Complaint and the Court has resolved any motion to strike the class allegations alleged therein.

Lastly, defendant's Motion to Stay, by which defendant seeks an order staying the above-referenced discovery pending resolution of the Motion for Relief, is hereby GRANTED.

IT IS SO ORDERED.

Dated: January 30, 2018

MAXINE M. CHESNEY
United States District Judge

[2]In light of the Court's order striking the class allegations, the Court does not address herein defendant's additional argument that plaintiffs' individual claims are not typical of those of the proposed class as presently alleged.