

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANCIE MOELLER, et al.,

Plaintiffs,

No. C 02-5849 PJH

v.

**ORDER**

TACO BELL CORPORATION,

Defendant.

In view of the pending appeal of the two scheduling orders issued by the court on September 17, 2012, it is unclear to the court what aspect of those orders is before the Ninth Circuit and what aspect remains before this court – particularly insofar as any issue on appeal may intersect with those raised in Taco Bell’s motion for partial summary judgment, which was filed on March 4, 2013 pursuant to the September 17, 2012 Order Modifying Case Management Plan.

The court has reviewed the papers filed in connection with Taco Bell’s motion, and is prepared to issue a written decision. However, the court is uncertain whether one or both sides might prefer that the court delay issuing the order until after the Ninth Circuit has resolved the pending appeal. Accordingly, the court requests that no later than April 30, 2013, the parties shall submit a joint written statement indicating their preference.

**IT IS SO ORDERED.**

Dated: April 22, 2013

\_\_\_\_\_  
PHYLLIS J. HAMILTON  
United States District Judge

**United States District Court**  
For the Northern District of California