

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 MARTHA BERNDT, et al.,

5 Plaintiffs,

No. C 03-3174 PJH

6
7 v.

ORDER

8 CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

9 Defendants.

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11 The court is in receipt of plaintiffs' motion for leave to seek reconsideration of the
12 court's March 20, 2012 order denying plaintiffs' motion for class certification, based in part
13 on documents reflecting post-hearing efforts by two plaintiffs to exhaust the administrative
14 remedies that should have been exhausted prior to the filing of their claims a number of
15 years ago, which were attached to two requests for judicial notice filed in October 2011 and
16 January 2012. The court can locate no courtesy copies of these documents and no
17 proposed orders granting the requests and was unaware of their existence until the current
18 motion was filed. Accordingly, the requests for judicial notice have never been granted.
19 Accordingly, plaintiffs' request for leave to file a motion for reconsideration explaining how
20 the belated administrative exhaustion impacts the class certification analysis is GRANTED.
21 However, because of other press of business on this court's docket, the parties will be
22 afforded a short time frame within which to put this issue before the court. Plaintiffs' motion
23 shall not exceed 10 pages and must be file no later than April 26, 2012. Defendants'
24 response shall not exceed 10 pages and must be filed no later than May 3, 2012. No reply
25 is permitted. The matter will be decided on the papers.

26 **IT IS SO ORDERED.**

27 Dated: April 19, 2012



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PHYLLIS J. HAMILTON
United States District Judge