

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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4
5 GLENN HILL, and all others similarly
situated,

6 Plaintiff,

7 v.

8 R+L CARRIERS, INC.; R+L CARRIERS
9 SHARED SERVICES, LLC,

10 Defendants.

No. C 09-1907 CW

ORDER DENYING
DEFENDANT'S MOTION
TO CONTINUE THE
DECERTIFICATION
HEARING AND MOTION
FOR RELIEF FROM NON-
DISPOSITIVE PRE-
TRIAL ORDER OF
MAGISTRATE JUDGE
(Docket Nos. 207 and
220)

11 Defendant R+L Carriers Shared Services, LLC, moves to continue
12 the decertification hearing in this wage-and-hour action, which is
13 set for December 2, 2010, and for relief from Magistrate Judge
14 Maria-Elena James's Order of September 22, 2010. Both motions are
15 premised on the argument that, even though Defendant is entitled to
16 obtain individualized discovery from the opt-in Plaintiffs, it
17 cannot do so based on the December 2 hearing date. Defendant's
18 motion for decertification is due October 28, 2010 and, based on
19 this deadline, Magistrate Judge James limited Defendant to fifteen
20 depositions. Plaintiff Glenn Hill opposes Defendant's motion to
21 continue; he was not required to file an opposition to Defendant's
22 motion for relief from the September 22 Order, and he did not do
23 so.

24 Defendant does not establish good cause to continue the
25 decertification hearing date, which was set at the June 8, 2010
26 case management conference. The deadline to opt in to this action
27 was May 10, 2010 and, at the time of the case management
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1 conference, Defendant represented that it believed that at least
2 forty-eight people had done so. Nevertheless, Defendant waited
3 until July 30, 2010 to propound its discovery requests and did not
4 serve notice for depositions until August 9, 2010.

5 Further, based on Magistrate Judge James's Order, Defendant is
6 able to take individualized discovery of a cross-section of the
7 opt-in class. Under the September 22 Order, Defendant may depose
8 fifteen opt-in Plaintiffs of its choosing. Defendant does not
9 argue persuasively that, to support its decertification motion, it
10 must depose all fifty-two of the opt-in Plaintiffs. In addition,
11 Plaintiff has agreed to proffer only ten declarations by opt-in
12 Plaintiffs, which mitigates the need to depose the entire opt-in
13 class.

14 Accordingly, the Court DENIES Defendant's motion to continue
15 the decertification hearing (Docket No. 207) and motion for relief
16 from Magistrate Judge James's Order of September 22, 2010 (Docket
17 No. 220).

18 IT IS SO ORDERED.

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20 Dated: 10/12/2010



CLAUDIA WILKEN
United States District Judge

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