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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROY WERBEL, )  
 )  
 Plaintiff(s), )  
 )  
 v. )  
 )  
 PEPSICO, INC., )  
 )  
 Defendant(s). )  
 \_\_\_\_\_ )

No. C09-4456 BZ

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE AND VACATING  
HEARING**

Having read the response of plaintiff's counsel to the Order to Show Cause issued January 5, 2010, it is **DISCHARGED**. Counsel are admonished to comply with the Local Rules of Court and all Court orders, having in mind that if this case is to proceed as a class action, the Court at some point must determine whether counsel can adequately represent the class.

**IT IS FURTHER ORDERED** that a new case management conference is scheduled for **Monday, March 1, 2010 at 4:00 p.m.** in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. Plaintiff shall

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///  
///

1 serve a copy of this Order on defendant.

2 The hearing on the Order to Show Cause scheduled for  
3 January 25, 2010 is **VACATED**.

4 Dated: January 20, 2010

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Bernard Zimmerman  
United States Magistrate Judge

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