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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHELLE MEEKS,

Petitioner,

v.

HMS HOST d/b/a GORDON BIRSCH @ SFO
and HOTEL EMPLOYEES AND RESTAURANT
EMPLOYEES LOCAL #2,

Respondents.

No. C 11-01021 CW

ORDER DENYING
PETITIONER'S
MOTION TO DISMISS
(Docket No. 23)
AND SETTING
BRIEFING SCHEDULE

On February 1, 2011, Petitioner Michelle Meeks filed a petition in San Mateo County Superior Court seeking to vacate an arbitration award related to a dispute concerning her former employment. Respondents Bay Area Restaurant Group (BARG), erroneously sued as HMS Host d/b/a Gordon Biersch @ SFO, and UNITE HERE! Local 2, erroneously sued as Hotel Employees and Restaurant Employees Local #2, removed her petition to federal court.

Petitioner's action was initially assigned to a magistrate judge in the San Francisco Division. BARG declined to proceed before that magistrate judge, and the action was re-assigned to the undersigned.

Petitioner has filed a motion to dismiss, asserting that the Oakland Division is not the proper venue for her lawsuit. Under

1 Civil Local Rule 3-2(d), "all civil actions which arise in the
2 counties of Alameda, Contra Costa, Del Norte, Humboldt, Lake,
3 Marin, Mendocino, Napa, San Francisco, San Mateo or Sonoma shall be
4 assigned to the San Francisco Division or the Oakland Division."
5 Petitioner asserts that her case arises from conduct the occurred
6 either in the City and County of San Francisco or San Mateo County.
7 Accordingly, the assignment of her case to the Oakland Division was
8 appropriate and her motion to dismiss is DENIED. (Docket No. 23.)

9 On March 11, 2011, Respondents filed a joint motion to dismiss
10 Petitioner's action. On March 22, 2011, Petitioner filed a motion
11 to remand, which she noticed for hearing on April 19, 2011.¹ Also
12 on March 22, Petitioner filed an "Opposition to Respondents Motions
13 for summary judgment on Petitioner's Initial Complaint," which is
14 apparently her response to Respondents' motion to dismiss.

15 Respondents' reply in support of their motion to dismiss shall
16 be due April 14, 2011. After their reply is filed, no additional
17 submissions regarding the motion may be filed without prior Court
18 approval. Civil L.R. 7-3(d). Their motion to dismiss will be
19 taken under submission on the papers.

20 Respondents' opposition to Petitioner's motion to remand shall
21 also be due April 14, 2011. Petitioner's reply in support of her
22 motion to remand shall be due April 21, 2011. Her motion will be
23

24 ¹ Petitioner's motion was noticed for hearing less than
25 thirty-five days from the date it was filed, in violation of Civil
26 Local Rule 7-2(a). Although she is proceeding pro se, Petitioner
27 must follow the Civil Local Rules, which are available at
28 www.cand.uscourts.gov/localrules. Her failure to do so in the
future may result in the striking of any non-conforming
submissions.

1 taken under submission on the papers.

2 IT IS SO ORDERED.

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4 Dated: 4/1/2011



CLAUDIA WILKEN

United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MEEKS et al,

5 Plaintiff,

6 v.

7 HMS HOST et al,

8 Defendant.

Case Number: CV11-01021 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
10 Northern District of California.

11 That on April 1, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
12 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
13 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
14 office.

15 Michelle Meeks
16 1788 Hamlet Street
17 San Mateo, CA 94403

Dated: April 1, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California