

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

3  
4 TROY YUNCKER, individually and on  
5 behalf of all others similarly  
6 situated,

7                                    Plaintiff,

8                                    v.

9 PANDORA MEDIA, INC.,

10                                   Defendant.  
11

No. C 11-03113 CW

ORDER DENYING  
DEFENDANT'S MOTION  
TO STAY  
(Docket No. 25)

12                                    Plaintiff Troy Yuncker initiated this action on June 23,  
13 2011, asserting that Defendant Pandora Media, Inc., violated his  
14 rights under federal and California law. On July 1, 2011,  
15 Defendant moved another judge in this district to consider whether  
16 this action was related to Levine v. Google Inc., Case No. C 11-  
17 02157 JSW (N.D. Cal.). The Levine court determined the cases were  
18 not related.

19                                    On August 4, 2011, Defendant moved to stay this action  
20 pending a decision by the Judicial Panel on Multidistrict  
21 Litigation (JPMDL) as to whether this case should be coordinated  
22 and centralized with others in In re: Google Android Consumer  
23 Privacy Litigation, MDL No. 2264. Since then, the JPMDL ordered  
24 that the In re: Google cases be centralized in this judicial  
25 district before the Levine court. The JPMDL declined to consider  
26 whether this action should be included in the consolidated  
27 litigation, indicating that this was a question for the transferee  
28 court. On August 15, 2011, Defendant moved the Levine court for

1 leave to file a motion for reconsideration of the decision not to  
2 relate this case. On August 31, 2011, the Levine court granted  
3 Defendant's motion for leave. Briefing on Defendant's motion for  
4 reconsideration is set to close September 15, 2011.

5 In light of the events that occurred after it filed its  
6 motion to stay, Defendant now seeks a stay of proceedings pending  
7 a decision on its motion for reconsideration. Plaintiff opposes  
8 Defendant's motion to stay.

9 Having considered the papers submitted by the parties, the  
10 Court DENIES Defendant's motion to stay. (Docket No. 25.)  
11 Defendant indicates that it intends to move to dismiss Plaintiff's  
12 claims, irrespective of how its motion for reconsideration is  
13 decided. There is no reason to stay briefing on Defendant's  
14 impending motion to dismiss.

15 Pursuant to the parties' stipulation, Defendant shall respond  
16 to Plaintiff's complaint within "ten court days" of the date of  
17 this Order. (Docket No. 24, at 1:25-26.) If Defendant files a  
18 motion to dismiss, the case management conference will be  
19 continued until the pleadings are settled. Discovery is stayed  
20 until the case management conference is held.

21 IT IS SO ORDERED.

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23 Dated: **9/1/2011**

  
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CLAUDIA WILKEN  
United States District Judge

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