

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

3
4 FAINE DAVIS,
5 Plaintiff,
6 v.
7 NORDSTROM, INC.,
8 Defendants.

No. C 11-3956 CW

ORDER GRANTING
PLAINTIFF'S MOTION
FOR LEAVE TO FILE
A MOTION FOR
RECONSIDERATION
(Docket No. 67)

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11 On August 5, 2014, after this case was remanded from the
12 Ninth Circuit, the Court entered an order advising Plaintiff Faine
13 Davis that she could amend her complaint to vindicate the alleged
14 violations by Nordstrom pursuant to California's Private Attorney
15 General Act of 2004 (PAGA). The Court ordered that any amended
16 complaint must be filed within twenty-eight days. Otherwise, the
17 Court advised Davis that it would order arbitration and dismiss
18 the case, retaining jurisdiction only to enforce the award.
19 Having received no further filings from Plaintiff, the Court
20 entered an order on September 26, 2014, compelling arbitration and
21 dismissing the action.

22 Plaintiff has now filed a motion for leave to file a motion
23 for reconsideration, noting that after briefing on the motion to
24 compel arbitration was complete, but prior to the hearing on the
25 motion, the parties stipulated that Plaintiff be granted leave to
26 file an amended complaint. The Court granted the 2011 stipulation
27 and, on September 19, 2011, Plaintiff filed her First Amended
28 Complaint (1AC). Plaintiff further notes that the 1AC includes a

1 PAGA claim. Accordingly, the Court GRANTS Plaintiff's motion for
2 leave to file a motion for reconsideration.

3 Moreover, the Court construes Plaintiff's motion for leave to
4 file a motion for reconsideration as her motion for
5 reconsideration and is inclined to grant it. If Defendant opposes
6 the motion for reconsideration it shall file a memorandum of
7 points and authorities within seven days of the date of this
8 order. Plaintiff may file a reply in support of its motion within
9 seven days thereafter. If Defendant does not oppose the motion
10 for reconsideration, the Court will vacate its September 26, 2014
11 order and reopen the case. The Court will, however, compel
12 arbitration as to all non-PAGA claims. If Defendant does not
13 oppose the motion for reconsideration, it is directed to file a
14 response to Plaintiff's complaint to the extent it asserts a PAGA
15 claim within fourteen days of the date of this order.

16 IT IS SO ORDERED.

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18 Dated: October 9, 2014


19 CLAUDIA WILKEN
20 United States District Judge
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