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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IRENE BARRERAS,
Plaintiff(s),
v.
MICHAELS STORES INC.,
Defendant(s).

No. C 12-4474 PJH

**ORDER DENYING MOTION TO
DISMISS AND/OR STRIKE**

Defendant's motion to dismiss and/or strike plaintiff's first amended complaint came on for hearing before this court on November 28, 2012. Plaintiff Irene Barreras ("plaintiff") appeared through her counsel, Dennis Hyun and Edward Choi. Defendant Michaels Stores appeared through its counsel, Laura Maechtlen. Having read the papers filed in conjunction with the motion and carefully considered the arguments and the relevant legal authority, and good cause appearing, the court hereby DENIES defendant's motion, for the reasons stated at the hearing, and summarized as follows.

Defendant's motion is primarily based on the argument that the putative classes, as defined by plaintiff in her complaint, do not meet the requirements of Rule 23. But whether or not those arguments are meritorious, they are premature at the pleading stage, and are better raised in opposition to plaintiff's anticipated motion for class certification. See, e.g., In re Wal-Mart Stores, Inc. Wage and Hour Litig., 505 F.Supp.2d 609 (N.D. Cal. 2007).

IT IS SO ORDERED.

Dated: November 29, 2012



PHYLLIS J. HAMILTON
United States District Judge