

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 JEFFREY H. ALLEN, on behalf of himself and
6 all others similarly situated,

7 Plaintiff,

8 vs.

9 UTILIQUEST, LLC, and DOES 1 through 100,
10 INCLUSIVE,

11 Defendants.

Case No: C 13-4466 SBA


ORDER

12 This is a wage and hour class action which Defendants removed from state court for a
13 second time on September 26, 2013. On October 18, 2013, Defendants filed a motion for summary
14 judgment, which is noticed for hearing on November 19, 2013. Dkt. 13. Four days later on
15 October 22, 2013, Plaintiff filed a motion to remand, which is noticed for hearing on November 26,
16 2013. Dkt. 16. Before the Court may consider the merits of a case, it must satisfy itself of its
17 jurisdiction over the subject matter of the case. See Ruhrgas AG v. Marathon Oil Co., 526 U.S.
18 574, 583 (1999). The Court therefore will consider Plaintiff's motion to remand prior to
19 adjudicating Defendants' summary judgment motion. Accordingly,

20 IT IS HEREBY ORDERED THAT Defendants' motion for summary judgment shall be
21 held in ABEYANCE pending adjudication of Plaintiff's motion to remand. The motion for
22 summary judgment shall be taken off calendar and administratively terminated. In the event the
23 Court denies Plaintiff's motion to remand, Defendants may re-notice their motion on the Court's
24 law and motion calendar. The motion to remand will be adjudicated without a hearing in
25 accordance with Civil Local Rule 7-1(b).

26 IT IS SO ORDERED.

27 Dated: October 24, 2013

28 
SAUNDRA BROWN ARMSTRONG
United States District Judge