

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

ROBYN JUDELSON, on behalf of
herself and all others similarly
situated,

Plaintiffs,

v.

FITBIT, INC.,

Defendant.

No. C 14-1287 CW

ORDER REGARDING
OPPOSITION AND
REPLY BRIEFING IN
CONJUNCTION WITH
FITBIT'S MOTION TO
DISMISS

(Docket No. 31)

GEORGE REED, RANDI AKANA, MILISSA
MORGAN, KYLE MCCLOUD, LAURIE
MCGUIRE, and MICHAEL BASKHARON,
individually, and on behalf of
all others similarly situated,

Plaintiffs,

v.

FITBIT, INC.,

Defendant.

No. C 14-1350 CW

ORDER REGARDING
OPPOSITION AND
REPLY BRIEFING IN
CONJUNCTION WITH
FITBIT'S MOTION TO
DISMISS

(Docket No. 20)

On March 20, 2014, Plaintiff Robyn Judelsohn brought a
putative class action against Defendant Fitbit, Inc. for skin
irritation injury allegedly related to her use of a Fitbit Force
wristband. See Judelsohn v. Fitbit, Inc., Case No. 14-1287
(Fitbit 1), Docket No. 1. On March 24, 2014, Plaintiffs George
Reed, Randi Akana, Milissa Morgan, Kyle McCloud, Laurie McGuire,
and Michael Baskharon also filed a putative class action against
Defendant Fitbit, Inc., related to similar skin irritation
injuries allegedly caused by Fitbit Force wristbands. See, Reed
v. Fitbit, Case No. 14-1350 (Fitbit 2), Docket No. 1. On April 1,

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1 2014, the Court granted Judelsohn's motion to relate the two
2 cases.

3 On July 1, 2014, Fitbit filed motions to dismiss the class
4 action complaints in both cases. See Fitbit 1, Docket No. 31 and
5 Fitbit 2, Docket No. 20. The motions to dismiss are substantially
6 the same -- Fitbit alleges that the motions should be granted
7 because of mootness, the doctrine of primary jurisdiction, lack of
8 particularity for fraud-based claims, failure to plead knowledge
9 of the alleged defect, and inadequacy of class action allegations.
10 See id. The oppositions related to the motions to dismiss are due
11 by July 31, 2014; replies are due by August 14, 2014. Fitbit 1,
12 Docket No. 32; Fitbit 2, Docket No. 21. A hearing is scheduled
13 for August 28, 2014 in both cases. Id.

14 Plaintiffs in the two cases are represented by different
15 counsel. However, because the cases are factually similar and the
16 pending motions to dismiss contain many overlapping legal issues,
17 the parties shall coordinate submission of a joint opposition and
18 joint reply with separate sections to address any differences in
19 order to facilitate judicial economy.

20 IT IS SO ORDERED.

21
22 Dated: 07/18/2014



CLAUDIA WILKEN
United States District Judge