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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 14-cv-03998-PJH

In re ROCKET FUEL SECURITIES
LITIGATION

**ORDER DENYING MOTION FOR
LEAVE TO FILE SURREPLY AND
GRANTING MOTION TO STAY CLASS
CERTIFICATION BRIEFING
SCHEDULE**

Re: Dkt. Nos. 181, 187

Before the court are (1) defendants' administrative motion for leave to file a surreply brief in opposition to plaintiffs' motion for class certification, and (2) plaintiffs' administrative motion to stay the class certification briefing schedule. Dkt. 181, 187. Having read the papers filed by the parties and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby rules as follows.

Regarding the first motion, the court DENIES defendants leave to file a surreply brief on class certification at this time. The request is premature because plaintiffs have not yet filed a reply brief in support of class certification. At this stage, defendants' presumption that plaintiffs' reply brief will rely upon new arguments and evidence is speculative. This denial is without prejudice to defendants seeking leave to file a surreply brief in the future, if and when a reply brief has been filed. At that time, the court will be able to evaluate whether a surreply brief is necessary or justified.

Regarding the second motion, the court will GRANT lead plaintiffs' request to stay the class certification briefing schedule in light of their recently-filed motion for leave to amend their complaint. See Dkt. 186. The court finds that good cause exists to stay the briefing schedule because of the danger of wasted resources by the parties and the court in briefing and hearing a class certification motion that may be mooted or withdrawn, depending upon the resolution of the motion for leave to amend.

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Accordingly, the court hereby STAYS the class certification briefing schedule pending resolution of the motion for leave to amend. In particular, the court VACATES the February 1, 2017 deadline for plaintiffs' reply brief in support of class certification and the March 1, 2017 hearing date for the certification motion. If necessary, the court will set a new deadline for the reply brief and hearing date following resolution of the motion for leave to amend.

IT IS SO ORDERED.

Dated: December 28, 2016



PHYLLIS J. HAMILTON
United States District Judge