

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
6

7 VALORIE WINN,  
8 Plaintiff,

9 v.

10 MONDELEZ INTERNATIONAL, INC., et  
11 al.,  
12 Defendants.

Case No.17-cv-02524-HSG

**ORDER STAYING CASE**

Re: Dkt. Nos. 35, 36

13 On June 28, 2018, the Court denied Plaintiff Valorie Winn's motion to remand. See Dkt.  
14 No. 34 at 1. In that same order, the Court noted that Defendant Mondolēz International, Inc.'s  
15 pending motion to dismiss cited to another case pending before this Court: Backus v. Biscomerica  
16 Corp., No. 16-cv-3916-HSG. Dkt. No. 34 at 9. On June 22, 2017, the Court stayed the Backus  
17 case pending decisions in Hawkins v. Kroger Co., No. 16-55532 (9th Cir.) and Hawkins v.  
18 AdvancePierre Foods, Inc., No. 16-56697 (9th Cir.), finding that the latter cases "could  
19 significantly narrow the issues in [the] case, conserve judicial resources, and avoid unnecessary  
20 legal expense." See No. 16-cv-3619-HSG, Dkt. No. 45.<sup>1</sup> In light of the similar facts in Backus,  
21 the Court ordered these parties to show cause why this case should not be stayed pending certain  
22 decisions by the Ninth Circuit. Dkt. No. 34 at 9.


23 On July 13, 2018, the parties filed their responses to the Court's order. Mondolēz  
24 requested that the Court stay the case, as the Ninth Circuit's "resolution of the Kroger,  
25 AdvancePierre, and McGee actions will likely provide controlling authority in this case." See Dkt.  
26

27  
28 <sup>1</sup> The parties in Backus later identified another case pending in the Ninth Circuit that addresses similar allegations: McGee v. Diamond Foods, Inc., No. 17-55577. See Backus, No. 16-cv-3619-HSG, Dkt. No. 50.

1 No. 35 at 1. Plaintiff represented that she “agrees with and joins Defendant Mondolēz  
2 International, Inc.’s OSC Response in full.” Dkt. No. 36 at 1. The Court therefore **STAYS** this  
3 action in its entirety pending a decision in those actions by the Ninth Circuit. In the interim, if  
4 either side seeks relief from the stay for any purpose, it should file a formal motion. The parties  
5 are directed to submit a joint status report on the progress of the aforementioned appeals no later  
6 than October 17, 2018.

7 **IT IS SO ORDERED.**

8 Dated: 7/17/2018

9  
10   
11 HAYWOOD S. GILLIAM, JR.  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28