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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re Bimbo Bakeries USA FLSA Actions No. C 05-00829 JW

**ORDER VACATING CASE MANAGEMENT
CONFERENCE; SETTING SCHEDULE FOR
CLASS CERTIFICATION AND RELATED
MOTIONS**

United States District Court
For the Northern District of California

_____ /
This case was scheduled for a case management conference on November 17, 2008.
Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred
and duly submitted separate Case Management Statements. Based on their submissions, it appears
that a supplemental schedule for the case can be set without the necessity of an appearance at this
time. Accordingly, the case management conference is VACATED and the parties are ordered to
comply with the following:

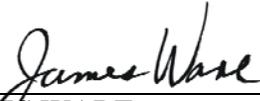
- (1) Plaintiffs have expressed an intent to file a motion for a certification to file an
interlocutory appeal of the Court’s October 24, 2008 Order on the issue of claims for
overtime pay under California state law. The Court sets **January 26, 2009 at 9 a.m.**
as a hearing date for this anticipated motion. Plaintiffs shall notice and file their
motion in accordance with the Civil Local Rules of the Court.
- (2) The Court sets **March 2, 2009 at 9:00 A.M.** as a hearing date for Plaintiffs’
anticipated Motion for Class Certification and Defendants’ anticipated (a) Motion to
Decertify the conditionally-certified FLSA collective action and (b) Motion for an

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Order that this action cannot be maintained as a class action. The parties shall notice and file their motions in accordance with the Civil Local Rules of the Court.

- (3) All discovery disputes with respect to class certification are referred to the assigned Magistrate Judge.

Dated: November 13, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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9
10 **Dated: November 13, 2008**

Richard W. Wieking, Clerk

11
12 **By: /s/ JW Chambers**
13 **Elizabeth Garcia**
14 **Courtroom Deputy**