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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ENRIKE GARZA, et al.,
Plaintiffs,
v.
MISSION FOODS, INC., DBA GRUMA
CORPORATION,
Defendant.

Case No.: C-07-02092 JW (PVT)

**ORDER GRANTING DEFENDANT
GRUMA CORPORATION'S
REQUEST FOR LEAVE TO FILE A
SECOND MOTION FOR
SANCTIONS**


Pursuant to an order granting defendant Gruma Corporation's motion to compel which was dated May 7, 2009, the parties filed a joint statement regarding the status of discovery. ("May 7, 2009 Order"). In the joint statement, defendant Gruma Corporation references further deficiencies in the discovery and requests leave to file a second motion for sanctions pursuant to Rule 37.¹ Plaintiffs Enrike Garza and Rafael Guerrero oppose leave to file a second motion for sanctions on the grounds that pending dispositive motions, including a motion for class certification and a motion for summary judgment, render a potential motion for sanctions moot.

¹ In connection with its two motions to compel further interrogatory responses and further production of documents, defendant Gruma moved for sanctions. The parties appeared for hearing on May 5, 2009. On May 7, 2009, the court granted defendant Gruma's two motions to compel and took under submission the motion for sanctions.

1 Having reviewed the parties' joint statement and considered the arguments of counsel,
2 defendant Gruma's request for leave to file a second motion for sanctions is granted.² As
3 requested, defendant Gruma may file a second motion for sanctions following a ruling by the
4 district court on plaintiffs' motion for class certification.

5 IT IS SO ORDERED.

6 Dated: June 15, 2009

7 
8 PATRICIA V. TRUMBULL
9 United States Magistrate Judge

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27 ² The holding of this court is limited to the particular facts and circumstances underlying
28 the present motion.

The second motion for sanctions will be considered with the first motion for sanctions.

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