

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Amnon Rosen, et al.,

NO. C 09-02563 JW
NO. C 10-00387 JW

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
GRANTING DEFENDANTS' MOTION TO
STAY DISCOVERY**

Evangeline Red, et al.,

Plaintiffs,

v.

Unilever United States, Inc., et al.,

Defendants.

These related cases are scheduled for a Case Management Conference on April 26, 2010. The parties submitted a Joint Case Management Statement. (See C 09-02563-JW Docket Item No. 54.) The parties disagree as to whether discovery should proceed at this time, in light of the fact that the Court has taken under submission Defendants' Motion to Dismiss in C 09-02563-JW and is set to hear Defendants' Motion to Dismiss in C 10-00387-JW on June 7, 2010. (See id. at 6-8, 10-11.)¹ Defendants have moved to stay discovery in both cases. (See C 10-00387-JW Docket Item No. 50.)

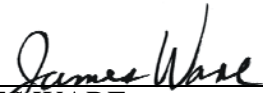
Upon review of the parties' submissions, the Court finds good cause to stay discovery in both cases pending disposition of Defendants' Motions to Dismiss. Judicial efficiency and cost to the litigants is best served by proceeding with discovery only if these related cases survive the

¹ The Court has issued a case schedule in C 09-02563-JW (see Docket Item No. 25), but has not yet done so in C 10-00387-JW.

1 Motions to Dismiss. Accordingly, the Court STAYS discovery in both cases pending resolution of
2 the Motions to Dismiss.² The stay is without prejudice to the parties moving for an extension of the
3 discovery cutoff in C 09-02563-JW, should they find it necessary after the Court has ruled on the
4 Motions to Dismiss. In light of the stay, the Court VACATES the Case Management Conference.³

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Dated: April 21, 2010



JAMES WARE
United States District Judge

² In light of this Order, the Court DENIES as moot Defendants' Motion to Stay Discovery and Defendants' Administrative Motion to Expedite Briefing Schedule for Defendant Unilever United States, Inc.'s Motion to Stay Discovery. (C 10-00387-JW, Docket Item Nos. 50, 53.)

³ The Court also declines Defendants' request to consolidate the cases and appoint lead class counsel prior to ruling on the Motions to Dismiss. (See Joint Statement at 9-10.)

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

2 Gregory Steven Weston greg@westonfirm.com
3 Janelle Jad Sahouria jsahouria@mofo.com
4 Jared Harrison Beck jared@beckandlee.com
5 John Joseph Fitzgerald jack@westonfirm.com
6 Kim E. Richman eli@reaserichman.com
7 Michael Robert Reese michael@reaserichman.com
8 William Lewis Stern wstern@mofo.com

6

7 **Dated: April 21, 2010**

Richard W. Wieking, Clerk

8

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28