

1 **** E-filed February 22, 2011 ****

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7 NOT FOR CITATION
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 LUIS SANDOVAL, et al.,

No. C09-04969 HRL

12 Plaintiffs,

**FURTHER CASE MANAGEMENT
ORDER**

13 v.

14 AB LANDSCAPING, INC., et al.,

15 Defendants.
_____ /

16 The order that follows is based on the February 22, 2011 discussion at what ostensibly was a
17 pretrial conference. At the conference, the parties informed the Court that this purported wage-and-
18 hour class action has settled as to three of the four named plaintiffs (Luis Sandoval, Israel
19 Rodriguez, and Cesar Martinez) and the purported class members. The remaining named plaintiff,
20 Ricardo Jimenez, refuses to settle, and the parties came to no agreement as to him.

21 Based on plaintiffs' counsel's representations, it appears that the relationship between
22 Jimenez and his counsel has become irreparably damaged, and it is the Court's understanding that
23 plaintiffs' counsel will be filing a noticed motion for leave to withdraw as his attorney by March 1,
24 2011. In light of these circumstances, Jimenez's claims are severed from those of the other three
25 plaintiffs and the purported class members.

26 As for the three other plaintiffs and the purported class members, the Court vacates the
27 February 28, 2011 trial date. The parties may file any joint motion for preliminary approval of the
28 class settlement by March 15, 2011.

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As for Jimenez, the Court vacates the February 28, 2011 trial date. If the Court grants his counsel's motion for leave to withdraw, Jimenez shall either engage new counsel or represent himself *pro se*. A new trial date shall be set upon the resolution of his legal representation.

In addition, the Court discharges its order that plaintiffs' counsel appear and show cause why the case should not be dismissed or sanctions imposed for failure to prosecute. Docket No. 42.

IT IS SO ORDERED.

Dated: February 22, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court’s CM/ECF program.