UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

KATIE KANE, *et al.*, individuals, on behalf of themselves and all others similarly situated, Plaintiffs, v. CHOBANI, INC., Defendant.	Case No.: 12-CV-02425-LHK ORDER VACATING JULY 12, 2013 ORDER REGARDING DEFENDANT'S MOTION TO DISMISS; CASE MANAGEMENT ORDER

On July 25, 2013, the parties appeared before the Court for the hearing on Defendant's Motion to Disqualify, ECF No. 64, and for a Case Management Conference. During the hearing, the parties also addressed Defendant's pending Motion for Leave to File a Motion for Reconsideration of the Court's July 12, 2013 Order regarding Defendant's Motion to Dismiss. ECF No. 128 ("Motion for Leave"). The parties stipulate to permitting Defendant to file a Motion for Reconsideration of the issues addressed in Defendant's Motion for Leave: (1) the Court's characterization of Plaintiffs' ECJ theory, and (2) whether the doctrine of primary jurisdiction

should apply to preclude Plaintiffs' ECJ claims. The Court hereby GRANTS Defendant's Motion for Leave. The Court's July 12, 2013 Order, ECF No. 125, is VACATED.

Plaintiffs indicated that they also intend to file a Motion for Leave to File a Motion for Reconsideration of certain aspects of the Court's July 12, 2013 Order. Plaintiffs shall file their Motion for Leave by July 31, 2013. Defendant shall file its response by August 7, 2013. Plaintiffs Motion for Leave and Defendant's response shall be limited to 7 pages each. No Reply shall be permitted. After Plaintiffs' Motion for Leave has been decided, the Court will set a hearing date for Defendant's Motion for Reconsideration, or, if Plaintiffs are granted leave, both parties' Motions for Reconsideration. The parties shall then stipulate to a briefing schedule.

With respect to the Case Management Conference, discovery and initial disclosures remain stayed. The Court also declines to set a case schedule. A further Case Management Conference will take place on October 30, 2013 at 2:00 p.m.

IT IS SO ORDERED.

Dated: July 25, 2013

Lucy H. Koh

LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California