

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KATIE KANE, an individual, DARLA BOOTH,
an individual, and ARIANNA ROSALES, an
individual on behalf of themselves and all others
similarly situated,

 Plaintiffs,

 v.

CHOBANI, INC., also known as AGRO-
FARMA, INC.

 Defendant.

Case No. 12-CV-02425-LHK

ORDER DENYING PLAINTIFFS’
MOTION FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION
AND SETTING BRIEFING AND
HEARING SCHEDULE FOR
DEFENDANT’S MOTION FOR
RECONSIDERATION

The Court has reviewed Plaintiffs’ Motion for Leave to File Motion for Reconsideration of July 12, 2013 Order on Motion to Dismiss, ECF No. 137, and Defendant Chobani’s Opposition, ECF No. 142.

Pursuant to Northern District of California Local Rule 7-9(b), a party seeking leave to file a motion for reconsideration must show that:

- (1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or
- (2) The emergence of new material facts or a change of law occurring after the time of such order; or
- (3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.

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The Court finds that Plaintiffs have not met the standard set forth in Local Rule 7-9(b). Accordingly, Plaintiffs' Motion for Leave to File Motion for Reconsideration of July 12, 2013 Order on Motion to Dismiss is DENIED.

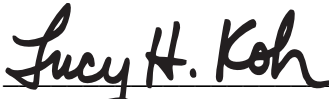
Accordingly, the Court sets the following schedule for Chobani's Motion for Reconsideration:

- Chobani's Motion for Reconsideration, not to exceed 15 pages, due on August 21, 2013;
- Plaintiffs' Opposition, not to exceed 15 pages, due on August 28, 2013; and
- Chobani's Reply, not to exceed 10 pages, due on September 3, 2013.

The hearing on Chobani's Motion for Reconsideration will take place on Thursday, September 12, 2013, at 1:30 p.m.

IT IS SO ORDERED.

Dated: August 14, 2013



LUCY H. KOH
United States District Judge