

E-filed: September 18, 2012

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6 NOT FOR CITATION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

10 THOMAS LUSBY, individually and on
behalf of all others similarly situated,

No. C12-03783

11 Plaintiff,

**ORDER REQUIRING PARTIES TO
FILE ADMINISTRATIVE MOTION
UNDER CIVIL L.R. 3-12(b)**

12 v.

13 GAMESTOP INC., GAMESTOP
Corporation, and DOES 1 through 100,
14 inclusive,

15 Defendants.

16 _____/

17 This putative class action for recovery of wage and hour claims was filed in the San Jose
18 Division and assigned to the undersigned on July 19, 2012. Filed simultaneously with the complaint
19 was plaintiff's motion for an order (1) granting preliminary approval of the class action settlement
20 agreement; (2) granting conditional certification of the settlement class; (3) appointing class
21 counsel; (4) appointing class representative; (5) appointing claims administrator; and (6) approving
22 class notice and claim form and timeline for administration. The parties consented to proceed
23 before a Magistrate Judge. The moving papers reveal that this action was first filed in the Superior
24 Court for the State of California in the County of San Francisco. Defendants removed the action to
25 the Northern District of California, San Francisco Division and, after the parties declined to proceed
26 before a Magistrate Judge, the case was assigned to Judge Alsup (*Lusby v. Gamestop Inc. et al.*, 11-
27 CV-05361 (WHA)). Plaintiff voluntarily dismissed that action without prejudice about four months
28 after removal. After dismissal of the case, counsel for the named plaintiff and defendants reached

1 an agreement to settle the claims. Thereupon, plaintiff re-filed the action in the San Jose Division of
2 the Northern District and immediately sought approval of the settlement agreement.

3 The parties confirmed this procedural history at the hearing held before this court on
4 September 18, 2012. The procedural history of this case appears to be a violation of Civil Local
5 Rule 3-3(c). Accordingly, the parties in the present case are ordered to file forthwith in *Lusby v.*
6 *Gamestop Inc. et al.*, 11-CV-05361, an Administrative Motion to Consider Whether Cases Should
7 be Related, pursuant to Civil Local Rule 3-12(b). In accordance with this rule, the parties shall
8 lodge a Chambers copy of the motion with both Judge Alsup and with the undersigned. In view of
9 this order, the parties may defer filing the submissions and amended complaint discussed at the
10 September 18 hearing.

11 **IT IS SO ORDERED.**

12 Dated: September 18, 2011



13 HOWARD R. LLOYD
14 UNITED STATES MAGISTRATE JUDGE
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