

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

JESSE HERNANDEZ et al.,)	Case No.: 5:13-cv-2354-PSG
)	
Plaintiff,)	ORDER DENYING MOTION TO
v.)	CONTINUE AND GRANTING LEAVE
)	TO FILE A SUR-REPLY
COUNTY OF MONTEREY, et al.,)	
)	(Re: Docket No. 362)
Defendants.)	
)	

The Federal Rules of Civil Procedure require that in a class action “at an early practicable time after a person sues . . . the court must determine by order whether to certify the action as a class action.”¹ Alleging new issues and evidence in Plaintiffs’ reply briefs, Defendants seek to continue the hearing on Plaintiffs’ motion for class certification until November 19.² Plaintiffs more persuasively argue that there should be no more delay because the reply rebuts arguments and

¹ Fed. R. Civ. P. 23(c)(1)(A).

² See Docket Nos. 362, 363.


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evidence that defendants first present in their oppositions.³ The motion for class certification has been pending for nearly six months, and Defendants have already successfully requested delaying the hearing three times.⁴ Defendants' motion to continue is DENIED.

The court agrees with the parties that Defendants should be granted leave to file a sur-reply. Defendants must file any sur-reply no later than 3:00 p.m. on October 28, 2014.

SO ORDERED.

Dated: October 24, 2014



PAUL S. GREWAL
United States Magistrate Judge

³ See Docket No. 365 at 2-4.

⁴ See *id.* at 1, 5; Docket Nos. 61, 76, 100, 115.