

1 THE HONORABLE RICARDO S. MARTINEZ

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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 GINA KIM, on behalf of a class consisting
of herself and all other persons similarly
11 situated,

12 Plaintiffs, and as to Ms.
Kim, counterclaim
13 defendant,

14 v.

15 COACH, INC., a Maryland corporation,
and COACH SERVICES, INC., a
16 Maryland corporation,

17 Defendants, and, as to
Coach, Inc., counterclaim
18 plaintiff.

NO. 2:11-cv-00214-RSM

**DEFENDANTS' AMENDED REPLY IN
SUPPORT OF MOTION TO STRIKE
CLASS ALLEGATIONS**

**NOTE ON MOTION CALENDAR:
MAY 6, 2011**

19
20 Defendants Coach, Inc. and Coach Services, Inc. (together, "Coach") hereby submit this
21 reply in support of their motion to strike class allegations filed on April 14, 2011. (Dkt.
22 No. 42.) On May 2, 2011, counsel for plaintiff and former putative class representative Gina
23 Kim filed a statement of non-opposition to the motion to strike class allegations. (Dkt. No. 48.)
24 Accordingly, under Fed.R.Civ.P. 23(d)(1)(D), the motion to strike class allegations must be
25 granted and the class allegations must be stricken from the second amended complaint (Dkt.
26 No. 20-1). (Coach's Reply (Dkt. No. 50) erroneously referred to the first amended complaint.)

DEFENDANTS' AMENDED REPLY IN SUPPORT OF
MOTION TO STRIKE CLASS ALLEGATIONS - 1
NO. 2:11-cv-00214-RSM

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1 On March 22, 2011, Ms. Kim and Coach, Inc. filed a stipulation to permit counsel for
2 Ms. Kim to file a second amended complaint under Fed.R.Civ.P. 15(a)(2). (Dkt. No. 20.)
3 Coach Services, Inc. hereby submits its consent to the entry of the second amended complaint
4 under Fed.R.Civ.P. 15(a)(2), and Coach, Inc. hereby reiterates its consent. The Court should
5 therefore enter an order (1) stating that the stipulated and Court-accepted second amended
6 complaint is the operative complaint to which defendants' motion to strike class allegations is
7 directed, and (2) stating that the class allegations in the second amended complaint are stricken
8 and the lawsuit shall proceed not as a class action.

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10 Respectfully submitted this 6th day of May, 2011.

11 DLA Piper LLP (US)

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13 By: s/ Stellman Keehnel

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25 Attorneys for defendant and counterclaim plaintiff

26 Coach, Inc. and defendant Coach Services, Inc.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on May 6, 2011, I caused to be electronically filed the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of such
4 filing to all counsel of record.

5 Dated this 6th day of May, 2011.

6 *s/ Stelman Keehnel*
7 _____
8 Stelman Keehnel, WSBA No. 9309

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