

1 have already been filed. (Dkt. No. 234 at 3 n.1.) Thus, in the interest of efficiency and moving
2 this case forward, the Court agrees with Plaintiffs that discovery should commence without
3 delay.

4 Next, the parties disagree about the timing for filing of the amended consolidated
5 complaint. The Court previously set deadlines for the complaint and any answer or Rule 12
6 motion in its previous order. (*Id.* at 4.) Those deadlines will stand as previously stated.

7 The parties also disagree regarding the timing of both Defendants’ proposed motion to
8 compel arbitration and Plaintiffs’ proposed motion for class certification. Plaintiffs argue these
9 motions should be considered in conjunction with each other. (Dkt. No. 235 at 2–3.) Plaintiffs
10 assert even if Defendants successfully compel arbitration for some plaintiffs, there are some
11 claims and plaintiffs whose cases will remain. (*Id.* at 3.) Defendants counter that arbitration is a
12 “threshold issue” that must be considered before the issue of class certification. (*Id.* at 7.)

13 In each of the cases cited by Defendants, the motion to compel arbitration applied to
14 either the sole plaintiff or the only named plaintiffs in the case. (*See id.* at 7) (citing cases). The
15 courts concluded that if the defendant were to prevail on the arbitration issue, there would be no
16 more remaining plaintiffs to litigate the claims. (*Id.*) In contrast, as Plaintiff asserts, here there
17 are plaintiffs whose claims will remain even if Defendant’s motion to compel arbitration were
18 successful. Therefore, the motion for class certification and motion to compel arbitration shall be
19 considered in conjunction.¹

20 Finally, Defendants request guidance regarding their anticipated motions to compel
21 arbitration. The Court DIRECTS Defendants to submit an omnibus motion to compel, with an
22 increased limit of 40 pages. Plaintiffs may also have 40 pages for their response brief.
23 Defendants’ reply brief shall be no more than 20 pages. Absent a stipulation otherwise, all

24 _____
25 ¹ Defendants also argue Plaintiffs’ proposed schedule would deprive them of the ability to
26 adequately prepare an opposition to class certification. (Dkt. No. 235 at 8.) However, Defendants
will have roughly three months from the filing of the amended consolidated complaint for
discovery.

1 deadlines for response and reply briefs shall be in compliance with the local rules.

2 Finally, taking into consideration the arguments set forth by each side, the Court hereby
3 ENTERS the following case scheduling dates:

4 Deadline for Exchange of Initial Disclosure: October 21, 2022.

5 Deadline to File Consolidated Complaint: November 14, 2022.

6 Deadline to Answer or File Rule 12 Motion: December 5, 2022.

7 Deadline for filing of Renewed Motion to Compel Arbitration: February 24, 2023.

8 Deadline for filing of Class Certification Motion: February 24, 2023

9 Deadline for Completion of Fact & Expert Discovery: 180 days from the date of Class
10 Certification Order

11 Deadline for Dispositive Motions: 30 days after close of discovery.

12 DATED this 11th day of October 2022.

13 Ravi Subramanian
14 Clerk of Court

15 s/Sandra Rawski
16 Deputy Clerk