

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

	)	Case No.: 12-CV-02425-LHK
KATIE KANE, <i>et al.</i> , individuals, on behalf	)	
of themselves and all others similarly situated,	)	
Plaintiffs,	)	ORDER VACATING JULY 12, 2013
v.	)	ORDER REGARDING DEFENDANT’S
	)	MOTION TO DISMISS; CASE
	)	MANAGEMENT ORDER
CHOBANI, INC.,	)	
Defendant.	)	
	)	

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On July 25, 2013, the parties appeared before the Court for the hearing on Defendant’s Motion to Disqualify, ECF No. 64, and for a Case Management Conference. During the hearing, the parties also addressed Defendant’s pending Motion for Leave to File a Motion for Reconsideration of the Court’s July 12, 2013 Order regarding Defendant’s Motion to Dismiss. ECF No. 128 (“Motion for Leave”). The parties stipulate to permitting Defendant to file a Motion for Reconsideration of the issues addressed in Defendant’s Motion for Leave: (1) the Court’s characterization of Plaintiffs’ ECJ theory, and (2) whether the doctrine of primary jurisdiction

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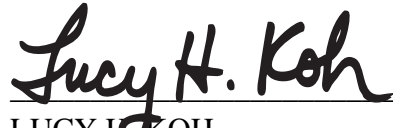
1 should apply to preclude Plaintiffs' ECJ claims. The Court hereby GRANTS Defendant's Motion  
2 for Leave. The Court's July 12, 2013 Order, ECF No. 125, is VACATED.

3 Plaintiffs indicated that they also intend to file a Motion for Leave to File a Motion for  
4 Reconsideration of certain aspects of the Court's July 12, 2013 Order. Plaintiffs shall file their  
5 Motion for Leave by July 31, 2013. Defendant shall file its response by August 7, 2013. Plaintiffs  
6 Motion for Leave and Defendant's response shall be limited to 7 pages each. No Reply shall be  
7 permitted. After Plaintiffs' Motion for Leave has been decided, the Court will set a hearing date  
8 for Defendant's Motion for Reconsideration, or, if Plaintiffs are granted leave, both parties'  
9 Motions for Reconsideration. The parties shall then stipulate to a briefing schedule.

10 With respect to the Case Management Conference, discovery and initial disclosures remain  
11 stayed. The Court also declines to set a case schedule. A further Case Management Conference  
12 will take place on October 30, 2013 at 2:00 p.m.

13 **IT IS SO ORDERED.**

14 Dated: July 25, 2013

  
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LUCY H. KOH  
United States District Judge