

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 14-01792-CJC(ANx)

Date: March 31, 2015

Title: ROBERT J. ZAMMETTI, ET AL. V. SOUTHWEST AIRLINES, CO.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Melissa Kunig
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING DEFENDANT’S
MOTION TO STRIKE [filed 3/3/15] AND DIRECTING PARTIES TO FILE A
JOINT STATUS REPORT**

Having read and considered the papers presented by the parties, the Court finds this matter appropriate for disposition without a hearing. *See* Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing set for April 6, 2015 at 1:30 p.m. is hereby vacated and off calendar.

Plaintiffs Robert J. Zammetti and Michael J. Lowry (together, “Plaintiffs”) filed a class action complaint against Defendant Southwest Airlines, Co. (“Southwest”) on November 10, 2014. (Dkt. No. 1.) The operative First Amended Complaint (“FAC”) was filed November 14, 2014. (Dkt. No. 11.) On March 9, 2015, the Court denied Plaintiffs’ *ex parte* application for relief from Local Rule 23-3, which requires a proponent of a putative class to file a motion for certification within 90 days of service of the requisite pleading (the “March 9 Order”). (Dkt. No. 31.) Prior to the Court’s March 9 Order, Southwest had filed a motion to strike the class allegations from the FAC on March 3, 2015. (Dkt. No. 29.) Plaintiffs have submitted a declaration by counsel expressing that, in light of the denial of their *ex parte* application, they do not intend to file an opposition to Southwest’s motion to strike. (Dkt. No. 32.) Based on Plaintiffs’ counsel’s declaration and for the reasons stated in the March 9 Order, Southwest’s motion to strike the class allegations from the FAC is **GRANTED**. The case will proceed on Plaintiffs’ individually-held claims in the FAC only.

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The Court has a duty to resolve this case in a manner that is just, speedy, and inexpensive, including through good-faith settlement and mediation. In light of the recent developments in this case, the parties are **ORDERED** to file a joint status report by **April 14, 2015**, informing the Court as to any progress in reaching a mutual resolution through settlement and mediation efforts. In the event the parties do not believe such mutual resolution can be reached, the parties shall further address whether this matter is appropriate for disposition on summary judgment, along with a proposed briefing schedule.

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Initials of Deputy Clerk MKU