

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 15-1615-DOC (JCGx)

Date: November 30, 2016

Title: MATTHEW TYE, ET AL. V. WAL-MART STORES, INC.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Goltz
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER GRANTING MOTION TO
STAY [61]**

Before the Court is Plaintiffs Matthew Tye, Harry Schmoll, Michael Wilcox, Craig Lamster, and Tanya Thompson Mullins' Motion to Stay (collectively, "Plaintiffs") ("Motion") (Dkt. 61). The Court finds these matters suitable for resolution without oral argument. Fed. Civ. P. 78; L.R. 7-15. Having reviewed the moving papers and considered the parties' arguments, the Court GRANTS Plaintiffs' Motion.

I. Procedural History

Plaintiffs filed the operative complaint, the Second Amended Complaint, on May 20, 2016 ("SAC") (Dkt. 42). Plaintiffs filed the instant Motion to Stay on November 9, 2016. Defendants filed a Response on November 21, 2016 (Dkt. 62). Plaintiffs' reply was due on November 28, 2016, but no reply has been filed.

II. Discussion

The parties agree that the case should be stayed until after the issuance of a ruling on *Briseño v. ConAgra Foods, Inc.*, Case No. 15-55727 (9th Cir. filed May 13, 2015).

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See Response at 2; *see generally* Motion. However, Defendants argue that the case should be stayed until the issuance of rulings in both *Briseño* and *Jones v. ConAgra Foods*, Case No. 14-16327 (9th Cir. filed July 14, 2014). Response at 2.

Defendants' argument is not properly before the Court, and the Court declines to address whether a stay until resolution of *Jones* would be proper. However, the Court GRANTS Plaintiffs' Motion and STAYS this case until resolution of *Briseño*. Defendants may request another stay if they believe that a stay pending resolution of *Jones* is necessary. At that time, Defendants should expressly state which issues before the Ninth Circuit in *Jones* are also at issue in the instant case.

III. Disposition

The Court GRANTS Plaintiffs' Motion. All upcoming dates in this matter are VACATED. The parties shall file a status report with the Court **within fourteen days** of the Ninth Circuit's resolution of *Briseño*.

The Clerk shall serve this minute order on the parties.

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Initials of Deputy Clerk: djg