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UNITED STATES DISTRICT COURT  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY RAE ELLIS and LEAH  
HORSTMAN, on behalf of themselves and  
others similarly situated

No. C 04-3341 MHP

Plaintiffs,

**ORDER**

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

Shirley Rae Ellis and Leah Horstman, current and former employees of defendant Costco Wholesale Corporation, have brought a class action to challenge gender discrimination in defendant's promotion and management practices. Plaintiffs allege that defendant denied female employees promotions to assistant and general manager positions in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e, et seq. In addition, they bring pendent causes of action alleging gender discrimination in violation of the Fair Employment and Housing Act, California Government Code section 12940, et seq.

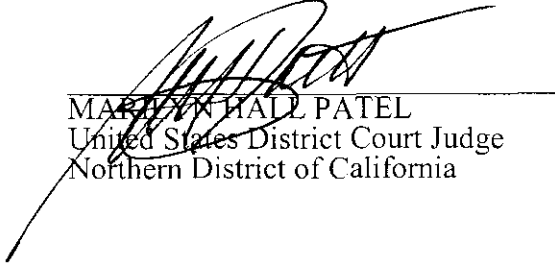
Pursuant to 28 U.S.C. section 1404(a), defendant has moved to transfer plaintiffs' complaint to the District of Colorado, or in the alternative, to the Western District of Washington. The parties also filed supplemental briefs assessing the merits of transfer the Southern District of California. After considering the parties' arguments and submissions, and in accordance with the instructions given at the hearing on this motion, the court denies defendant's motion without prejudice to its renewal after further discovery on the scope and geographic distribution of the proposed class. The

1 parties need not file additional memoranda except insofar as new case law emerges. The parties may  
2 submit further declarations and evidence of this issue following discovery. The parties shall submit  
3 within 14 days of this Order an agreed-upon schedule for completion of this discovery.

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5 IT IS SO ORDERED.

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7 Dated:

*Dec. 22, 2004*

  
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9 MARILYN HALL PATEL  
10 United States District Court Judge  
11 Northern District of California  
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UNITED STATES DISTRICT COURT  
For the Northern District of California