

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. CRUZ, and JOHN D. HANSEN,)	Case Nos. 07-2050 SC
)	07-4012 SC
Plaintiffs,)	
v.)	ORDER DENYING PLAINTIFFS'
DOLLAR TREE STORES, INC.,)	MOTION FOR PRETRIAL ORDER
Defendant.)	NO. 1 AND DEFENDANT'S
)	<u>MOTION TO BIFURCATE</u>
<hr/>		
ROBERT RUNNINGS,)	
Plaintiff,)	
v.)	
DOLLAR TREE STORES, INC.,)	
Defendant.)	
<hr/>		

Before the Court are two motions: a Motion to Bifurcate the Liability and Damages Phases of Trial, filed by Defendant Dollar Tree Stores, Inc., ECF No. 277; and a Motion for Pre-Trial Order Number One, filed by Plaintiffs Miguel Cruz, John Hansen, and Robert Runnings, ECF No. 290.¹ Both motions ask the Court to rule on various trial management issues.

¹ Cruz v. Dollar Tree, Case No. 07-2050 ("Cruz action"), and Runnings v. Dollar Tree, Case No. 07-4012 ("Runnings action"), have been consolidated. Unless otherwise noted, all docket numbers in this Order refer to docket entries in the Cruz action.

1 On July 7, 2011, after these motions were filed, the Court
2 issued an order decertifying the class in this case. ECF No. 320.
3 In light of decertification, many of the issues raised in the
4 motions are no longer relevant. The issues that remain relevant --
5 such as bifurcation and the order of presentation -- now arise in a
6 dramatically altered context. Accordingly, the Court DENIES both
7 motions as moot.

8 The parties are ordered to meet and confer to discuss how
9 trial should proceed in light of the decertification order. The
10 parties shall file a joint statement with the Court identifying the
11 trial management issues that remain to be resolved. This statement
12 shall be filed no later than seven (7) days before the Case
13 Management Conference scheduled for September 9, 2011 at 10:00 a.m.
14 in Courtroom 1, on the 17th floor, U.S. Courthouse, 450 Golden Gate
15 Avenue, San Francisco, California 94102.

16
17 IT IS SO ORDERED.

18
19 Dated: July 18, 2011


UNITED STATES DISTRICT JUDGE

20
21
22
23
24
25
26
27
28