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**IRENAS**, Senior District Judge:

This matter having appeared before the Court on Plaintiffs' Motion for Class Certification (Docket No. 30) and the parties' requests that decision on this motion be held in abeyance; the Court having considered the submissions of the parties, and it appearing that:

1. On September 13, 2007, Plaintiffs filed a Motion for Class Certification pursuant to Fed. R. Civ. P. 23 (Docket No. 30; the "Motion"). As of November 16, 2007, the Motion was fully briefed by the parties.

2. Upon the parties' mutual request, this Court issued an Order on December 4, 2007 that stayed the matter for sixty days while the parties proceeded with settlement mediation (Docket No. 37). The December 4, 2007 Order also provided that the Court would hold its decision on the Motion during this sixty-day period.

3. On March 19, 2008, counsel for Defendants sent a

letter notifying the Court that the parties sought to continue the stay in the matter pending the parties' next mediation session on April 30, 2008. Counsel for Defendants later advised the Court that the parties sought to have the Court hold its decision on the Motion until the conclusion of the April 30, 2008 mediation session.

4. By letter dated May 8, 2008, counsel for Defendants advised the Court that the parties continued to make progress during the April 30, 2008 mediation session and that they scheduled another mediation session for July 11, 2008. The May 8, 2008 letter further stated that both parties requested that the Court continue to withhold its decision on Plaintiffs' Motion until the conclusion of the next mediation session.

5. Discovery in this case has also been stayed pending the completion of the mediation session scheduled for July 11, 2008 or upon further court order pursuant to Magistrate Judge Donio's Scheduling Order, dated May 7, 2008 (Docket No. 43).

**IT IS** on this 14th day of May, 2008,

**ORDERED THAT:**

- (1) Plaintiffs' Motion for Class Certification (Docket #30) (the "Motion") is hereby **DISMISSED WITHOUT PREJUDICE**.
- (2) Plaintiffs are hereby granted leave to renew the Motion anytime after the July 11, 2008 mediation session. If Plaintiffs renew the Motion, no party shall be required to re-file any document previously filed in connection

with the Motion. All materials previously filed shall be deemed re-filed upon the filing of notice of the renewed Motion. Supplemental materials incorporating any subsequent discovery may be filed in support of or in opposition to the renewed Motion.

s/ Joseph E. Irenas  
JOSEPH E. IRENAS, S.U.S.D.J.