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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

No. C 04-03341 MHP

v.

**ORDER CLARIFYING THAT WHICH  
NEED NOT BE CLARIFIED**

COSTCO WHOLESALE CORPORATION

Defendant.

On October 10, 2006 the court held a telephonic hearing in response to a dispute over certain of defendant's submissions in opposition to plaintiff's motion for class certification. At the hearing, the court ordered in no uncertain terms that defendant produce all 204 declarants for a hearing or the court would strike the declarations of those not produced. Defendant subsequently requested clarification and received the same response: produce the declarants or their declarations will be stricken. Apparently defendant is determined to waste the court's time for it has now moved for clarification, questioning whether the court means what it has said. The court does.

Defendant has expressed its concern that it be given adequate opportunity to be heard. See Def's Mot. for Clarification at 13. The court has arranged for defendant's Due Process rights to be fully exercised by setting a hearing for the testimony of each of the declarants. The methods for communicating with the declarants, transporting them to the hearing, and the order in which they will appear are details which the parties should agree upon or work out themselves. The court has neither the time nor the inclination to serve as a travel agent.

Lest the parties find the need for further clarification, the court will now preempt any such requests. It will entertain no additional requests or submissions from the parties regarding the declarations or the motion for class certification other than those currently before the court. This

1 will allow the parties to focus their efforts and the time and resources of the court in preparation for  
2 the hearing on class certification and the motion to strike the declarations rather than in  
3 consideration of additional motions for clarification of that which the court has made abundantly  
4 clear.

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6 IT IS SO ORDERED.

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8 Dated: October 25, 2006

  
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10 MARILYN HALL PATEL  
11 United States District Court Judge  
12 Northern District of California  
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