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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER STRANGE, MAGAN MORRIS, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

LES SCHWAB TIRE CENTERS OF OREGON,
INC., et al.,

Defendants.

CASE NO. C06-045RSM

ORDER ON SECOND MOTION FOR
CLASS CERTIFICATION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

LES SCHWAB TIRE CENTERS OF
WASHINGTON, INC., et al.,

Defendants.

This matter is now before the Court for consideration of the individual plaintiffs' renewed motion for class certification. Dkt. # 66. The Court denied plaintiffs' original motion as untimely under Local Rule CR 23(f)(3), which requires that a motion for class certification be filed within one hundred eighty

1 days after the filing of a complaint with class allegations. Dkt. # 62. The Court noted in its previous
2 Order that enforcing this procedural rule was not prejudicial to plaintiffs, as their motion was unlikely to
3 succeed on the merits because plaintiffs could not meet the F.R.Civ.Proc. 23(b)(3) requirement of
4 demonstrating that common questions of fact predominate over individual issues. *See*, Dkt. # 62, p. 3-4.

5 Shortly after the Court issued its previous ruling denying class certification, the parties stipulated
6 to an extension of all pretrial dates and a new trial date. Dkt. # 63. Plaintiffs then moved a second time
7 for class certification, asserting that the motion is no longer untimely, “[g]iven that the trial is now more
8 than one year away from the date this motion is filed.” Dkt. # 66, p. 1. However, the time for filing a
9 class certification motion prescribed in the local rules is determined from the date of filing of the
10 complaint, not from the trial date. The filing date has not changed. Nor have plaintiffs in their motion
11 satisfied the Court’s concerns regarding the “common questions of fact” requirement of Rule 23(b)(3).
12 Plaintiffs’ renewed motion for class certification is accordingly DENIED.

13 Dated this 8th day of August, 2008.

14 

15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE