

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. 2:07-cv-00171-JHN-AJWx

Date: July 13, 2011

Title: Michael Bateman v. American Multi Cinema Inc et al

Present: The Honorable JACQUELINE H. NGUYEN

<u>Alicia Mamer</u>	<u>Not Reported</u>	<u>N/A</u>
Deputy Clerk	Court Reporter/Recorder	Tape No.

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: ORDER FOR SUPPLEMENTAL BRIEFING (In Chambers)

On June 27, 2011, Plaintiff filed a Motion for Attorney Fees, Costs and Enhancement Payment. (Docket no. 88.) In the Motion, Plaintiff seeks attorney fees related to the settlement of this class action under the Fair and Accurate Credit Transactions Act (“FACTA”), 15 U.S.C. § 1681, et seq. In its Opposition, filed on July 5, 2011 (docket no. 93), Defendant argues that the Court should analyze the award of attorney’s fees under the applicable provision of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1712(a). Also, Defendant referenced CAFA in its recent filing seeking a continuance of the final class action settlement approval hearing date. (Docket no. 95.)

Plaintiff’s Complaint did not allege federal jurisdiction under CAFA, and instead alleged that the Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p, the FACTA jurisdictional provision.

Therefore, the Court ORDERS the parties to submit supplemental briefing on whether CAFA governs the Court’s analysis of Plaintiff’s Motion, on the following schedule:

Defendant’s Brief: July 20, 2011;

Plaintiff’s Brief: July 27, 2011.

Each party’s supplemental brief is to be limited to **three (3) pages**.

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IT IS SO ORDERED.

Initials of Preparer AM : N/A