

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 09-22736-CIV-SEITZ/O'SULLIVAN

ANTHONY CHIARENZA, and all
others similarly situated

Plaintiffs,

v.

IBSG INTERNATIONAL, INC., *et al.*,

Defendants.

ORDER STRIKING MOTION FOR CLASS CERTIFICATION

THIS MATTER is before the Court *sua sponte*. Upon review of the record, it appears that Plaintiffs' Motion for Class Certification [DE-68] was filed on May 28, 2010. Pursuant to the Court's Order Setting Trial Date [DE-50], the deadline for filing motions for class certification was February 23, 2010, a date chosen by the parties in their Amended Joint Scheduling Report [DE-43]. Prior to filing their Motion for Class Certification on May 28, 2010, Plaintiffs did not seek leave of Court to file the motion after the February 23, 2010 deadline or seek to change the deadline. Nothing in the record indicates that the Court granted Plaintiff leave to file the Motion for Class Certification after the February 23, 2010 deadline.¹ The only document in the record that refers to a different deadline for class certification motions is the Mediator's Report [DE-77], which states that Plaintiffs "intend to file their class certification motion on or before May 28, 2010." However, reliance on a Mediator's Report to change a Court-imposed deadline is unreasonable. Accordingly, it is

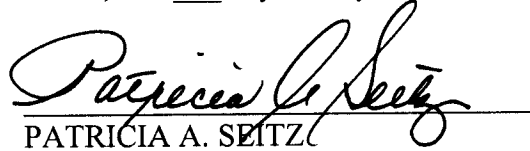
¹While the Court granted Defendants' Motion for Extension of Time to Respond to the Motion for Class Certification, that motion did not indicate that the Motion for Class Certification was not filed in accordance with the Court's Order Setting Trial Date.

ORDERED that:

1. Lead Plaintiffs' Motion for Class Certification [DE-68] is STRICKEN.
2. Lead Plaintiffs' Agreed Nunc Pro Tunc Motion to Extend Deadline for Filing Class

Certification Reply Brief [DE-77] is DENIED as MOOT.

DONE AND ORDERED in Miami, Florida, this ¹²16 day of July, 2010.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All counsel of record