

S.D.N.Y.-N.Y.C.  
11-cv-160  
Oetken, J.

N.D.N.Y.  
10-cv-591  
McAvoy, J.  
Peebles, M.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16<sup>th</sup> day of October, two thousand thirteen.

Present:

Dennis Jacobs,  
Chester J. Straub,  
*Circuit Judges,*  
William Francis Kuntz, II,\*  
*District Judge.*

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Duane Reade, Inc., Duane Reade Holdings, Inc.,

*Petitioners,*

v.

13-3209

Mani Jacob, individually and on behalf of all others  
similarly situated, Lesleena Mars, individually and  
on behalf of all others similarly situated,

*Respondents.*

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Matthew Roach, *et al.*,

*Plaintiffs-Appellants,*

v.

13-3070

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\*Judge William Francis Kuntz, II, of the United States District Court for the Eastern District of New York, sitting by designation.

T.L. Cannon Corp., DBA Applebees, *et al.*,

*Defendants-Appellees.*

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The proceedings docketed under 13-3209 and 13-3070 are consolidated for purposes of this order.

The Petitioners in the proceeding docketed under 13-3209, through counsel, move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal from the portion of the district court's order affirming, with respect to issues of liability, its prior grant of Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is GRANTED.

It is further ORDERED that the proceeding docketed under 13-3209 be heard in tandem with the appeal docketed under *Roach v. T.L. Cannon Corp.*, 13-3070. Petitioners are directed to file a scheduling notification within 14 days of the date of entry of this order pursuant to Second Circuit Local Rule 31.2.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

The image shows a handwritten signature in blue ink that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal. The seal is blue and white with the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. There are two small stars on either side of the central text.