

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 11-8557 CAS (DTBx)	Date	January 9, 2012
Title	EVERARDO CARRILLO; ET AL V. SCHNEIDER LOGISTICS, INC.; ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER		
CATHERINE JEANG	Not Present	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: (In Chambers:) **PLAINTIFFS’ EX PARTE APPLICATION TO TAKE EXPEDITED DISCOVERY AND TO CONTINUE HEARING DATE AND BRIEFING SCHEDULE RE PENDING MOTION FOR PRELIMINARY INJUNCTION**
(filed January 5, 2012)

I. INTRODUCTION AND BACKGROUND

On December 22, 2011, plaintiffs Everardo Carrillo, et al. filed a motion for preliminary injunction to restrain defendants Schneider Logistics, Inc. and Schneider Logistics and Transloading and Distribution, Inc (collectively “Schneider”) and Premier Warehouse Ventures and Rogers-Premier Unloading Services (collectively “Premier”) from proceeding with an allegedly retaliatory mass termination scheduled to be implemented on February 24, 2012. Schneider and Premier each filed untimely oppositions to plaintiffs’ motion on January 3, 2012.

On January 5, 2012, plaintiffs filed the instant application to take expedited discovery,¹ to continue the hearing date from January 23, 2012, to January 30, 2012, and

¹ Plaintiffs seek to take the deposition of James D. Pittman, who submitted a declaration in support of Premier’s opposition to plaintiffs’ motion for preliminary injunction asserting that he was the Premier management official who, *inter alia*, signed the labor services contract with Schneider, participated in the decision to cancel the contract, wrote the cancellation letter to Schneider, and gave notice to plaintiffs informing them of the termination date of February 24, 2012. From Schneider, plaintiffs
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to allow plaintiffs additional time to submit their reply brief. Premier opposed plaintiffs' ex parte application on January 6, 2012. Schneider filed a separate opposition on January 9, 2012.

II. DISCUSSION

The Court finds plaintiffs have established good cause for the requested relief. In this regard, the Court finds significant that plaintiffs were not aware of the factual and legal grounds upon which defendants opposed plaintiffs' motion for preliminary injunction until defendants filed oppositions.² Further, the Court notes that plaintiffs' requested discovery is narrowly focused on issues raised in defendants' oppositions. The Court also finds it appropriate to continue the hearing date for plaintiffs' motion for preliminary injunction from January 23, 2012 to January 30, 2012,³ and to allow plaintiffs an additional week to file their reply.

In accordance with the foregoing, the Court hereby GRANTS plaintiffs' ex parte application to take expedited discovery and to continue the hearing date and briefing schedule regarding plaintiffs' pending motion for preliminary injunction. Premier is

¹(...continued)

seek to take the deposition of a corporate designee pursuant to Rule 30(b)(6) on subjects relating to the negotiation and termination of the labor services contract between Schneider and Premier, Schneider's supervision and control over the Schneider-Premier workforce, and Schneider's decision to replace all currently employed Schneider-Premier class members with new employees. Plaintiffs also seek the production of documents related to the allegedly retaliatory termination.

² Defendants contend that plaintiffs ex parte application should be denied because plaintiffs failed to meet and confer with defendants prior to filing their motion for preliminary injunction in violation of Local Rule 7-3. The Court does not believe plaintiffs' application should be denied on this basis, but admonishes all parties to comply with all local rules.

³ In this regard, the Court notes also that the parties are scheduled to appear on January 30, 2012, for a scheduling conference as well as for a hearing on plaintiffs' motion for an order approving Hoffman-Laroche notice.

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hereby ordered to produce James D. Pittman for deposition on January 11, 12, or 13, 2012. Schneider is ordered to produce a Rule 30(b)(6) designee for deposition on January 11, 12, or 13, 2012. Defendants are further ordered to produce the documents as requested in the Notices of Depositions attached as exhibits 7 and 8 to the Declaration of Theresa M. Traber. The hearing date on plaintiffs' motion for preliminary injunction is continued to January 30, 2012 at 10:00 A.M. Plaintiffs shall have up to and including January 20, 2012 to file their reply brief.

IT IS SO ORDERED.

Initials of Preparer 00 : 00
CMJ