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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SILVESTRE SOTO and OLGA GALVAN, on behalf of themselves and all other similarly situated individuals,)	Case No.: 1:09-cv-00701 AWI JLT
)	ORDER AMENDING SCHEDULING ORDER
Plaintiffs,)	
v.)	
CASTLEROCK FARMING AND TRANSPORT, INC., et al.,)	
)	
Defendants.)	

After beginning in state court, this action was removed to the Eastern District on December 21, 2005. This putative class action case seeks damages and other relief against for alleged violations of the Agricultural Workers Protection Act, 29 U.S.C. § 1801, *et seq*; failure to pay wages; failure to pay reporting time wages; failure to provide rest and meal periods; failure to pay wages of terminated or resigned employees; knowing and intentional failure to comply with itemized employee wage statement provisions; penalties under Labor Code § 2699, *et seq*; breach of contract; and violation of unfair competition law.

On February 23, 2011, Plaintiffs filed their notice of motion to compel documents related to class certification issues. (Doc. 25) Soon thereafter, on February 28, 2011, the Court held a telephonic conference with counsel and ordered the discovery dispute to proceed with traditional briefing, rather than the abbreviated joint statement method typically required. (Doc. 28) As a

1 consequence of this expanded briefing schedule, the Court stayed the deadlines related to class
2 discovery, expert disclosure, expert discovery and the deadline by which the motion for class
3 certification would be filed until the dispute could be resolved. Id. On March 24, 2011, the Court
4 granted Defendant's request to be permitted to depose certain declarants who provided evidence in
5 support of the motion to compel. (Doc. 35) On May 23, 2011, Plaintiffs filed their motion to compel
6 and third-party, J. L. Padilla & Sons, filed a motion to quash the subpoena duces tecum issued by
7 Plaintiffs. (Doc. 37-39) On June 6, 2011, Defendant filed its opposition to the motion to compel
8 (Doc. 40) and Plaintiff filed its opposition to the motion to quash. (Doc. 43) Reply papers were filed
9 by Plaintiff and Defendant on June 13 and June 20, 2011, respectively. (Docs. 46, 48)

10 The Court heard argument on the matters on June 23, 2011 (Doc. 53) and issued its written
11 order granting the motion to compel in part and denying the motion to quash on July 8, 2011. (Doc.
12 61) On July 20, 2011, Defendant and J.L. Padilla & Sons filed a motion for reconsideration of the
13 Magistrate Judge's order with the District Judge. (Doc. 62) Because the motion for reconsideration
14 has not yet been determined, the stay of the discovery deadlines issued on February 23, 2011,
15 remains in effect.

16 Given this procedural posture, the dates selected at the scheduling conference are no longer
17 workable. As a result, the Court hereby amends the scheduling order.

18 **ORDER**

- 19 1. The pretrial conference and trial dates are **VACATED**;
- 20 2. **All other deadlines** set forth in the scheduling order are **STAYED**;
- 21 3. A telephonic status conference is **ORDERED** to be held on November 29, 2011 at 9
22 a.m. before Magistrate Judge Jennifer L. Thurston. No later than November 22, 2011,
23 counsel SHALL file a joint statement setting forth the status of discovery and
24 proposed dates for the deadlines stayed/vacated in this order.

25 IT IS SO ORDERED.

26 Dated: September 21, 2011

27 /s/ Jennifer L. Thurston
28 UNITED STATES MAGISTRATE JUDGE