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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SABAS ARREDONDO, et al.,	)	1:09cv01247 LJO DLB
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFFS’ MOTION
	)	TO SET PRETRIAL CONFERENCE AND
v.	)	TRIAL
	)	
DELANO FARMS COMPANY, et al.,	)	(Document 127)
	)	
Defendants.	)	

On February 3, 2012, Plaintiffs Sabas Arredondo, Jose Cuevas, Hilario Gomez, Irma Landeros and Rosalba Landeros, individually and on behalf of all others similarly situated (“Plaintiffs”), filed the instant motion to set a pretrial conference and trial. The matter was heard on March 9, 2012, before the Honorable Dennis L. Beck, United States Magistrate Judge. Gregory Ramirez and James Perero appeared on behalf of Plaintiffs. Michael Johnson and Howard Sagaser appeared on behalf of Defendant Delano Farms Company (“Delano Farms”).

**BACKGROUND**

On July 17, 2009, Plaintiffs filed this action against Delano Farms, Cal-Pacific Farm Management, L.P., and T&R Bangi’s Agricultural Services, Inc. based on allegations that they were not compensated for all time worked. Plaintiffs are seasonal, agricultural workers who worked in agricultural fields and packing sheds owned by Defendant Delano Farms. Defendants Cal-Pacific Management and T&R Bangi are farm labor contractors working with Delano Farms to provide its labor force.

1 On April 19, 2011, the Court certified a class of non-exempt agricultural employees of  
2 Delano Farms, Cal-Pacific and T&R Bangi who performed field work at Delano Farms. The  
3 certified class excludes certain employees and is divided into four subclasses. Doc. 85.

4 On September 12-13, 2011, the parties participated in mediation and agreed that Plaintiffs  
5 would conduct further discovery to prepare their opposition to a motion for summary judgment  
6 proposed by Delano Farms on the issue of joint employer liability. Declaration of Gregory J.  
7 Ramirez (“Ramirez Dec.”) ¶ 3.

8 On October 12, 2011, the Court held a scheduling conference and the parties agreed to  
9 postpone mediation until February 8, 2012. Ramirez Dec. ¶ 4. The Court directed the parties to  
10 submit a proposed order with new scheduling dates for the Court to review. Doc. 100. No  
11 proposed order was submitted to the Court.

12 On February 2, 2012, Delano Farms filed a motion for summary judgment on the issue of  
13 whether it is a joint employer with Cal-Pacific and T&R Bangi. Plaintiffs’ opposition is due  
14 March 15, 2012, and Delano Farms’ reply is due March 22, 2012. Thereafter, the matter will be  
15 submitted on the pleadings. Doc. 140.

16 On February 3, 2012, Plaintiffs filed the instant motion to set a pretrial conference and  
17 trial. Doc. 127. On February 14, 2012, Delano Farms filed its opposition and Plaintiffs filed a  
18 reply on March 2, 2012.

19 **DISCUSSION**

20 Plaintiffs request this action be set for a pretrial conference and trial. Fed. R. Civ. Proc.  
21 40; Local Rule 280. At the hearing, Plaintiffs agreed it is reasonable to wait until after the joint  
22 employer issue is resolved on summary judgment to schedule dates for a pretrial conference and  
23 trial. Resolution of the issue will clarify the remaining discovery, parties and claims in this  
24 action. After a ruling, the Court will set a status conference to discuss scheduling and related  
25 issues.

26 ///

27 ///

**ORDER**

Plaintiffs' motion to set pretrial conference and trial is DENIED.

IT IS SO ORDERED.

**Dated: March 12, 2012**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE

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