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

SABAS ARREDONDO et al.,
Plaintiffs,
v.
DELANO FARMS CO., et al.,
Defendants.

1:09-cv-01247 MJS
ORDER REGARDING DISCOVERY
SCHEDULE

On July 3, 2014, the parties provided the Court a joint scheduling report regarding discovery. (ECF No. 326.) The parties could not come to an agreement as to how to proceed and instead presented alternative proposals for seeking survey evidence. At a July 11, 2014, scheduling conference, the Court directed the parties to continue to meet and confer in an effort to arrive at a mutually agreed manner for proceeding. On August 8, 2014, the parties informed the Court that despite good faith efforts, they were unable to agree on a joint methodology or plan. (ECF No. 329.) They proposed further briefing and hearings to enable the Court to determine the plan to be implemented.

The Court finds that further briefing on pending issues is unnecessary at this time. The parties are invited to proceed with such discovery, surveying, sampling, and the like,

1 as they deem appropriate and consistent with applicable rules. While each party and its
2 experts may, subject to the following, determine how best to proceed, the goal of course
3 is to obtain informative and reliable evidence to assist the Court in setting a course for
4 future litigation of this case. The Court has already expressed some preferences and
5 concerns about various proposals and particularly about whether a particular approach
6 may create bias among respondents and call into question the reliability of results
7 obtained through that approach. The parties would be wise to keep these comments in
8 mind and take steps to ensure their efforts do not prove to be unproductive or even
9 counterproductive.

10 Each party shall of course retain the right to seek relief from this Court in the
11 event of perceived abuse of the process or violation of applicable rules, provided, as
12 always, they first undertake good faith efforts to resolve their disputes informally between
13 themselves and then comply with this Court's Telephonic Discovery Dispute Conference
14 procedures.

15 In their July 3, 2014, joint scheduling report the parties agreed on February 2,
16 2015 as the deadline to submit plans for additional discovery and a proposed trial plan.
17 (Rept. at 33.) Given the passage of time since that proposal was made, the Court sets
18 March 12, 2015, as the deadline for filing an updated joint status report, proposed trial
19 plan, and plan for additional discovery.

20 The scheduling conference currently set for August 22, 2014 is continued until
21 11:00 a.m. on March 26, 2015 in Courtroom 6 of the United States Courthouse, Fresno,
22 California.

23 Accordingly, it is hereby ORDERED:

- 24 1. That the scheduling conference, currently set for August 22, 2014, is
25 continued until 11:00 a.m. on March 26, 2015 in Courtroom 6 of the United
26 States Courthouse, Fresno, California.;
- 27 2. The parties may proceed with authorized discovery as they see fit; and,
- 28 3. The parties shall file a joint report including a status report, proposed trial

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plan, and plan for additional discovery (if needed) on or before March 12, 2015.

IT IS SO ORDERED.

Dated: August 19, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE