

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARMAD SYED, individually, and on behalf of all others similarly situated;
ASHLEY BALFOUR, individually, and on behalf of all others similarly situated,,

Plaintiffs,

vs.

M.I., L.L.C. a Delaware Limited Liability Company, doing business as M-I SWACO; and DOES 1 through 10, inclusive,

Defendants.

Case No. 1:12-cv-01718-AWI-MJS

**ORDER CONTINUING
HEARING DATES FOR
MOTION FOR CONDITIONAL
COLLECTIVE ACTION
CERTIFICATION AND MOTION
FOR CLASS
ACTION/COLLECTIVE
CERTIFICATION**

1 Having read and considered the parties' Joint Stipulation, and finding good
2 cause therefore, the Court hereby GRANTS the Joint Stipulation as follows:

3 **IT IS HEREBY ORDERED** that:

- 4 (1) The hearing on Plaintiffs' Motion for Conditional Collective Action
5 Certification is continued from 9:30 a.m. on February 21, 2014 to 9:30
6 a.m. on March 28, 2014;
- 7 (2) Defendant's opposition thereto will be due on or before February 21,
8 2014; and
- 9 (3) Plaintiffs' reply thereto will be due on or before March 7, 2014.

10 **IT IS HEREBY FURTHER ORDERED** that:

- 11 (1) The hearing on Plaintiffs' Motion for Class Certification and, if
12 applicable, Motion for Collective Certification is continued from 1:30
13 p.m. on July 14, 2014 to 1:30 p.m. on August 29, 2014;
- 14 (2) Plaintiffs' deadline for filing the Motion for Class Certification and, if
15 applicable, Motion for Collective Certification will be May 19, 2014;
- 16 (3) Defendant's opposition thereto will be due on or before June 23, 2014;
- 17 (4) Plaintiffs' reply thereto will be due on or before July 21, 2014;
- 18 (5) The deadline for disclosing expert witnesses for purposes of moving
19 for/against class certification and, if applicable, moving for/against
20 collective certification will be May 5, 2014; and
- 21 (6) In the event that the Court grants conditional certification of Plaintiffs'
22 Fair Labor Standards Act ("FLSA") Claim for Relief and authorizes
23 Notice of Right to Join Action Pursuant to 29 U.S.C. § 216(b), the
24 FLSA claim of any individual filing a Consent to Join this action as a
25 potential member of the FLSA collective action shall be tolled from
26 February 21, 2014 until March 28, 2014 (or such other date as the
27 Court sets for the hearing of Plaintiffs' Motion), thereby extending the
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

applicable statute of limitation for each such individual by the number of days from August 5, 2013 to the date upon which the Motion is heard.

IT IS SO ORDERED.

Dated: December 17, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE