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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

14 GEORGETTE PICKETT, CHARLES)
15 HUGHES, and FRANK SILVEIRA, as)
16 individuals and on behalf of all others similarly)
situated,)

17 Plaintiffs,)

18 v.)

19 JEFFREY A. BEARD, in his capacity as the)
Secretary of the California Department of)
20 Corrections and Rehabilitation; and DOES 2)
through 10, inclusive,)

21 Defendants.)
22)
23)

Case No. 1:13-CV-00084-AWI-BAM

**STIPULATION AND JOINT REQUEST TO
CONTINUE MANDATORY SCHEDULING
CONFERENCE; ORDER**

24 Whereas, in a Stipulation and Joint Request to Continue Scheduling Conference filed on
25 August 13, 2013, the parties jointly requested continuance of the Mandatory Scheduling Conference
26 in light of the parties' informal meet and confer discussions regarding potentially resolving the
27 instant action;

28 Whereas, on August 13, 2013, the Court granted the parties' Joint Request, and continued

1 the Mandatory Scheduling Conference to November 18, 2013;

2 Whereas, since the Court's Order continuing the Mandatory Scheduling Conference, the
3 parties have discussed informal discovery in greater detail, addressing such matters as updated
4 contract language potentially affecting plaintiffs, and pay differential policy documents;

5 Whereas, as part of informal discovery discussions, defendant has offered to provide pay
6 differential policy documents specific to plaintiffs' allegations;

7 Whereas, as part of informal discovery discussions, plaintiffs have offered to identify
8 specific pay periods during which plaintiffs allege Fair Labor Standards Act (FLSA) violations
9 occurred;

10 Whereas, as part of informal discovery discussions, defendant is investigating and inquiring
11 whether internal payroll documents specific to the pay periods during which violations were alleged
12 to have occurred can be produced to plaintiffs on an informal basis;

13 Whereas, whether defendant is able to produce the afore-mentioned internal payroll
14 documents on an informal basis has not yet been ascertained because, as defendant has expressed to
15 plaintiff, permissions from multiple levels of management must first be obtained;

16 Whereas, the parties are optimistic that the informal discussions and exchange of
17 information and documents will assist in the efficient resolution of the matters in dispute in this
18 action;

19 Whereas, Rule 26 of the Federal Rules of Civil Procedure require the parties to confer over a
20 proposed discovery plan by October 28th, 2013, submit a discovery plan 14 days afterwards, and
21 make initial disclosures by November 11, 2013;

22 Whereas, the parties agree that continuing the Mandatory Scheduling Conference and
23 related deadlines will facilitate a potential resolution of this action and conserve the resources of the
24 Court.

25 Whereas, David King, counsel for defendant, informs the Court of his unavailability from
26 December 19, 2013 until December 26, 2013, and respectfully requests the Court to not set the
27 Mandatory Scheduling Conference during this time.

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ORDER

In consideration of the Parties' Stipulation and Joint Request to Continue the Mandatory Scheduling Conference, and related deadlines, and good cause having been shown, it is ORDERED that the Mandatory Scheduling Conference, currently set for November 18, 2013, shall be continued to 8:15 a.m. on December 16, 2013. Related deadlines to meet and confer and submit a Joint Scheduling Report, to provide initial disclosures, and to meet and confer and provide a written discovery plan under Rule 26 of the Federal Rules of Civil Procedure, are similarly continued. IT IS SO ORDERED.

Dated: October 25, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE