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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 **JERROD FINDER, on behalf of himself**
8 **and a class of others similarly situated,**

9 **Plaintiff,**

10 **v.**

11 **LEPRINO FOODS COMPANY, a**
12 **Colorado Corporation; LEPRINO FOODS**
13 **DAIRY PRODUCTS COMPANY, a**
14 **Colorado Corporation; and DOES 1-50,**
15 **inclusive,**

16 **Defendants.**

CASE NO. 1:13-cv-02059-AWI-BAM

ORDER ON DISCOVERY PERIOD

17 On November 15, 2016, the Court consolidated Finder v. Leprino, 1:13-cv-2059-AWI-
18 BAM and Talavera v. Leprino, 1:15-cv-105-AWI-BAM. See Doc. No. 63. In issuing its order,
19 the Court acknowledged that “[i]n *Talavera*, the parties have completed class certification-related
20 discovery and [filed] a motion for class certification,” but “[i]n *Finder*, the Court understands that
21 no discovery has been conducted.” Id. at 6. This distinction in discovery status is significant
22 because the pending *Talavera* motion for class certification covers only the time period between
23 01/21/2011 and 09/12/2016 while the time period covered in *Finder* dates back to 12/17/2009. Id.
24 at 6, 8; see also Doc. No. 136 at 1-2. In other words, discovery and class certification briefing are
25 complete for the time period between 01/21/2011 and 09/12/2016 but not for the earlier time
26 period between 12/17/2009 and 01/20/2011. Accordingly, the Court noted it would be required to
27 both “maintain separate discovery procedures” and “delay [] the *Talavera* Action to allow
28 discovery in the *Finder* Action.” Doc. No. 63 at 6, 8.

1 In light of the parties' representation that no discovery has been conducted for Plaintiff's
2 claims covering the time period between 12/17/2009 and 01/20/2011, it is appropriate to have the
3 parties jointly file a Discovery Plan to investigate Plaintiff's claims covering this time period. See
4 Ramirez v. Zimmerman, 2019 U.S. Dist. LEXIS 81336, *3 (S.D. Cal. May 14, 2019) ("Following
5 the consolidation, the parties submitted a joint discovery plan, the Court held a case management
6 conference, and issued a Consolidated Scheduling Order."); Vazquez v. Kraft Heinz Foods Co.,
7 2018 U.S. Dist. LEXIS 67163, *3 n.1 (S.D. Cal. Apr. 19, 2018) (stating "several cases were
8 consolidated to the present action and the parties were ordered to file a new Joint Discovery Plan
9 to 'supersede the Joint Discovery Plan' previously filed"); Rainero v. Archon Corp., 2013 U.S.
10 Dist. LEXIS 159696, *3-4 (D. Nev. Nov. 7, 2013).

11 Accordingly, IT IS HEREBY ORDERED that

- 12 1. as soon as possible but no later than ten (10) days from service of this Order, the
13 parties shall jointly file a Discovery Plan regarding Plaintiff's claims covering the time
14 period between 12/17/2009 and 01/20/2011. The Discovery Plan shall include dates
15 when the parties are required to file supplemental briefing to the pending *Talavera*
16 motion for class certification to account for this time period.
- 17 2. The case is referred back to the Magistrate Judge for purposes of reviewing the
18 Discovery Plan and setting a new scheduling order.

19 IT IS SO ORDERED.

20 Dated: September 27, 2022

21 
22 SENIOR DISTRICT JUDGE