

1 filed no response or opposition, the court would grant
2 defendant's request and modify the final pretrial order
3 accordingly. Plaintiffs filed no response to defendant's
4 proposed modifications. Accordingly, the court hereby ORDERS as
5 follows:

6 1. Exhibit B of the Pretrial Order is amended to
7 include additional California resident drivers who performed work
8 for defendant out of its Turlock, California facility and who
9 received Safe Harbor payments from defendant.

10 2. Exhibit B of the Pretrial Order is also amended
11 to note that Mark Gressett, Safety Director for defendant, will
12 provide testimony regarding when and how these payments were made
13 and to whom.

14 3. Exhibit D of the Pretrial Order is amended to
15 allow defendant to present evidence with respect to defendant's
16 Safe Harbor payments, including (1) each letter mailed by
17 defendant to each driver regarding the payment he or she received
18 and (2) copies of the checks provided to each driver evidencing
19 the Safe Harbor payments.

20 4. Exhibit D of the Pretrial Order is also amended to
21 include a copy of the recording of defendant's notice to elect
22 the Safe Harbor, as recorded by the California Department of
23 Industrial Relations and as available on its website.

24 5. Exhibit B of the Pretrial Order is also amended to
25 include Shannon Ross, Terminal Manager for defendant, as an
26 additional witness. Mr. Ross will provide testimony regarding
27 how much time California resident drivers spend outside of
28 California.

1 6. The parties may submit supplemental or amended
2 trial briefs if Congress amends the Federal Aviation
3 Administration Authorization Act after the parties submit their
4 opening trial briefs.

5 IT IS SO ORDERED.

6 Dated: January 3, 2017



7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28