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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STEPHANIE A. VEGA, as an individual, and on behalf of all others similarly situated,)	Case No.: 1:14-CV-01790- JLT
)	
Plaintiff,)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.)	Pleading Amendment Deadline: 12/11/2015
)	
WEATHERFORD U.S., LIMITED PARTNERSHIP, et al.,)	Class Discovery Deadlines:
)	Initial Disclosures: 10/9/2015
)	Non-Expert: 2/29/2016
Defendants.)	Expert: 3/25/2016
)	Mid-discovery status conference: 12/17/2015, 9 a.m.
		Class Certification Motion Deadlines:
		Filing: 4/29/2016
		Opposition: 5/27/2016
		Reply brief: 6/17/2016
		Hearing: 7/21/2016 at 9 a.m.

I. Date of Scheduling Conference

September 28, 2015.

II. Appearances of Counsel

Hernaldo Baltodano and Paul Haines appeared on behalf of Plaintiff.

Sophia Behnia appeared on behalf of Defendants.

III. Pleading Amendment Deadline

Any requested pleading amendments are ordered to be filed, either through a stipulation or motion to amend, no later than **December 11, 2015**.

1 **IV. Class Discovery Plan and Cut-Off Date**

2 To the extent they have not been completed as yet, the parties **SHALL** exchange the initial
3 disclosures required by Fed. R. Civ. P. 26(a)(1) on or before **October 9, 2015**.

4 **A. Outstanding data requests**

5 **No later than November 30, 2015**, Defendant will produce timekeeping and payroll records in
6 their electronic native format which exist for Defendants' non-exempt employees in California during
7 the putative class period, with employee names redacted but with employees identified with an unique
8 employee identification numbers.

9 **No later than November 13, 2015**, Defendant **SHALL** provide Plaintiffs an estimate of the
10 number of timekeeping and payroll records maintained in paper format.

11 **No later than December 11, 2015**, Defendant **SHALL** provide the timekeeping and payroll
12 records maintained in paper format.¹

13 **No later than September 25, 2015**, Defendants will request that the claims administrator
14 prepare a class list for Plaintiffs' Fair Labor Standards Act claim, reflecting the individuals who have
15 opted into the action, including any late opt-ins.

16 Based upon these deadlines, the motion to compel, currently set on December 14, 2015, is
17 **DROPPED from calendar**. Whether the motion needs to be refiled may be discussed at the mid-
18 discovery status conference the Court sets herein.

19 **B. Class discovery deadlines**

20 The parties are ordered to complete all discovery pertaining to non-experts and experts related
21 to class discovery on or before **February 29, 2016**, and all discovery pertaining to experts on or before
22 **March 25, 2016**.

23 The parties are directed to disclose all class expert witnesses, in writing, on or **February 5,**
24 **2016**, and to disclose all rebuttal experts on or before **March 4, 2016**. The written designation of
25 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
26 **and (C) and shall include all information required thereunder**. Failure to designate experts in
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¹ Defendant will provide the "paper documents" either in paper form or in an electronic format. If the number of paper documents comprise a significant number, counsel SHALL work together to develop an acceptable sampling protocol.

1 compliance with this order may result in the Court excluding the testimony or other evidence offered
2 through such experts that are not disclosed pursuant to this order.

3 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**
4 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder.** Failure to
5 designate experts in compliance with this order may result in the Court excluding the testimony or other
6 evidence offered through such experts that are not disclosed pursuant to this order.

7 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts
8 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions
9 included in the designation. Failure to comply will result in the imposition of sanctions, which may
10 include striking the expert designation and preclusion of expert testimony.

11 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement
12 disclosures and responses to discovery requests will be strictly enforced.

13 The Court sets a mid-discovery status conference is on for **December 17, 2015** at 9:00 a.m. A
14 Joint Mid-Discovery Status Conference Report, carefully prepared and executed by all counsel, shall be
15 electronically filed in CM/ECF, one full week prior to the Conference, and shall be e-mailed, in Word
16 format, to JLTorders@caed.uscourts.gov. The joint statement **SHALL** outline the status of Defendants'
17 production of the electronic and paper format timekeeping and payroll records, the discovery that has
18 been completed and that which needs to be completed as well as any impediments to completing the
19 discovery within the deadlines set forth in this order. Counsel may appear via CourtCall, providing a
20 written request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five court
21 days before the noticed hearing date.

22 **V. Pre-Trial Motion**

23 Non-dispositive motions are heard at 9:00 a.m. at the United States District Courthouse in
24 Bakersfield, California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.
25 Counsel may appear by telephone via the CourtCall service.

26 No written discovery motions shall be filed without the prior approval of the assigned
27 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a good
28 faith effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the

1 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate
2 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to the
3 court. To schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk,
4 Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with**
5 **Local Rule 251 with respect to discovery disputes or the motion will be denied without prejudice**
6 **and dropped from calendar.**

7 In scheduling such motions, the Magistrate Judge may grant applications for an order shortening
8 time pursuant to Local Rule 144(e). However, if counsel does not obtain an order shortening time, the
9 notice of motion must comply with Local Rule 251.

10 In scheduling such motions, **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules**
11 **230 and 260.**

12 **VI. Motions for Summary Judgment or Summary Adjudication**

13 **At least 21 days before** filing a motion for summary judgment or motion for summary
14 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues
15 to be raised in the motion.

16 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where
17 a question of fact exists; 2) determine whether the respondent agrees that the motion has merit in
18 whole or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4)
19 narrow the issues for review by the court; 5) explore the possibility of settlement before the parties
20 incur the expense of briefing a summary judgment motion; 6) to arrive at a joint statement of
21 undisputed facts.

22 The moving party shall initiate the meeting and **SHALL** provide a complete, proposed
23 statement of undisputed facts **at least five days** before the conference. The finalized joint statement
24 of undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may
25 be deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the
26 joint statement of undisputed facts.

27 **In the notice of motion the moving party shall certify that the parties have met and**
28 **conferred as ordered above, or set forth a statement of good cause for the failure to meet and**

1 **confer. Failure to comply will result in the motion being disregarded and dropped from**
2 **calendar.**

3 **VII. Motion for class certification**

4 The motion for class certification **SHALL** be filed no later than **April 29, 2016**. Opposition to
5 the motion **SHALL** be filed no later than **May 27, 2016**. Neither the motion nor the opposition
6 **SHALL** exceed 30 pages, exclusive of evidence and evidentiary objections, unless leave is granted by
7 the Court prior to the filing. Any reply **SHALL** be filed no later than **June 17, 2016** and shall not
8 exceed 15 pages, exclusive of evidentiary objections. Any objections to the evidence **SHALL** be filed
9 at the same time as the opposition (for Defendant) and the reply (for Plaintiff).² A hard-copy, courtesy
10 copy of all filings related to the class motion **SHALL** be sent via overnight mail to the Chambers of
11 Judge Thurston at the United States Courthouse, 510 19th Street Suite 200, Bakersfield, CA 93301, at
12 the same time the filing is submitted. All of the pages of evidence in the hard copy **SHALL** be
13 numbered, tabbed and indexed.

14 The hearing on the motion for class certification is set on **July 21, 2016**, at 9:00 a.m. before
15 Judge Thurston.

16 **VIII. Settlement Conference**

17 The parties indicate they may engage in mediation with a private neutral. If the parties believe
18 the matter is in a settlement posture and desire a settlement conference, they may file a joint request
19 that the Court schedule a settlement conference.

20 **IX. Compliance with Federal Procedure**

21 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
22 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any
23 amendments thereto. The Court must insist upon compliance with these Rules to efficiently handle its
24 increasing case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil
25 Procedure and the Local Rules of Practice for the Eastern District of California.

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² No motions to strike evidence will be entertained. If the Court sustains an objection to a piece of evidence, the evidence will not be considered.

1 **X. Effect of this Order**

2 The foregoing order represents the best estimate of the court and counsel as to the agenda most
3 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the
4 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered
5 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
6 subsequent status conference.

7 **The dates set in this Order are considered to be firm and will not be modified absent a**
8 **showing of good cause even if the request to modify is made by stipulation.** Stipulations
9 extending the deadlines contained herein will not be considered unless they are accompanied by
10 affidavits or declarations, and where appropriate attached exhibits, which establish good cause
11 for granting the relief requested.

12 Failure to comply with this order may result in the imposition of sanctions.

13
14 IT IS SO ORDERED.

15 Dated: September 28, 2015

/s/ Jennifer L. Thurston
16 UNITED STATES MAGISTRATE JUDGE