## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Case No. 1:17-cv-00044-AWI-EPG 12 Plaintiff. 13 ORDER FOLLOWING STATUS v. CONFERENCE REGARDING 14 DISCOVERY AND SCHEDULE 15 **MARQUEZ BROTHERS** INTERNATIONAL, INC., et al. 16 Defendant. 17 On October 25, 2018, the Court held a status conference regarding discovery and the 18 appropriate schedule for this case moving forward. During the conference, the Court heard 19 from the parties regarding discovery, proceeding with discovery using a phased approach, and 20 bifurcating the case into phases under Int'l Bhd. of Teamsters v. United States, 431 U.S. 324 21 (1977).22 At this time, the parties are directed to proceed with discovery only as to the following 23 issues: (1) EEOC's investigation and notice to defendants, including the relationship between 24 Marquez Brothers International, Inc. ("MBI") and other Defendants to the extent relevant to 25 these issues, and (2) all merits discovery regarding MBI's Hanford facility. The parties shall 26

begin discovery regarding these issues, including any necessary meet and confer regarding the

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scope, without delay.

The parties shall submit, no later than <u>November 2, 2018</u>, briefs no longer than five (5) pages per party addressing whether further discovery is warranted at this time. The Court will review and consider these briefs in determining whether further discovery should proceed at this time.

The Court also held that Plaintiff's outstanding written discovery is overbroad as currently served and directed Plaintiff to serve revised written discovery requests, seeking discovery on issues identified above, by **November 9, 2018**. Defendants shall serve their responses to such discovery requests by **December 7, 2018**.

A hearing on any outstanding discovery disputes is set for <u>December 10, 2018, at 10:30</u> <u>a.m.</u>, in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. Telephonic appearances are permitted, with each party directed to use the following dial-in number and passcode: 1-888-251-2909; passcode 1024453. In preparation for that hearing, the parties shall file a joint statement regarding any outstanding discovery disputes by <u>December 3, 2018</u>. If there are no discovery disputes, the parties shall notify the Court no later than <u>December 4, 2018</u>, that the hearing may be vacated.

A hearing on the status of the case and the issue of bifurcating the case into phases under *Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324 (1977), is set for **February 6, 2019, at 10:30 a.m.**, in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. The parties shall meet and confer regarding a briefing schedule regarding bifurcation and submit a stipulated briefing schedule by **November 2, 2018**.

T IS SO ORDERED.

Dated: October 26, 2018

/s/ Encir P. Story
UNITED STATES MAGISTRATE JUDGE