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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CHARLES W. COOLEY, GRADY
ANDERSON, NICHOLAS MARONE, on
behalf of themselves and all
others similarly situated,

1:18-cv-491 WBS BAM

Plaintiffs,

v.

INDIAN RIVER TRANSPORT CO.,

Defendant.

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STATUS (PRETRIAL SCHEDULING) ORDER

The court makes the following findings and orders after
hearing from the parties at the July 30, 2018 Status (Pretrial
Scheduling) Conference.

I. SERVICE OF PROCESS

All defendants have been served, and no further service
is permitted without leave of court, good cause having been shown
under Federal Rule of Civil Procedure 16(b).

1 II. JOINDER OF PARTIES/AMENDMENTS

2 No further joinder of parties or amendments to
3 pleadings will be permitted except with leave of court, good
4 cause having been shown under Federal Rule of Civil Procedure
5 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
6 (9th Cir. 1992).

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon diversity jurisdiction,
9 28 U.S.C. § 1332, because the parties are of diverse citizenship
10 and the amount in controversy exceeds \$75,000.00. Venue is
11 undisputed and hereby found to be proper.

12 IV. MEDIATION

13 The parties shall engage in private mediation within
14 the next 60 days. All deadlines shall be postponed until after
15 mediation is completed. If the parties are unable to settle the
16 case, they will return on October 9, 2018 at 1:30 pm in Courtroom
17 5 for a further Status Conference. Discovery and motion
18 deadlines will be set date at that point, if necessary.

19 V. MOTION SCHEDULE

20 Defendant may file a separate motion for summary
21 judgment on plaintiffs' penalty claims, without prejudicing its
22 ability to later move for summary judgment on other claims.
23 Defendant's motion may address statute of limitations and
24 collateral estoppel concerns.

25 V. RELATED CASES

26 This court related this case to Shook v. Indian River
27 Transport, Inc., 236 F. Supp. 3d 1165 (E.D. Cal. 2017) on April
28 20, 2018. Shook plaintiffs sought to represent all current and

1 former Indian River drivers who were residents of California, but
2 they failed to move for class certification so the case was tried
3 as a PAGA, Labor Code §§ 2699, et seq. (California Private
4 Attorneys General Act), action before this court. The court
5 awarded judgment for defendant, and the judgment was affirmed by
6 the Ninth Circuit on March 27, 2018. See Shook v. Indian River
7 Transport, Inc., 716 Fed. Appx. 589 (9th Cir. Mar. 15, 2018).
8 Shook plaintiffs were represented by the same counsel currently
9 representing plaintiffs in this action.

10 IT IS SO ORDERED.

11 Dated: July 30, 2018

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13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE
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