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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY LEGGETT, MICHAEL
BORTON, LESANN DORFLER,
AIMEE UHLER, on behalf
of themselves and others
similarly situated,

NO. CIV. S-09-1253 LKK/KJM

Plaintiffs,

v.

COOPERATIVE PERSONNEL
SERVICES, d/b/a CPS HUMAN
RESOURCE SERVICES,

O R D E R

Defendants.

_____ /

At issue in this case is whether plaintiffs, who are former employees of defendant, were misclassified as exempt employees in violation of the Fair Labor Standards Act. Pursuant to court order, many plaintiffs have opted in to this action. Currently, this case involves forty-one (41) named and opt-in plaintiffs. These plaintiffs reside in seventeen (17) states across the country.

Due to the complex nature of this case, the court has not

1 entered a Fed. R. Civ. P. 16 scheduling order. Rather, the court
2 has referred this matter to the magistrate judge to conduct
3 discovery and has required the parties to submit several status
4 reports to the court.

5 On May 26, 2010, the parties submitted a joint status report.
6 This status report stated that the parties are seeking mediation of
7 the action. Mediation cannot proceed without approval from
8 defendant's board. In light of this requirement, the parties
9 request that the court postpone setting a scheduling conference
10 until after the parties can determine whether the case will proceed
11 in mediation. Specifically, the parties indicate that they will
12 inform the court on or before June 21, 2010 as to whether
13 defendant's board will allow the case to proceed to mediation. If
14 the board approves mediation, the parties request that the court
15 stay the scheduling conference pending the conclusion of the
16 mediation. The parties note that the mediation may be difficult to
17 schedule due to the number and location of the plaintiffs. If the
18 board declines to allow the case to proceed to mediation, the
19 parties request that the court set a scheduling conference shortly
20 thereafter.

21 For the foregoing reasons, the court ORDERS as follows:

22 (1) The parties shall inform the court by June 21, 2010 as to
23 whether defendant's board has allowed the case to proceed
24 to mediation and, if so, the expected time to complete
25 discovery.


26 (2) The court shall set a scheduling conference after it

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receives the parties' status report.

IT IS SO ORDERED.

DATED: June 15, 2010.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT