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

10 * * *

11 TERRY T. SNIPES, SR., an individual, residing
12 in San Joaquin County, California,

13 Plaintiff,

14 vs.

15 DOLLAR TREE DISTRIBUTION, INC., A
16 Virginia Corporation; and Does 1 through 50,
17 inclusive,

18 Defendant.

Case No. 2:15-cv-00878-MCE-KJN

Judge: Hon. Morrison C. England, Jr.

CLASS ACTION

**PLAINTIFF'S PROPOSED
SUPPLEMENTAL PRETRIAL
SCHEDULING ORDER AND REQUEST
FOR SCHEDULING CONFERENCE;
ORDER THEREON**

Action Filed: April 1, 2015

Trial Date: None set

23 Plaintiff TERRY T. SNIPES, SR. ("Plaintiff"), by and through his counsel of record
24 hereby submits the following Proposed Supplemental Pretrial Scheduling Order.

25 **I. FACTUAL AND PROCEDURAL BACKGROUND**

26 On November 28, 2017, the Court granted Plaintiff's Motion for Class Certification,
27 certifying six classes and five subclasses related to various California Labor Code violations. On
28 September 17, 2018, the Court denied Defendant's Motion for Reconsideration of the

1 Certification Order. Thereafter, on November 20, 2018, the Court granted Plaintiff's Motion for
2 Supplemental Pretrial Scheduling Order "in order to allow Plaintiff to conduct such post-
3 certification discovery as may be necessary," and ordered the Parties to meet and confer and
4 submit a proposed Supplemental Scheduling Order for the Court's consideration. The deadline
5 provided by the Court for submission of the joint proposal was January 8, 2018.

6 Beginning on December 12, 2018, Class Counsel met and conferred in good faith with
7 Defendant's counsel in an attempt to reach an agreement on a timeline for post-certification
8 discovery. These efforts are detailed in the Declaration of Brady Briggs, filed concurrently
9 herewith. Ultimately, counsel were unable to agree. The most generous proposal of Defendant's
10 counsel was to set trial in June 2020, which would have allowed Plaintiff approximately nine
11 months to complete all post-certification non-expert discovery. Class Counsel was not willing to
12 stipulate to a period of that length, for multiple reasons. First, there have been many hard-fought
13 discovery disputes in this case and the timeline must account for that likelihood in the future. In
14 addition, Class Counsel must respectfully consider the current state of affairs in the Eastern
15 District, the heavy caseloads of which the district judges have complained, and the widespread
16 delays now occurring in civil matters. Furthermore, during the meet and confer process,
17 Defendant's counsel stated its intention to bring a motion to compel arbitration early in the
18 discovery period, prior to the completion of non-expert discovery, which will certainly impact
19 the efficiency of discovery efforts while such motion is being briefed and argued. Accordingly,
20 the nine-month non-expert discovery period offered by Defendant's counsel was not adequate to
21 account for the amount of discovery to be done, nor the various delays expected to arise.

22 Therefore, Plaintiff hereby submits his separate Proposed Supplemental Pretrial
23 Scheduling Order as follows, for the Court's consideration:


- 24 1. All dispositive motions to be filed by **April 15, 2020**.
- 25 2. Non-expert post-certification discovery shall be completed by **April 30, 2020**.
- 26 3. Disclosure of expert witnesses shall be completed by **May 31, 2020**.
- 27 4. Disclosure of rebuttal expert witnesses shall be completed by **July 10, 2020**.
- 28 5. Expert discovery shall be completed by **August 31, 2020**.

- 1 6. The Parties shall submit a Joint Pretrial Statement by **October 5, 2020**, in accordance
2 with Local Rule 281.
3 7. Final Pretrial Conference is set for **October 12, 2020**.
4 8. Trial briefs shall be filed in accordance with Local Rule 285.
5 9. Trial is set for **November 16, 2020**.
6 10. Furthermore, in recognition that the Class Period is open and ongoing, supplemental
7 Class Notices shall be mailed by the Class Administrator at regular intervals until the
8 time of the Final Pretrial Conference, to ensure that all putative Class Members are
9 properly notified of this Action. The supplemental Class Notices shall be mailed
10 according to the following schedule:
11 a. Supplemental Notice #1: On or around **June 30, 2019**.
12 b. Supplemental Notice #2: On or around **January 31, 2020**.
13 c. Supplemental Notice #3: On or around but not later than **August 31, 2020**.

14 **REQUEST FOR SCHEDULING CONFERENCE**

15 To the extent the Court does not enter an Order in accordance with the foregoing
16 proposed discovery timeline, Plaintiff respectfully requests that the Court schedule a conference
17 during which the Parties may further discuss this matter with the Court.

18 DATED: January 23, 2019

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20 _____
21 S. BRETT SUTTON
22 SUTTON HAGUE LAW CORPORATION
23 Attorneys for Plaintiff
24 TERRY T. SNIPES, SR.

25 **ORDER**

26 Having considered the Parties' Proposed Supplemental Pretrial Scheduling Orders, the
27 Court hereby sets the following deadlines:

- 28 1. All dispositive motions to be filed by **April 15, 2020**.
2. Non-expert post-certification discovery shall be completed by **April 30, 2020**.

- 1 3. Disclosure of expert witnesses shall be completed by **May 31, 2020**.
- 2 4. Disclosure of rebuttal expert witnesses shall be completed by **July 10, 2020**.
- 3 5. Expert discovery shall be completed by **August 31, 2020**.
- 4 6. The parties are ordered to file a Joint Notice of Trial Readiness not later than thirty
- 5 (30) days after receiving this Court's ruling on the last filed dispositive motion. The
- 6 parties are to set forth in their Notice of Trial Readiness, the appropriateness of
- 7 special procedures, whether this case is related to any other case(s) on file in the
- 8 Eastern District of California, the prospect for settlement, their estimated trial length,
- 9 any request for a jury, and their availability for trial. After review of the parties' Joint
- 10 Notice of Trial Readiness, the Court will issue an order that sets forth new dates for a
- 11 final pretrial conference and trial.

12 IT IS SO ORDERED.

13 Dated: January 23, 2019

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15 MORRISON C. ENGLAND, JR.

16 UNITED STATES DISTRICT JUDGE

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