

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MILES LEWIS, et al.,
Plaintiffs,
v.
COUNTY OF COLUSA,
Defendant.

Case No. 16-cv-01745-VC

**ORDER REGARDING
SEPTEMBER 15, 2017 HEARING**

Re: Dkt. No. 16

The September 15, 2017 in-person hearing on the County's motion for summary judgment or summary adjudication is converted to a telephonic hearing to take place at 1:30 p.m. on September 15. Plaintiffs' counsel shall provide the Court and all other parties a conference line and access code to use during the hearing by no later than three court days beforehand. Plaintiffs' counsel shall email this information to vccrd@cand.uscourts.gov and copy opposing counsel.

The Court is strongly inclined (1) to grant the plaintiffs' request for leave to amend the complaint; and (2) to allow the plaintiffs to conduct discovery regarding the health-in-lieu issue with respect to the three collective bargaining units other than the Deputy Sheriffs' Association, to confirm that health-in-lieu payments are properly included in non-exempt employees' regular rate of pay. Should the Court conclude after the telephonic hearing that such a course is appropriate, the Court will set a schedule that requires the plaintiffs to file a motion for conditional certification of the collective and that sets a deadline for putative plaintiffs to opt in to the collective prior to the new deadline for filing dispositive motions. The Court anticipates that the new deadline for filing dispositive motions will be in March 2018.

In light of these comments, the plaintiffs are ordered to lodge a revised proposed amended complaint by September 11, 2017 that clearly alleges their Fair Labor Standards Act claim regarding holiday pay, as well any remaining claims regarding health-in-lieu pay.

IT IS SO ORDERED.

Dated: September 8, 2017



VINCE CHHABRIA
United States District Judge