

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDE BRYANT, et al.,
Plaintiffs,
v.
SERVICE CORPORATION
INTERNATIONAL, et al.,
Defendants.

No. C 08-01190 SI

**ORDER GRANTING IN PART
DEFENDANTS' MOTION TO EXTEND
BRIEFING SCHEDULE AND CONTINUE
HEARING DATE ON MOTION FOR
CLASS CERTIFICATION
[Docket No. 205]**

Defendants have moved to extend the briefing schedule and continue the hearing date on plaintiffs' motion for class certification, and for an order permitting certain pre-certification discovery. For the reasons set forth below, the Court hereby GRANTS in part defendants' motion.

BACKGROUND

This case involves a potential class action claim for unpaid wages brought by employees of Service Corporation International ("SCI") and various officers and affiliates. The putative class includes all employees and former employees of SCI and affiliates who were not paid their regular or statutorily-required rate of pay for all hours worked, separated into eight subclasses according to the type of work that allegedly went uncompensated. *See* Mot. for Class. Cert. at 1-3 (Docket No. 199). The class includes employees who worked for defendants in many different states. Because a significant percentage of the employees worked for defendants in California, each subclass will contain a sub-subclass for California employees. *Id.* at 3.

Plaintiffs' motion for class certification was filed on September 28, 2009. Defendants'

1 opposition to that motion is currently due on November 13, 2009, and plaintiffs' reply is due November
2 30, 2009. The motion is set for argument on December 16, 2009. Presently before the Court is
3 defendants' motion to extend the briefing schedule for the opposition and reply and continue the hearing
4 date by at least sixty days, and for an order permitting certain pre-certification discovery.

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6 **DISCUSSION**

7 Defendants ask the Court to: (1) extend the briefing schedule and hearing date on the
8 certification motion; (2) direct plaintiffs to respond to defendants' written discovery requests in an
9 expedited fashion; (3) direct plaintiffs to accept service of written discovery and deposition notices for
10 the absent class members who submitted affidavits in support of the motion for class certification; and
11 (4) permit defendants to take a total of 18 depositions of the named plaintiffs and the foregoing absent
12 class members.

13 The Court indicated at a September 25, 2009 status conference that pre-certification discovery
14 was appropriate and would be permitted, and directed plaintiffs' counsel to cooperate with defense
15 counsel on this issue. Although the plaintiffs complain that defendants' requested written discovery is
16 overbroad, the Court is disinclined to expressly limit the scope of discovery at this juncture. If plaintiffs
17 have specific objections to defendants' discovery requests that they are unable to resolve through the
18 meet and confer process, plaintiffs may file separate discovery motions with the Court. The Court is
19 persuaded that a 60-day extension of the briefing schedule and hearing date is appropriate, but in light
20 of that extension, finds that defendants are not entitled to expedited responses to their discovery requests
21 issued on October 12, 2009.

22 Accordingly, the Court hereby rules as follows:

- 23 (1) Defendants' motion to extend the briefing schedule and continue the hearing date on
24 plaintiffs' motion for class certification is hereby GRANTED. Defendants' opposition
25 shall be filed and served no later than **January 15, 2010**. Plaintiffs' reply, if any, shall
26 be filed and served no later than **February 1, 2010**. The motion hearing shall be held
27 on **February 17, 2010 at 4:00 p.m.**
28 (2) Defendants' motion for an order directing plaintiffs to respond to defendants' written


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discovery requests in an expedited manner is DENIED.

- (3) Plaintiff shall accept service of discovery requests and deposition notices on behalf of absent class members who submitted affidavits in support of plaintiffs' certification motion.
- (4) Defendants shall be permitted to take a total of 18 depositions of class members and absent class member affiants.

IT IS SO ORDERED.

Dated: October 22, 2009



SUSAN ILLSTON
United States District Judge