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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIE CAMPANELLI, et al.,)	
)	
Plaintiff(s),)	No. C 08-1862 BZ
)	
v.)	
)	SCHEDULING ORDER
THE HERSHEY COMPANY,)	RE OVERTIME DAMAGES
)	
Defendant(s).)	
)	
_____)	

For the reasons expressed at the status conference on February 28, 2011, **IT IS ORDERED** as follows:

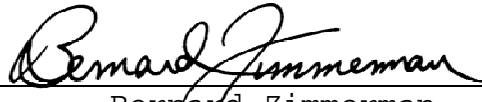
1. By **March 10, 2011**, plaintiffs' counsel shall file a writing identifying which plaintiffs claim they reached a clear understanding with the defendant that their salary was intended to compensate them for a fixed number of hours, and not for any hours in excess of that number.¹

¹ At this stage, the Court need not decide whether defendant was required to make a contemporaneous overtime payment to plaintiffs. The "starting point" is whether the plaintiffs' wage was intended to compensate them for any and all hours they worked in a week or for some other fixed number of hours and nothing more. See Urnikis-Negro v. American Family Property Services, et al., 616 F.3d 665, 681 (7th Cir. 2010).

1 2. Once the Court knows the number of plaintiffs who
2 claim such an understanding, it will decide whether this issue
3 can be resolved at trial, or by a special master following
4 trial.

5 3. Defendant will be permitted to take discovery on this
6 issue with respect to such plaintiffs. The parties are
7 ordered to meet and confer as soon as possible to determine
8 how this discovery shall proceed. If the parties cannot reach
9 an agreement, they shall notify the Court and submit separate
10 proposals for taking this discovery by **March 10, 2011**.

11 Dated: March 1, 2011



Bernard Zimmerman
United States Magistrate Judge

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