

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

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

KEVIN MCCONNELL, on behalf of
himself and all others similarly situated,
and the general public,

No. C 11-03026 WHA

Plaintiff,

**ORDER SCHEDULING
EVIDENTIARY HEARING**

v.

RED ROBIN INTERNATIONAL, INC.,

Defendant.

An evidentiary hearing will be held on **MARCH 7, 2012, AT 1:15 P.M.** The purpose of the hearing is to determine whether plaintiff Kevin McConnell has been contacting putative class members and requesting they perjure themselves. This issue came to light as a result of defense counsel's submission in response to plaintiff's discovery dispute letter.

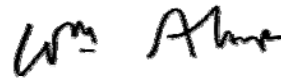
Plaintiff McConnell shall appear at the hearing and testify. He must bring all materials, electronic or otherwise, including e-mails, Facebook messages, and any other communications he has had with putative class members in this action.

Taylor Oertwig, plaintiff's former co-worker shall also be present and testify at the hearing. Defense counsel shall be responsible for securing her presence and obtain a subpoena, if

1 necessary. Ms. Oertwig must bring all materials, electronic or otherwise, including e-mails,
2 Facebook messages, and any other communications she has had with plaintiff, relating to this
3 action.

4
5 **IT IS SO ORDERED.**

6
7 Dated: February 24, 2012.



8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28