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 13 United States Department of Labor

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 **R. ALEXANDER ACOSTA, Secretary of**)
 17 **Labor, UNITED STATES**)
 18 **DEPARTMENT OF LABOR,**)

Case No.: 3:17-cv-06624-RS-SK

19 Plaintiff,)

STIPULATION AND [PROPOSED]
ORDER TO MODIFY CASE
SCHEDULE AND CONTINUE TRIAL
DATE

20 v.)

21 **TFORCE FINAL MILE WEST LLC, a**)
 22 **Delaware company; and ON COURIER**)
 23 **365, INC., a California corporation**)

24 Defendants.)
 25)
 26)
 27)
 28)

29 Plaintiff SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR
 30 (“Secretary”), and Defendants TFORCE FINAL MILE WEST LLC (“TForce”) and ON
 31 COURIER 365, INC. (“OC 365”) (collectively, “the parties”), believe good cause exists to modify
 32 the case schedule under Rule 16(b)(4). Good cause exists for the following reasons:

33 1. WHEREAS, on December 14, 2018, TForce produced approximately 27 gigabytes
 34 of information to the Secretary in response to Magistrate Judge Sallie Kim’s order granting in part

1 and denying in party the Secretary’s motion to compel. *See* Declaration of Rose Darling, (“Darling
2 Decl.”), attached hereto as Exhibit A, ¶ 3.

3 2. WHEREAS, due to technical issues, the Secretary was not able to fully access this
4 information until January 11, 2019. Ex. A ¶ 3.

5 3. WHEREAS, the Secretary is in the process of reviewing TForce’s recent
6 production, which includes more than 50,000 documents (thousands of which are Excel
7 spreadsheets) containing information potentially relevant to the Secretary’s claims against
8 Defendants. Ex. A ¶ 4.

9 4. WHEREAS, the Secretary estimates that his wage and hour investigator needs at
10 least 90 days to review and analyze TForce’s document production, including time to determine
11 whether the material recently disclosed affects the amount of damages the Secretary alleges against
12 Defendants. Ex. A ¶ 5.

13 5. WHEREAS, per the Court’s Case Management Scheduling Order, fact discovery in
14 this case ends on March 22, 2019, and trial is set to begin on October 21, 2019. Dkt. 40.

15 6. WHEREAS, given the size of TForce’s recent production, the parties agree that
16 additional time is needed to complete discovery in this case, including depositions of the parties’
17 witnesses, and to prepare for trial. Ex. A ¶ 6.

18 7. WHEREAS, in addition, a settlement conference with the Hon. Kandis Westmore is
19 currently scheduled for March 1, 2019, and the parties agree additional time is needed for that
20 conference to be productive.

21 8. WHEREAS, this is the parties’ first request to extend discovery or continue the trial
22 date.

23 NOW, THEREFORE, the parties hereby stipulate and request an order as follows:

24 1. The fact discovery deadline shall be extended by approximately 150 days.

25 Accordingly, all pretrial deadlines shall be modified as follows:

26 a. On or before **August 16, 2019**, the parties shall complete all non-expert
27 discovery.

- b. On or before **August 16, 2019**, the parties will designate experts in accordance with Federal Rule of Civil Procedure 26(a)(2).
- c. On or before **September 13, 2019**, the parties will designate their supplemental and rebuttal experts in accordance with Federal Rule of Civil Procedure 26(a)(2).
- d. On or before **September 27, 2019**, the parties shall complete all discovery of expert witnesses under Federal Rule of Civil Procedure 26(b)(4).
- e. All pretrial motions shall be heard no later than **November 1, 2019**.
- f. The final pretrial conference shall be held on **January 15, 2020**.

2. The settlement conference scheduled for March 1, 2019, shall be continued to a mutually convenient date. The parties are instructed to submit jointly agreed dates for the settlement conference to Magistrate Judge Westmore.

3. Trial shall commence on a date set by the Court on or after **February 3, 2020**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/31/19

RICHARD SEEBORG
United States District Judge

Respectfully submitted,

DATE: January 31, 2019

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