

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

JAMES KARL, individually and on behalf of
all others similarly situated,

No. C 18-04176 WHA

Plaintiff,

v.

ZIMMER BIOMET HOLDINGS, INC., a
Delaware corporation; ZIMMER US, INC., a
Delaware corporation; BIOMET U.S.
RECONSTRUCTION, LLC, an Indiana limited
liability company; BIOMET BIOLOGICS,
LLC, an Indiana limited liability company; and
BIOMET, INC., and Indiana corporation,

**ORDER ON ADMINISTRATIVE
MOTION TO AMEND CASE
MANAGEMENT SCHEDULE
AND MOTION FOR
CORRECTIVE ACTION**

Defendants.

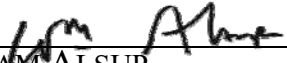
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The Court has reviewed plaintiff’s administrative motion to amend the case management schedule and defendants’ opposition thereto (Dkt. Nos. 106, 107), and plaintiff’s motion for corrective action (Dkt. No. 105). With regard to the administrative motion, plaintiff failed to specify how much extra time he seeks. Nevertheless, this order finds that three weeks is the maximum extension the record submitted, liberally construed, would justify. The motion for class certification deadline is thus **CONTINUED** to **NOVEMBER 7**. The ADR deadline and fact discovery cutoff date are accordingly continued to **FEBRUARY 7, 2020** and **FEBRUARY 17, 2020**, respectively. No further extensions will be granted. Plaintiff’s administrative motion to amend the case management schedule is **GRANTED** to the extent stated above. His request for a case management conference on this issue is **DENIED**.

1 With respect to the glitch regarding the FLSA notice due to defendants' failure to identify
2 354 collective members, the Court orders that a new corrective notice be sent to *all* collective
3 members — to be sent by **OCTOBER 22** — with a new opt-in deadline set for 60 days after the
4 delivery date of the corrective notice. This new opt-in deadline shall be effective for all
5 collective members. The corrective notice shall explain that the new notice supersedes any prior
6 notice some members may have received, with the only difference being the new opt-in deadline.
7 The date of submission for all collective members is tolled to September 13, 2019. All opt-ins
8 already submitted are considered timely. Plaintiff's motion for corrective action is **GRANTED** to
9 the extent stated above. This order **DEFERS RULING** on the California class list discovery issue
10 (Dkt. No. 105 at 8–9), which issue will be heard during the hearing on defendants' motion for
11 summary judgment on October 24. Defendants' request for a hearing on the FLSA notice issue
12 is **DENIED**.

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14 **IT IS SO ORDERED.**

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16 Dated: October 11, 2019.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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