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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JESSE HELTON; ALISHA PICCIRILLO;
CHAD LOWE; individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

FACTOR 5, INC.; FACTOR 5, LLC;
BLUHARVEST, LLC; WHITEHARVEST,
LLC; JULIAN EGGBRECHT; HOLGER
SCHMIDT; THOMAS ENGEL; and DOES
1-100,

Defendants.

Case No: C 10-04927 SBA

ORDER

Plaintiffs,¹ individually and on behalf of all others similarly situated, bring the instant action against Defendants to recover unpaid wages and other benefits under state and federal law. On February 10, 2014, the Court granted Plaintiffs' motion for partial summary judgment against the individual Defendants² on their minimum wage claim under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 206. Dkt. 173. On April 29, 2014, the Court issued an Order allowing the late-filed opt-in Plaintiffs to join the FLSA collective action. Dkt. 198. On June 19, 2014, the parties appeared before Magistrate Judge Nathanael Cousins for a further settlement conference. See Dkt. 201. The case did not settle. Id.

¹ The named Plaintiffs are Jesse Helton, Alisha Piccirillo, and Chad Lowe (collectively, "Plaintiffs").

² The individual Defendants are Julian Eggebrecht, Holger Schmidt, and Thomas Engel (collectively, "individual Defendants").

1 On June 19, 2014, Plaintiffs filed a status report pursuant to the Court's February 21,
2 2014 Order (Dkt. 202), which directed the parties to notify the Court of the outcome of the
3 settlement conference. Dkt. 192. In their status report, Plaintiffs state that they are willing
4 to consent to a trial before a Magistrate Judge. Dkt. 202. In addition, Plaintiffs state that
5 further briefing on the viability of their remaining claims can be completed shortly, noting
6 that the following claims remain for trial: (1) their alter ego/successor claims related to
7 their state law Labor Code claims; (2) their claim for violation of California's Fraudulent
8 Transfer Act; (3) their breach of contract claim; and (4) their unfair competition claim
9 under California Business & Professions Code §17200. Id. Finally, Plaintiffs request the
10 Court issue an order voluntarily dismissing their fourth (violation of California Labor Code
11 § 2802) and seventh (violation of the FLSA for failing to pay overtime wages) claims for
12 relief. Id. On July 2, 2014, the Court issued an Order dismissing the fourth and seventh
13 claims for relief. Dkt. 203. To date, the individual Defendants have not responded to
14 Plaintiffs' status report. Accordingly,

15 IT IS HEREBY ORDERED THAT:

16 A telephonic Case Management Conference is scheduled for August 28,
17 2014 at 2:45 p.m. Prior to the conference, the parties shall meet and confer and prepare a
18 joint statement containing the following information: (1) a statement indicating whether
19 the parties are amenable to consenting to the jurisdiction of a Magistrate Judge for all
20 purposes; (2) a proposed briefing schedule on Plaintiffs' remaining claims³; (3) a statement
21 indicating whether summary judgment should be entered in favor of the late opt-in FLSA
22 plaintiffs on their FLSA minimum wage claim in light of the Court's Order granting partial
23 summary judgment in favor of Plaintiffs on this claim; and (4) a statement setting forth the
24 damages owed to the late opt-in Plaintiffs if summary judgment is granted in their favor on
25 their FLSA minimum wage claim. Plaintiffs shall file the joint statement by no later than
26

27 _____
28 ³ The parties previously represented to the Court that the remaining claims may be
amenable to resolution on dispositive motions. See Dkt. 185.

1 August 21, 2014. Plaintiffs are responsible for setting up the conference call, and on the
2 specified date and time, shall call (510) 879-3550 with all parties on the line.

3 IT IS SO ORDERED.

4 Dated: 8/14/2014


5 SAUNDRA BROWN ARMSTRONG
6 United States District Judge
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