

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ALFRED W. THOMAS,

Plaintiff,

v.

Case No: 8:17-cv-2254-T-36CPT

WASTE PRO USA, INC. and WASTE PRO  
OF FLORIDA, INC.,

Defendants.

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**ORDER**

This matter comes before the Court upon Plaintiff's Motion for Stay of Deadlines in Amended Scheduling Order Pending Decision on Defendants' Motion to Decertify Collective Action (Doc. 372), and Defendants' response in opposition (Doc. 378). In the motion, Plaintiff contends that the deadlines for the Joint Final Pretrial Statement, all other motions including motions *in limine*, final pretrial conference date, trial briefs and deposition designations, and trial term, should be stayed pending a ruling on Defendants' Motion to Decertify Collective Action, with permission for the parties to file an Amended Scheduling Order within five days of the Court's decision on the Defendants' Motion to Decertify Collective Action. Doc. 372. Plaintiff asserts that a ruling on Defendants' Motion to Decertify Collective Action will greatly affect the scope of the case and the parties' ability to prepare for trial. *Id.* at 3. Defendants oppose the Motion for Stay because federal courts regularly proceed with deadlines while critical motions, such as motions for summary judgment, are at issue. Doc. 378. Defendants state that such rulings regularly require the parties to narrow the scope of the trial. *Id.* at 2. Additionally, Defendants assert that a Joint Final Pretrial Statement would be useful to the Court in determining whether a

collective trial is feasible and fair to the parties. *Id.* The Court, having considered the motion and being fully advised in the premises, will grant Plaintiff's Motion for Stay.

## **I. BACKGROUND**

This is a collective action filed pursuant to § 216(b) of the FLSA by Plaintiff Alfred W. Thomas pertaining to the pay of certain "Helpers" employed by Defendants Waste Pro USA, Inc., and Waste Pro of Florida, Inc. ("Defendants"), which alleges willful violations of the FLSA. Doc. 111 ¶¶ 1, 64, 72. The Court conditionally certified the collective action on March 12, 2019. Doc. 224. Currently, a Motion to Decertify Collective Action is pending. Doc. 366. Defendants' Motion to Decertify Collective Action became ripe on January 13, 2020. Doc. 377.

The parties' Joint Final Pretrial Statement is due on January 21, 2020; the deadline for all other motions, including motions *in limine* is January 28, 2020; the final pretrial conference is scheduled for February 18, 2020; trial briefs and deposition designations are due on February 11, 2020; and the case is set for the March 2020 trial term. Doc. 251.

## **II. LEGAL STANDARD**

Courts have broad discretion in managing their own dockets. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). The decision whether to enter a stay requires a weighing of the parties' competing interests and the maintenance of an even balance in the case. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55, 57 S. Ct. 163, 81 L. Ed. 153 (1936); *AXA Equitable Life Ins. Co. v. Infinity Fin. Grp., LLC*, Case No. 08-80611-CV, 2012 WL 602709 at \* 2 (S.D. Fla. Feb. 23, 2012).

## **III. DISCUSSION**

The determination of whether this case may proceed as a collective action greatly affects future proceedings in this case. The scope of a trial on a collective action is vastly different from a trial that does not involve a collective action. This will affect the parties' decisions on motions

such as motions *in limine*, witnesses, and exhibits. Staying the remaining deadlines pending ruling on Defendants' Motion to Decertify Collective Action will promote efficiency and judicial economy. Accordingly, the Court will stay the deadlines in the Amended Case Management and Scheduling Order (Doc. 251) pending ruling on Defendants' Motion to Decertify Collective Action (366) and the parties shall file an Amended Case Management Report within five days of a ruling on the Motion. Accordingly, it is

**ORDERED:**

1. Plaintiff's Motion for Stay of Deadlines in Amended Scheduling Order Pending Decision on Defendants' Motion to Decertify Collective Action (Doc. 372) is **GRANTED**. The deadlines in the Amended Case Management and Scheduling Order (Doc. 251) are stayed pending a ruling on Defendants' Motion to Decertify Collective Action (Doc. 366). The parties shall file an amended Case Management Report within **FIVE (5) DAYS** of the Court's ruling on Defendants' Motion to Decertify Collective Action.

2. The final pretrial conference and jury trial are cancelled and will be rescheduled after a ruling on Defendants' Motion to Decertify Collective Action.

**DONE AND ORDERED** in Tampa, Florida on January 17, 2020.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
Counsel of Record and Unrepresented Parties, if any