

07-21221.not

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 07-21221-CIV-ALTONAGA-BROWN

RENEE BLASZKOWSKI et.al.
individually and on behalf of
others similarly situated,

Plaintiffs,

vs.

MARS, INCORPORATED, et. al.,

Defendants.

NOTICE OF HEARING RE: DEPOSITIONS OF PLAINTIFFS

This matter is before this Court on Defendants' Motion to Compel the Depositions of Plaintiffs... (D.E. 428). The Court has considered the motion, and all pertinent materials in the file.

The Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that the above motion has been set for hearing on **Thursday, July 31, 2008, at 2:00 P.M., at the United States District Court, 300 N.E. 1st Ave., Miami, Florida, Courtroom VIII.** At least 24 hours prior to said hearing the parties are required to meet and confer in a good faith effort to resolve some, if not all, of the matters at issue herein.

(a) Forty- Five (45) minutes has been scheduled for this hearing.

The parties shall be prepared to discuss, how the discovery scheduling deadline affects this matter. All parties shall be present or have representation at this hearing authorized to speak for the party. All parties shall bring calendars and be prepared to have specific dates and or times set for depositions.

The parties are not required to respond to the motion. The Court is interested in complying with Judge Altonaga's deadlines (unless there is consent as discussed, *infra*), and not concerned with who did what and to whom. The bottom line is that depositions need to be scheduled.

(b) In addition to the above, the parties shall be prepared to address whether or not they would be willing to consent to the Magistrate Judge resolving this/these motions and/or the trial in this case, if needed, by consent. See 28 U.S.C. §636 (c)(1). All counsel shall consult with their respective clients and each other on this matter prior to the hearing. Here are some reasons why the parties may wish to consent:

(1) The parties will have a trial date certain and will not be on a calendar with criminal cases or other civil cases.

(2) If the parties can agree, the trial will be set whenever the parties would like it set.¹ If the parties are in agreement that deadlines (such as discovery deadlines) should be extended or changed, they will be.

(3) The undersigned has substantial civil trial experience as an attorney, representing both plaintiffs and defendants and has presided over numerous civil trials in seventeen years on this Court.

(4) The parties will save time and money because there will be no Reports & Recommendations, and the time and expense of filing objections will be eliminated.

(5) The parties will still have a right to appeal directly to the Eleventh Circuit.

(c) All exhibits to be used at this hearing shall be pre-marked and made available to the opposing party at least 48 hours prior to the hearing.

(d) All caselaw to be argued at this hearing shall be submitted to opposing counsel

¹Subject to conflicts in the Court's calendar.

(citations or copies of cases) at least 24 hours prior to the hearing, unless already contained in written memoranda previously filed in this case.

(e) No supplemental or additional memoranda or other forms of alleged "written aid" to the Court shall be permitted, without prior approval of the Court, other than demonstrative aids for use at the hearing.

(f) The parties shall immediately notify this Court of any settlement (of the case or the matters which are the subject of this hearing).

DONE AND ORDERED in Chambers at Miami, Florida, this 22nd day of July, 2008.



STEPHEN F. BROWN
UNITED STATES MAGISTRATE JUDGE

cc: Honorable Cecilia M. Altonaga
Counsel of record