

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

KAYI AFFO, ET AL.,)	
)	
PLAINTIFFS)	
)	CIVIL No. 2:11-cv-482-DBH
v.)	<i>consolidated with</i>
)	CIVIL No. 2:12-cv-115-DBH
GRANITE BAY CARE, INC., ET AL.,)	CIVIL No. 2:12-cv-162-DBH
)	
DEFENDANTS)	

REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56

A pre-trial filing conference was held on October 23, 2012.

The plaintiffs stated that they plan to file a motion on the state law minimum wage claims because there are no statutory affirmative defenses. The issue to be decided on the state law claim is whether the plaintiffs should be classified as employees or independent contractors. The plaintiffs also advised that they do not plan to file for summary judgment on the Fair Labor Standards Act claim.

The defendants also expect to file two motions for summary judgment on the federal and state law claims—one by the individual defendants and the other by all defendants. The parties agreed that there will be more issues of fact on the affirmative defenses available for the federal claim than issues of fact under the state law wage claim.

The plaintiffs suggested I decide their motion on the state law claims first explaining that if the defendants were found liable on that claim then the case

could be settled and it would be unnecessary to decide the federal claims. The defendants thought this was a fair approach to the case. I urged the parties to try to present a stipulated record on the state law independent contractor issue.

The following deadlines were established by agreement:

November 9, 2012, for any stipulations of fact. The deadline was later extended to November 15, 2012.

December 7, 2012, for motions for summary judgment.

January 4, 2013, responses are due.

January 18, 2013, replies are due.

SO ORDERED.

DATED THIS 8TH DAY OF NOVEMBER, 2012

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE