

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRICK SMITH, on behalf of himself
and all other persons similarly
situated known or unknown,

Plaintiffs,

v.

Case No. 12-CV-11462
HON. GEORGE CARAM STEEH

HAPPY'S PIZZA FRANCHISE, LLC, et al.,

Defendants.

ORDER GRANTING IN PART PLAINTIFF'S MOTION TO ENLARGE
TIME PERIOD FOR DISCOVERY ON EMPLOYER ISSUE (#118)

This case is a collective action in which plaintiffs allege defendants violated the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.*, by failing to pay overtime wages. On January 18, 2013, the court granted plaintiffs' Rule 56(d) motion and set a deadline of April 12, 2013 for completing discovery relating to the issue of whether Happy's Pizza Franchise, LLC and Happy Asker are employers under the FLSA. On March 22, 2013, plaintiffs filed a motion to enlarge the limited discovery period until June 3, 2013. Plaintiffs represent that defendants' written responses to discovery were a month late and that defendants still have not produced documents. Plaintiffs also state that they have twice asked defendants Happy's Pizza Franchise, LLC and Happy Asker to agree to a 45-day extension of the

discovery deadline. For these reasons, the court GRANTS in part plaintiffs' motion to enlarge the limited discovery period and sets a new deadline of **May 13, 2013**.

SO ORDERED.

Dated: March 26, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on Joseph N. Newbold, Freeborn & Peters, LLP, 311 South Wacker Drive, Suite 3000, Chicago, IL 60606 and Maureen Ann Salas, Werman Law Offices, PC, 77 W. Washington, Suite 1402, Chicago, IL 60602, on March 26, 2013, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk