

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSE A. GOMEZ, JULIANA REYES, )  
 JUAN M. CRUZ, TED MCDONALD )  
 CECILIA ORTIZ, and MARIO CRUZ )  
 on behalf themselves and all other )  
 similarly situated individuals, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 TYSON FOODS, INC. )  
 (d/b/a Tyson Fresh Meats), )  
 )  
 Defendant. )

CASE NO. 8:08-CV-021-JFB-TDT  
 ORDER ON PARTIES' JOINT MOTION  
 TO EXTEND THE BRIEFING  
 SCHEDULE FOR PLAINTIFFS'  
 MOTION TO CERTIFY CLASS  
 PURSUANT TO FEDERAL RULE OF  
 CIVIL PROCEDURE 23

This matter is before the Court on the parties' Joint Motion to Extend the Briefing Schedule for Plaintiffs' Motion to Certify Class Pursuant to Federal Rule of Civil Procedure 23 ([Filing No. 65](#)). The Court has examined the Motion and, being fully advised, finds that the requested Order should be entered.

The parties' Joint Motion to Extend the Briefing Schedule for Plaintiffs' Motion to Certify Class Pursuant to Federal Rule of Civil Procedure 23 is granted. The briefing schedule is hereby amended as follows:

- a. Defendant's response brief to plaintiffs' Motion to Certify Class Pursuant to Federal Rule of Civil Procedure 23 ([Filing No. 62](#)) is due **September 20, 2010**.
- b. Plaintiffs' reply brief is due **October 4, 2010**.
- c. Should plaintiffs raise new facts or arguments in their reply brief, defendant may file a sur-reply brief for the limited purpose of responding to such facts or arguments by no later than **October 11, 2010**.

**IT IS SO ORDERED.**

Dated this 12th day of July, 2010.

BY THE COURT:

s/ Thomas D. Thalken  
 U.S. Magistrate Judge