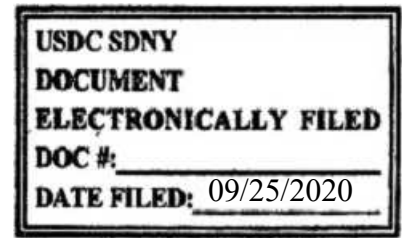


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
DEBRA JULIAN, STEPHANIE :
MCKINNEY, and KIMBERLY HARRIS, on :
behalf of themselves and others similarly :
situated, :
: :
Plaintiffs, :
: :
v. :
: :
METROPOLITAN LIFE INSURANCE :
COMPANY, :
: :
Defendant. :
----- x

Case No. 1:17-cv-00957-AJN-BCM

**~~[PROPOSED]~~ ORDER DIRECTING OPT-IN PLAINTIFF
KIMBERLEE DOERR TO APPEAR FOR A DEPOSITION**

WHEREAS, on June 30, 2020, the Court ordered that Defendant may conduct a total of “13 additional opt-in plaintiffs, for a total of 20 opt-in depositions” and that ten (10) of the additional opt-in plaintiff depositions would be selected by Defendant Metropolitan Life Insurance Company (“Defendant” or “MetLife”) (Dkt. No. 188);

WHEREAS, on July 2, 2020, Defendant selected Opt-in Plaintiff Kimberlee Doerr as one of its ten (10) additional opt-in deponents;

WHEREAS, on July 6, 2020, Defendant served a notice of deposition for Opt-in Plaintiff Doerr on Plaintiffs’ Counsel;

WHEREAS, Opt-in Plaintiff Doerr has been unresponsive to communications from Plaintiffs’ Counsel and has not appeared for a deposition;

WHEREAS, on September 21, 2020, Defendant moved to compel Opt-in Plaintiff Doerr to appear for a deposition (Dkt. No. 213); and

WHEREAS, consistent with the Court's prior Orders regarding a prior non-responsive opt-in plaintiff (Dkt. Nos. 134, 168), the Parties have stipulated that Opt-in Plaintiff Doerr should be directed to either appear for a deposition within 30 days of a court order or her claims will be dismissed without prejudice (Dkt. No. 218 at 3).

IT IS HEREBY ORDERED AS FOLLOWS:

1. **Opt-in Plaintiff Kimberlee Doerr must appear for deposition on a mutually convenient date within 30 days of the date of this Order.** In the alternative, Opt-in Plaintiff Doerr may, within the same period of time, file a request to withdraw her consent to join this FLSA action.
2. **Should Opt-in Plaintiff Doerr fail to appear for a deposition within 30 days of the date of this Order, she will be dismissed without prejudice from this action.**
3. Plaintiffs' Counsel shall promptly serve a copy of this Order upon Opt-in Plaintiff Doerr at her last known mail and email addresses and file proof of such service on the Court's electronic docket.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 213.

SO ORDERED this 25th day of _____ **September, 2020.**



HONORABLE BARBARA MOSES
UNITED STATES MAGISTRATE JUDGE