

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-CV-48**

HELEN HOLLAND,)
<i>Individually, on behalf of herself and on behalf</i>)
<i>of all other similarly-situated current and former</i>)
<i>employees,</i>)
)
Plaintiff,)
)
v.)
)
FULENWIDER ENTERPRISES INC., a)
<i>North Carolina Corporation, et al.,</i>)
)
Defendants.)
)

This matter is before the Court upon the parties' Joint Motion to Amend Case Management Plan (Doc. 62), which requests that the remaining deadlines in the Pretrial Order and Case Management Plan be extended by 90 days. *Id.* at 1.

I. Background

On February 15, 2017, Plaintiff filed this action against Defendants as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., to recover unpaid overtime compensation for Plaintiff and other similarly-situated current and former employees. See Compl. (Doc. 1).

On April 24, 2017, Defendants filed their Answer (Doc. 10).

On June 2, 2017, the presiding District Judge, the Honorable Max O. Cogburn, Jr., entered an order denying without prejudice Plaintiff's motion for FLSA Conditional Collective Action Certification and Notice and granting the parties leave to conduct limited discovery. See (Doc. 29).

On October 9, 2017, Plaintiff filed a Second Motion for FLSA Conditional Collective Action Certification and Notice (Doc. 32). Oral argument on the Motion was held on January 4, 2018 and the Motion was granted on February 2, 2018. (Doc. 38).

A Joint Motion to Approve Collective Action Notice was also subsequently filed and allowed. (Doc. 42, 43).

On April 6, 2018, the parties filed a Joint Certification and Report of Fed. R. Civ. P. 26(f) Conference and Proposed Discovery Plan (Doc. 55).

On April 13, 2018, United States Magistrate Judge Dennis Howell entered a Pretrial Order and Case Management Plan (Doc. 56), which imposed the following deadlines:

Expert Reports:	July 1, 2018 (Plaintiff)
	August 1, 2018 (Defendants)
Discovery Completion:	December 1, 2018
Mediation:	December 15, 2018
Motions	January 1, 2019
Ready for trial:	1 st session beginning on or after June 3, 2019

II. Discussion

In the instant Joint Motion to Amend Case Management Plan (Doc. 62), the parties request that the remaining deadlines in the Pretrial Order be extended by 90 days as follows:

Discovery deadline: March 1, 2019

Mediation deadline: March 15, 2019

Motions deadline: April 1, 2019

Ready for trial date: 1st session beginning on or after September 2, 2019

(Doc. 62) at 1.

Though allowing the requested extensions will result in trial taking place significantly more than two (2) years after the filing of Defendants' Answer, this timeframe appears justified given the circumstances of this individual case, including but not limited to the need to address certification and notice issues.

III. Conclusion

The parties' Joint Motion to Amend Case Management Plan (Doc. 62) is hereby **GRANTED**, and the dates set forth in the Court's Pretrial Order and Case Management Plan are **AMENDED** as follows:

- (1) Discovery deadline: March 1, 2019;
- (2) Mediation deadline: March 15, 2019;
- (3) Motions deadline: April 1, 2019; and
- (4) Ready for trial date: October 7, 2019 session.

Signed: November 27, 2018



W. Carleton Metcalf
United States Magistrate Judge

