

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:12-cv-00596-MOC-DSC

|  |   |       |
|--|---|-------|
| <b>SCOTT REHBERG, et al.,</b>            | ) |       |
|  | ) |       |
| Plaintiffs,                              | ) |       |
|  | ) |       |
| Vs.                                      | ) | ORDER |
|  | ) |       |
| <b>FLOWERS BAKING COMPANY OF</b>         | ) |       |
| <b>JAMESTOWN, LLC and FLOWERS FOODS,</b> | ) |       |
| <b>INC.,</b>                             | ) |       |
|  | ) |       |
| Defendants.                              | ) |       |

**THIS MATTER** is before the court on Plaintiffs’ Motion for Pretrial Conference (#223), to which Defendants have indicated by e-mail to chambers staff that they do not object.

This matter currently has a “ready date” for trial of September 1, 2016; the first Charlotte civil term after that date begins on October 17, 2016. This case will therefore not go to trial until October 17 at the earliest. Plaintiffs have represented via their motion that despite completing nearly six days of mediation sessions with several different mediators, the parties have yet to come to a resolution in this case. They also noted that Defendants have recently filed a Motion for Clarification (#218) regarding this court’s Class Certification Order, which issued March 24, 2015 (#129). Plaintiffs have also filed a Motion to Strike (#220) Defendants’ recent expert disclosure. Plaintiffs have requested that the court hold a pretrial conference via phone to address how the timing of such motions will affect the upcoming trial. As the trial is still scheduled to begin over two months from now, the court will calendar this matter for a status conference, as opposed to a final pretrial conference, in Charlotte on August 22, 2016. Additionally, despite

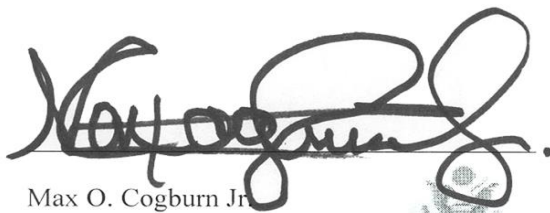
Plaintiffs' request for a phone conference, the court will require counsel to appear in person. Finally, given that the above-mentioned Motions should be fully briefed and ripe for review as of the August 22, 2016 hearing, the court will calendar those for argument. The court will then consider the merits of such motions as well as the potential impacts they will have on the trial schedule in this matter. The court therefore enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiffs' Motion for Pretrial Conference (#223) is **GRANTED in part and DENIED in part**. The court will hold an in-person status conference in Charlotte on August 22, 2016 at 9:30 a.m.

**IT IS FURTHER ORDERED** that Plaintiffs' Motion to Strike (#220) and Defendants' Motion for Clarification (#218) shall also be calendared for oral argument at that time.

Signed: August 11, 2016

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is stylized and cursive.

Max O. Cogburn Jr.  
United States District Judge