

*Granted
Susan J. Dlott
2/17/12*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO - WESTERN DIVISION**

ROBERT HENDRICKS, et al. : Case No. 1:10CV00649
Plaintiffs :
vs. : Chief Judge Susan J. Dlott
TOTAL QUALITY LOGISTICS, LLC, et al. :
Defendants

PLAINTIFFS' MOTION TO STAY CONSIDERATION OF DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT REGARDING THE CLAIMS ASSERTED ON BEHALF OF JASON BROWN; DREW DONNER; BILLY PASKAL AND CORY ZAVAGNO

On January 30, 2012, the same date Plaintiffs filed their motion for class certification, Defendants filed four summary judgment motions regarding the claims of individual plaintiffs and have indicated that additional motions will be filed on a rolling basis. Three of these motions assert exemption defenses to overtime (motions filed against Jason Brown, Drew Donner and Billy Paskal), the fourth, a statute of limitations defense. (Cory Zavagno) In their motion for certification, Plaintiffs argue entitlement to overtime is a common question and the exemption defenses can be litigated on a class wide basis. All of the motions are filed under seal.

For reasons of judicial efficiency and to permit the parties to accurately choose their litigation strategies, Plaintiffs request that this Court stay consideration of individual or class wide summary judgement motions until it considers the motion for class certification. Delaying the consideration of summary judgment is also consistent with the parties' agreement to litigate this case in two phases in their Joint Discovery Plan.