

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANGELA BARBER,

Plaintiff,

v.

Civil Action No. 3:12-cv-00939

**METROPOLITAN NASHVILLE
AIRPORT AUTHORITY,**

JURY DEMANDED

Defendant.

AGREED CASE MANAGEMENT ORDER # 1

Pursuant to Federal Rule of Civil Procedure 26(f) and the Local Rules for the United States District Court for the Middle District of Tennessee, counsel for both parties have conferred and hereby submit the following proposed Case Management Order.

1. JURISDICTION: The parties agree that this Court has jurisdiction pursuant to the FLSA of 1938, 29 U.S.C. § 216(b) and 28 U.S.C. § 1337. The Court also has personal jurisdiction over the Plaintiff and Defendant.

2. THEORIES OF THE PARTIES:

(a) **Plaintiffs' Theory:** Plaintiff believes and asserts that the Defendant intentionally failed to pay Plaintiff overtime wages under the Fair Labor Standards Act and that the Defendant's failure was willful. More specifically, on a regular and repeated basis, the Defendant worked Plaintiff in excess of 40 hours per week without providing overtime compensation. Plaintiff seeks overtime compensation, liquidated damages, interest, attorneys'

fees and costs under the Fair Labor Standards Act.

(b) **Defendants' Theory:** MNAA denies that it intentionally failed to pay the Plaintiff for any alleged overtime hours worked. The Plaintiff was properly compensated for all hours she reported working and MNAA denies any allegation that the Plaintiff was permitted or required to perform work outside of the hours she reported.

3. ISSUES RESOLVED:

Jurisdiction and venue.

4. ISSUES STILL IN DISPUTE: Whether the Plaintiff worked any hours for which she was not properly compensated; whether the Defendant violated the Fair Labor Standards Act; whether any violations of the Fair Labor Standards Act were willful; and the extent and amount of damages to be recovered by the Plaintiff, if any.

5. PREDISCOVERY DISCLOSURES: The parties will exchange, by **December 12, 2012**, the information required by Federal Rule of Civil Procedure 26(a)(1).

6. DISCOVERY PLAN: The parties jointly propose to the Court the following discovery plan:

(a) **Completing All Discovery:** The parties shall complete all written discovery and depositions on or before **June 28, 2012**. Document requests, interrogatories and requests for admission shall be served sufficiently in advance of the discovery cutoff in order to allow time for responses and resolution of any discovery disputes prior to the expiration of the discovery deadline. Discovery related motions are due on or before **June 28, 2013**.

(b) Expert Disclosure (Rule 26):

- (i)** Plaintiff's Rule 26(a)(2) expert witness disclosures and reports shall be served by **March 29, 2013**.
- (ii)** Defendant's Rule 26(a)(2) expert witness disclosures and reports shall be served by **April 29, 2013**.
- (iii)** Plaintiff's Rebuttal Expert Disclosures and reports shall be served by **May 10, 2013**.

7. MOTIONS:

(a) Joining Parties:

- (i)** Plaintiff: **December 28, 2012**
- (ii)** Defendant: **January 29, 2013**

(b) Deadline for Filing Motions to Amend the Pleadings:

- (i)** Plaintiff: **December 28, 2012**
- (ii)** Defendant: **January 29, 2013**

(c) Dispositive Motions: The deadline for filing dispositive motions is **July 30,**

2013. Responses within twenty-one (21) days after filing of Motion. Replies, if any, fourteen (14) days after filing of Response.

8. OTHER ITEMS:

(a) Mediation. The parties have not reached an agreement with regard to mediation.

(b) Subsequent Case Management Conferences. A follow-up case management conference should be scheduled by the parties with Magistrate Griffin's office approximately one month before the close of discovery.

9. **TRIAL DATE:** The trial is scheduled to begin on December 10, 2013.

The parties anticipate that the trial will last 3 days.


MAGISTRATE JUDGE GRIFFIN

Submitted for Entry:

GILBERT RUSSELL McWHERTER PLC

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of this Proposed Agreed Case Management Order has been mailed electronically via the Court's electronic filing system, to the following on this the 29th day of November, 2012:

C. Eric Stevens
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s/Clinton H. Scott _____