

United States District Court
Southern District of Texas

ENTERED

March 12, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARCO SALAZAR, on behalf of himself
individually, and all others similarly situated,

Plaintiffs,

v.

ENSIGN UNITED STATES DRILLING,
INC. and EXPRESS PAYROLL, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-17-00991

ORDER

At a discovery hearing on March 6, (Docket Entry No. 82), the court granted the plaintiffs’ motion for representative discovery. The court ordered that the defendants could choose 2/3 of the 20 plaintiffs who will respond to written discovery and 2/3 of the 10 plaintiffs who will be deposed. *Id.* In an amended scheduling and docket control order, (Docket Entry No. 84), the court set an April 10, 2018 deadline to produce responses to written discovery requests, other than to produce the plaintiffs’ tax returns.

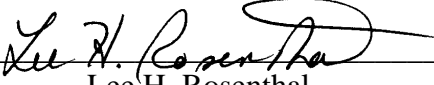
Through letters submitted to the court, the parties dispute when each must inform the other of the plaintiffs they have designated to respond to written discovery and those to be deposed. The plaintiffs request that the defendants identify their 13 written-discovery plaintiffs by March 12 at 5:00 p.m. The defendants respond that “they anticipate providing the names of the thirteen Plaintiffs from whom they will seek written discovery in the next few days.” Because the parties agree on the same general timeline, the plaintiffs’ request is granted with a modification. The defendants must identify the 13 plaintiffs who they have designated to respond to written discovery by **5:00 p.m. on**

March 14, 2018.

The defendants argue that they should be given the opportunity to review written discovery responses from the plaintiffs before they designate their 7 deposition plaintiffs. The plaintiffs agree. The plaintiffs propose that both parties make their deponent designations two weeks after the April 10 deadline for the plaintiffs to produce supplemented discovery responses. Two weeks is an appropriate amount of time for the defendants to review the plaintiffs' written discovery responses. The parties must identify the plaintiffs designated to be deposed by **5:00 p.m. on May 9, 2018.**

The defendants ask the court to require the plaintiffs to identify 3 deponent selections before the defendants finalize their written discovery selections. As stated on the record at the March 6 hearing, counsel for the defendants will examine the results of the representational discovery and advise the court if he believes that more discovery, whether on a representative basis or from more of the opt-in plaintiffs, is necessary. This request is denied without prejudice as premature.

SIGNED on March 12, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge