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THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BALAPUWADUGE MENDIS, *et al.*,

Plaintiffs,

v.

SCHNEIDER NATIONAL
CARRIERS, INC.,

Defendant.

CASE NO. C15-0144-JCC

ORDER

This matter comes before the Court on Plaintiffs' motion to approve proposed notice plan and set case schedule (Dkt. No. 124). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the reasons explained herein.

On February 7, 2017, this Court certified a Class and two Sub-Classes. (Dkt. No. 117.) Plaintiffs now move for approval of their notice plan and to establish a case schedule, with a January 29, 2018 trial date. (Dkt. No. 124 at 2.) Defendant opposes the proposed class notice form because (1) the opt-out period of 45 days is too short, and should be 75 to 90 days; (2) the form does not include a reference to the fact that there is a pending motion for reconsideration of the Ninth Circuit's denial of Defendant's appeal; and (3) the form does not inform putative class members that if they do not opt out, they may be required to respond to discovery requests,

1 attend depositions, or testify at trial. (Dkt. No. 126 at 6–7.) Defendant also opposes the trial date
2 of January 29, 2018, claiming it only agreed to that date on the premise that Plaintiffs go through
3 with the June 2017 mediation, which they did not. (*Id.* at 5.) Defendant requests a trial date of
4 April 16, 2018. (*Id.* at 8.)

5 In their reply, Plaintiffs agreed to a 75 day opt-out period. (Dkt. No. 128 at 4.) The Court
6 otherwise finds Plaintiffs’ proposed notice form adequate. The Court will not require Plaintiffs to
7 add information regarding Defendant’s motion for reconsideration. It will also not require
8 Plaintiffs to inform putative class members that they may be called upon to participate in
9 discovery or trial, especially when Defendant has not made a showing that limited written
10 discovery, depositions, or trial testimony are necessary. *See* Newberg on Class Actions §§ 1:5,
11 9:13, 21:41 (5th ed.).

12 In addition to the notice plan and case schedule, under Local Civil Rule 39.1(c)(1), the
13 Court ORDERS the parties to engage in mediation by December 31, 2017. The costs of
14 mediation shall be borne equally by the parties unless they agree otherwise.

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1 The Court ORDERS the trial date be set for March 5, 2018 and the following schedule:

<u>Event</u>	<u>Deadline</u>
Class Notice Sent Out	July 2017
Opt-Out Deadline	September 2017 (75 day opt-out period)
Deadline for Both Sides to Disclose Expert Testimony and Written Reports	10/9/2017
Deadline for Both Sides to Disclose Rebuttal Expert Reports	11/6/2017
Deadline for Dispositive Motions	11/10/2017
Dispositive Motion Responses	12/4/2017
Dispositive Motion Replies	12/8/2017
Deadline for Expert Depositions	12/8/2017
Deadline for Fact Discovery	12/8/2017
Deadline to Complete Court-Ordered Mediation	12/31/2017
Plaintiffs' Pretrial Statement Due	1/19/2018
Defendant's Pretrial Statement Due	1/26/2018
Deadline to Disclose Designations of Deposition Testimony and Discovery Responses	2/2/2018
Deadline for Parties to Meet and Confer Regarding Pretrial Order	2/9/2018
Proposed Pretrial Order Due	2/16/2018
Deadline to Serve Objections to Exhibits, Designations of Deposition Testimony, and Discovery Responses	2/16/2018
Trial	3/5/2018

16 For the foregoing reasons, Plaintiffs' motion to approve proposed notice plan and set case
17 schedule (Dkt. No. 124) is GRANTED.

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19 DATED this 29th day of June, 2017.

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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