

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LIMECCA CORBIN, on behalf of)
herself and similarly situated employees,)
)
Plaintiff,)
)
v.) 1:15CV405
)
CFRA, LLC,)
)
)
Defendant.)

ORDER

This Fair Labor Standards Act case, which has been conditionally certified as a collective action, is before the Court on Defendant’s Expedited Motion for Case Management Conference or Teleconference and to Amend the Scheduling Order [Doc. #66]. As set out in the Motion, the Parties have determined that Defendant’s original list of potential members of the collective action failed to include 706 individuals who should have received notice of the lawsuit and an opportunity to join. As a result, the Parties agree that the 706 individuals who were not included in Defendant’s August 2016 list should receive notice of the lawsuit and an opportunity to join, which will require a Supplemental Notice Period as to those individuals. However, the Parties disagree as to whether the Supplemental Notice Period should affect other deadlines set out in the existing case management order [Doc. #51].

Defendant requests a 60-day Supplemental Notice Period, followed by three additional months of discovery. In addition, Defendant requests that the deadline for all expert disclosures be delayed until two months after the Supplemental Notice Period, and that the

deadline for dispositive motions and for the motion for decertification be delayed until two months after the new close of discovery. Plaintiff opposes the proposed schedule modifications, but would consent to a 30- or 45-day extension to the discovery schedule as it currently stands.

After reviewing the Parties' positions and the current schedule, the Court concludes that the extensions proposed by Defendant would unnecessarily delay the proceedings in this case and would interfere with the trial date, which has been set for the April 2018 Civil Master Calendar. The Court further concludes that Defendant has not shown a sufficient basis to justify delaying discovery as to the current opt-in Plaintiffs while a Supplemental Notice Period proceeds, particularly where it appears that Defendant is responsible for the lack of completeness of the original list to begin with. Therefore, the Court will not modify the existing discovery deadlines as requested by Defendant, but will make minor modifications to the existing scheduling to incorporate a Supplemental Notice Period. The Court will therefore adopt the following schedule:

Deadline for sending Notice to supplemental list	June 9, 2017
Deadline for opting-in (postmark)	August 9, 2017
Expert disclosure/report deadline	August 23, 2017
Responsive expert disclosure/report deadline	September 13, 2017
Deadline for mediation/close of discovery	September 27, 2017
Deadline for dispositive motions and motion for decertification	October 25, 2017

If there are any further discovery or scheduling matters to be addressed, either side may file by June 16, 2017 a request for a Scheduling Conference, accompanied by a Supplemental Rule 26(f) Report setting out the proposed modifications. Any new schedule should preserve the October 25, 2017 deadline for filing dispositive motions and for filing the motion for decertification of the collective action, given the April 2018 Trial Setting. This case will be set for a supplemental scheduling conference on June 22, 2017 at 9:30 a.m., but that hearing will be cancelled if neither side files a Request for Hearing and Supplemental Rule 26(f) Report by June 16, 2017.

IT IS THEREFORE ORDERED that Defendant's Expedited Motion for Case Management Conference or Teleconference and to Amend the Scheduling Order [Doc. #66] is GRANTED IN PART AND DENIED IN PART, to the extent that the Court adopts the modified schedule set out above.

IT IS FURTHER ORDERED that this case is set for a supplemental status conference on June 22, 2017 at 9:30 a.m. in Courtroom 3 of the Hiram H. Ward Federal Building in Winston-Salem, North Carolina, but that hearing will be cancelled if neither side files a Request for Hearing and Supplemental Rule 26(f) Report by June 16, 2017.

This, the 2nd day of June, 2017.

/s/ Joi Elizabeth Peake
United States Magistrate Judge