

admission and requests for production **shall be served within sufficient time to allow responses to be completed and served prior to the close of discovery and within sufficient time to allow the completion of depositions prior to the close of discovery.**

6. Plaintiff's motion for conditional certification of the FLSA collective, supporting brief, and appendix of supporting evidence shall be filed on or before **February 12, 2021**.

7. Defendants' brief in opposition and appendix of supporting of evidence shall be filed on or before **February 26, 2021**.

8. Deadlines and any other matters related to the second phase of discovery will be determined by further order(s) after the Court has ruled on Plaintiff's motion for conditional certification.

9. The discovery deadline will be extended only by leave of court for good cause shown, and upon motion filed prior to the date on which discovery closes. The motion shall state the reason(s) for the requested extension and shall enumerate with specificity any previous extensions of discovery. The filing of a motion to dismiss or other dispositive motion generally will not stay discovery. Likewise, participation in an ADR process will not stay discovery.

10. Counsel must confer on discovery disputes prior to seeking the Court's intervention, and must follow the procedures set forth in the Court's Practices and Procedures (*see* webpage at https://www.pawd.uscourts.gov/sites/pawd/files/Wiegand_Interim_Practices_Oct_2020.pdf). If counsel for the parties cannot resolve the dispute, the parties must contact the Court to set up a conference in an effort to resolve the matter, rather than filing a formal discovery motion. For discovery disputes that arise during a deposition, the attorneys together may contact the Court to resolve the matter.

Any dispute not resolved shall be presented by motion in accordance with the Court's Practices and Procedures. For discovery motions (or any other type of motion), **no briefing schedule will issue**. Discovery motions shall include copies of only those pertinent portions of depositions, interrogatories, requests for admission and responses, *et cetera*, that are relevant to disposition of the motion.

11. The provisions of Local Rule 16.1.D, regarding procedures governing the inadvertent disclosure of privileged or trial preparation material, are hereby incorporated into this Order, as if fully restated herein.

12. At least the three (3) business days prior to any scheduled conference (initial case management conference, post discovery status conference, settlement or pretrial conference) each party shall submit a confidential position letter of five (5) pages or less to Judge Wiegand's chambers. To ensure candor, the position letters are not to be filed or shared with opposing counsel, but rather, are to be emailed to chambers at wiegand_chambers@pawd.uscourts.gov. All position letters will be kept confidential.

The position letter shall include:

- (a) A brief recitation of the most salient facts in the case;
- (b) A forthright discussion of your party's strengths and weaknesses, including your party's likelihood of prevailing on each claim or defense and a description of the issues remaining in dispute;
- (c) An estimate of the cost and time to be expended for trial;
- (d) The relief you are seeking; and
- (e) Your party's settlement posture, including present demands and offers and history of past settlement discussions, offers, and demands.

13. Lead counsel shall attend any status conference in person, unless permission is otherwise granted in advance. Parties must attend in person or be available by telephone. Prior to any post-discovery status conference, the parties must meet and confer regarding the settlement of the case, whether each party intends to file a motion for summary judgment, and if so, on what claims.

DATED this 15th day of December, 2020.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge