

AMERICAN ARBITRATION ASSOCIATION

GABRIEL CILLUFFO, et al,

Claimants,

v.

CENTRAL REFRIGERATED SERVICE,
INC., CENTRAL LEASING, INC., JON
ISAACSON and JERRY MOYES,

Respondents.

77 160 00126 13 PLT
(Collective Matter)

SCHEDULING ORDER FOR
COLLECTIVE ARBITRATION

The Arbitrator has considered the Claimants' Proposed Scheduling Order, Respondents' Objections to Claimants' Proposed Scheduling Order, Respondents' Brief Pursuant to the Arbitrator's January 10, 2014 Order, Claimants' Brief in Reply to Similarly Situated Status, and Claimants' Brief in Reply to Respondents' Brief and Objections with Respect to the Scheduling Order. The essential facts relied upon by Claimants were contained in their complaint and in affidavits previously filed with the district court. The numerous cases cited by the parties addressing collective actions show that the factual and legal issues associated with certification of collective actions are well-known. Therefore, the Arbitrator determines that additional briefing or argument on the similarly situated issue is unnecessary at this stage of the arbitration proceeding.

After due consideration, the Arbitrator finds that Claimants have met their initial burden of establishing that they are similarly situated to the other members of the putative class and that handling this matter as a collective action is appropriate. The Arbitrator

has also considered the arguments addressing scheduling and resolves them as set out below.

IT IS ORDERED that the parties shall proceed under the following schedule:

- A. Claimants shall prepare a proposed Notice of Collective Action and provide the proposed notice to Respondents for comment by March 21, 2014, with a copy submitted to the Arbitrator. Respondents shall identify any disagreements within 21 days thereafter, with a copy submitted to the Arbitrator. Respondents shall also identify all truckers who lease and/or who leased a truck from Central Leasing, Inc. to drive for Central Refrigerated Service, Inc. on and after June 1, 2009 in the format requested by Claimants within 21 days after Claimants provide the proposed notice to Respondents. Any disagreements about the proposed Notice, the procedures for identification of individuals who should receive Notice or the procedures for distribution of Notice shall be submitted to the arbitrator. A status conference, at which any disagreements may be addressed, is set for April 22, 2014, at 1:30 p.m., Pacific Daylight Time, unless the parties jointly notify that Arbitrator that it is unnecessary.
- B. Claimants shall have 90 days following distribution of the Notice to opt in to this action (the “opt-in period”).
- C. The parties shall exchange initial disclosures containing the information required pursuant to Fed. R. Civ. P. 26(a)(1) on or before April 15, 2014 and shall thereafter timely supplement such disclosures.
- D. Procedural motions including Motions to Amend the Complaint or Answer, and

Motions to Join Additional Parties shall be filed no later than 30 days following the close of the opt-in period.

- E. All fact discovery, including answers to interrogatories, production of documents, depositions (other than depositions of experts set forth in paragraph G below) and requests to admit shall be completed by 90 days following the close of the opt-in period.
- F. Claimants shall be entitled to conduct ten (10) depositions of no more than seven (7) hours each and Respondents shall be entitled to conduct ten (10) depositions of no more than seven (7) hours each. The depositions of experts disclosed pursuant to paragraph G below are not included in this limitation.
- G. Any party who plans to present expert witness evidence and testimony must disclose the identity and the report of such experts on or before 90 days following the close of the opt-in period. The identity of all rebuttal experts and the reports of any rebuttal experts are due on or before 120 days following the close of the opt-in period. The identity of all reply experts and the reports of any reply experts are due on or before 150 days following the close of the opt-in period. All expert witnesses disclosed must provide a report within these time frames containing: i) a complete statement of all opinions the witness will express and the basis and reasons for them; (ii) the facts or data considered by the witness in forming them; (iii) any exhibits that will be used to summarize or support them; (iv) the witness's qualifications, including a list of all publications authored in the previous 10 years; (v) a list of all other cases in which, during the previous 4 years, the witness

testified as an expert at trial or by deposition; and (vi) a statement of the compensation to be paid for the study and testimony in the case. Depositions, if any, of experts shall take place within the 30 day period following the disclosure of their report(s).

- H. If the parties have any discovery disputes, counsel for the parties shall consult and make a sincere effort to resolve the matter prior to asking the Arbitrator to resolve the matter.
- I. All dispositive motions, including any motion for decertification of the conditionally certified class, must be filed within 210 days following the close of the opt-in period.
- J. Following resolution of dispositive motions, the Arbitrator shall set hearing dates and procedures, if necessary.

DATED: March 10, 2014.

/s/ Patrick Irvine
PATRICK IRVINE
ARBITRATOR