

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ERIC R. BRANT, et al.,

Plaintiffs,

v.

Case No. 20-C-1049

SCHNEIDER NATIONAL INC., et al.,

Defendants.

ORDER APPROVING PARTIES' PROPOSED JOINT DISCOVERY PLAN

After review, the court **APPROVES** the parties' Proposed Joint Discovery Plan (Dkt. No. 207) and **HEREBY ORDERS** that:

A. Class Discovery

1. All class discovery shall be completed on or before October 31, 2025.
2. During the class discovery period, Defendants may take written discovery from, and depositions of, a sample of up to ten (10) Opt-In Plaintiffs ("Discovery Plaintiffs") by October 31, 2025.
 - a. Discovery as it relates to Discovery Plaintiffs shall be guided by the following principles:
 - i. If a Discovery Plaintiff is non-responsive, another Plaintiff may be selected to act as a Discovery Plaintiff.
 - ii. There will be one set of discovery requests from all Defendants.

- iii. Interrogatories of Discovery Plaintiffs will be limited in number according to the Federal Rules of Civil Procedure. Electronic signatures will suffice for Fed. R. Civ. P. 33(b)(5).
 - iv. Depositions will take place remotely or in reasonable proximity to the deponents' location unless the parties mutually agree to different conditions. If the deposition proceeds remotely, the court reporter need not be in the same location as the deponent.
 - v. The parties will respond to written discovery requests for a particular deponent no sooner than required by the federal rules and, assuming the requests are timely filed, no later than twenty-one (21) days prior to that Discovery Plaintiff's scheduled deposition.
 - vi. Discovery will be governed and limited by the Federal Rules of Civil Procedure.
3. During the class discovery period, Plaintiffs may take written discovery from, and depositions of, Defendants by October 31, 2025.
4. The parties agree that discovery into whether or when any Discovery Plaintiff actually experienced a minimum wage violation is permitted during the class discovery period. Notwithstanding this agreement, all outstanding discovery concerning class-wide damages, including expert discovery on class-wide damages, will be postponed until the court issues a decision on Plaintiffs' Motion to Certify a Rule 23 Class Action.
5. Defendants may depose Plaintiffs' expert, Dr. Steve Viscelli, during the class discovery period.
6. Plaintiffs may seek the disclosure of electronically stored information (ESI), including pay and deduction, dispatch, hours of service, email communications and Driver Messaging data.

Defendants have taken measures to preserve potentially discoverable electronically stored information from alteration or destruction, and the parties agreed to a Protective Order (Dkt. No. 124) that addresses, *inter alia*, post-production claims of privilege or of protection as trial-preparation material with respect to ESI.

B. Contemplated Motions

1. Motion to Certify a Rule 23 Class Action:

- a.** Plaintiffs shall file their Motion to Certify a Rule 23 Class Action on or before November 7, 2025.
- b.** Defendants shall file any response on or before December 5, 2025.
- c.** Plaintiffs shall file any reply on or before December 19, 2025.

2. Motion to Certify an FLSA Collective Action:

- a.** Should Plaintiffs seek to renew their Motion to Certify an FLSA Collective Action, they shall do so in accordance with the above briefing schedule adopted for their Motion to Certify a Rule 23 Class Action.

IT IS FURTHER ORDERED that the Clerk is directed to remove the Telephone Status Conference scheduled for May 9, 2025, from the court's calendar.

Dated at Green Bay, Wisconsin this 7th day of May, 2025.



William C. Griesbach
United States District Judge