

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. Case No.-CIV-HURLEY

Plaintiff

vs.

Defendant

FLSA SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 16, the Court finds it necessary to implement a schedule tailored to meet the particular circumstances of this case brought pursuant to the Fair Labor Standards Act (FLSA). Therefore, consistent with the just, speedy and inexpensive administration of justice, it is

ORDERED AND ADJUDGED:

1. The provisions of Rule 26(a)(1) and Local Rule 26.1 and 16.1, concerning initial disclosures and filing of a joint scheduling report and proposed scheduling order, are waived. Instead, the parties shall comply with the following schedule:

a. Within **FIFTEEN (15) DAYS** from date of entry of this order, the plaintiff(s) shall answer the Court's Interrogatories (attached to this Order) under oath or penalty of perjury, serve a copy of the answers upon the defendant(s), and file the answers with the court under pleading captioned "Notice of Filing Answers to Court's Interrogatories."

b. Within **FIFTEEN (15) DAYS** from the date that plaintiff files his or her answers to the court's interrogatories, defendant(s) shall serve on plaintiff and file with the court a "Verified Summary" of all hours worked by plaintiff during each relevant pay period, the rate of pay and wages

paid, including overtime pay, if any. Within this same time frame, the defendant(s) shall also serve on plaintiff's counsel, but not file, a copy of all time sheets and payroll records that support or relate to the time periods in the Verified Summary.

c. Within **THIRTY (30) DAYS** from the date defendant(s) files the Verified Summary, counsel for plaintiff and defendant shall meet and confer in person in a good faith effort to settle all pending issues, including attorneys' fees and costs. Counsel shall have full authority to settle, and shall set aside sufficient time for a thorough, detailed and meaningful conference that is calculated to fully resolve the case by agreement.

At this initial settlement conference, any individual party who is not represented by counsel shall appear in person to comply with the provisions of this order.

d. Within **TEN (10) DAYS** from the date of the settlement conference, counsel shall jointly file a "Report Regarding Settlement" that notifies the court whether : (1) the parties settled the case; (2) the parties have not settled but wish to continue settlement discussions for a specific period of time; (3) the parties wish to engage in a formal mediation conference before a specific mediator on or before a specific date; (4) the parties wish to engage in a settlement conference before a United States Magistrate Judge, or (5) the parties have exhausted all settlement efforts and are unable to reach agreement on settlement (impasse).

2. If the parties are able to reach settlement, within **TEN (10) DAYS** from the date of the Notice of Settlement, they shall submit their proposed settlement agreement to the court for approval pursuant to *Lynn's Food Stores, Inc. v United States*, 679 F.2d 1350 (11th Cir. 1982) and place a copy of the agreement in the open court file.

Note: The court will not entertain confidentiality agreements in the context of FLSA

settlements, nor will it permit any proposed settlement agreement to be filed under seal.

3. If the parties are unable to reach settlement, upon receipt of the parties' Notice of Impasse the court will promptly schedule the matter for trial.

4. The plaintiff's counsel shall forward a copy of this Scheduling Order to all defendants immediately upon receipt of a responsive pleading.

5. Due to the volume of FLSA cases filed in this district, the court expects strict adherence to these deadlines. Exceptions will be granted only for compelling reasons. Failure to comply may result in the imposition of sanctions, including but not limited to the dismissal of the case and striking of pleadings.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this _____ day of _____, 2010.

Daniel T. K. Hurley
United States District Judge

cc. Magistrate Judge
All parties

COURT'S INTERROGATORIES TO PLAINTIFF

1. During what period of time were you employed by the Defendant?
2. Who was your immediate supervisor?
3. Did you have a regularly scheduled work period? If so, specify.
4. What was your title or position? Briefly describe your job duties.
5. What was your regular rate of pay?
6. Provide an accounting of your claim, including:
 - (a) dates
 - (b) regular hours worked
 - (c) overtime hours worked
 - (d) pay received versus pay claimed
 - (e) total amount claimed
7. When did you (or your attorney) first complain to your employer about alleged violations of the FLSA?
8. Was this complaint written or oral? If written, please attach a copy.
9. What was your employer's response? If written, please attach a copy.

State of Florida
County of _____

Before me, the undersigned authority, on this day personally appeared _____ who being first duly sworn, deposes and says that he/she has read the foregoing answers to interrogatories, knows the contents of same and to the best of his/her knowledge and belief the same are true and correct.

Sworn to and subscribed before me this _____ day of _____ 20____.

Notary Public

[Notary Stamp]