

In the United States Court of Federal Claims

No. 13-834C

(E-Filed: September 23, 2014)

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| DONALD MARTIN, JR., et al., |) |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| THE UNITED STATES, |) |
| |) |
| Defendant. |) |

ORDER

Pursuant to the court's order dated August 15, 2014, the parties filed a joint status report to propose a schedule for resolving areas of disagreement, if any, as to their conditional certification filings, and to address discovery on the liquidated damages issue. See Joint Status Report, Sept. 19, 2014, ECF No. 43.

A. Conditional Certification Filings

In the joint status report, the parties advise that defendant has determined it will not oppose conditional certification of the collective action. Additionally, the parties indicate that they continue to engage in discussions concerning, among other topics, the class definition and class notice. The parties' request for additional time, until **October 10, 2014**, to continue discussions to resolve these issues is hereby **GRANTED**.

Pursuant to the requests set forth by the parties in the joint status report, on or before **October 10, 2014**:

- The parties shall file a stipulation and proposed order with the agreed upon terms concerning the class definition, manner of giving notice, notice form(s), and consent to join form.
- To the extent there remain any issue(s) in dispute, the parties shall identify them in the stipulation. In addition, each party shall each file a memorandum to explain its

position on the disputed issue(s), to which there shall be no responsive or reply filings.

The court notes that based on the representations made by the parties in the joint status report – including that defendant will not oppose conditional certification of the collective action and that the parties wish to address disputed issues, if any, by way of the stipulation and separately-filed memoranda – it appears that plaintiffs no longer intend to file a revised motion for conditional certification as previously indicated, see Joint Status Report, Aug. 14, 2014, ECF No. 40, and thus the currently suspended deadline for the filing of defendant’s response is rendered **MOOT**, see Order, Aug. 15, 2014, ECF No. 41. Upon the filing of the stipulation and proposed order, and the resolution of any outstanding disputes, the court will act on plaintiffs’ pending motion to conditionally certify this case as a collection action. See Pls.’ Mot. to Certify, Jan. 28, 2014, ECF No. 14.

B. Discovery Regarding Liquidated Damages

In the joint status report, the parties advise that they have agreed to bifurcated proceedings with respect to discovery on liquidated damages and potential damages to the class as the most efficient way to proceed.

The court **GRANTS** the parties’ request to first engage in discovery regarding liquidated damages to be followed, if necessary, by a determination of damages.

Pursuant to the requests set forth by the parties in their joint status report:

- The parties shall engage in discovery on liquidated damages for a period of **eight months**, or until **May 25, 2015**.
- Following the completion of discovery, either party may file a motion for summary judgment within **thirty (30) days**, or on or before **June 24, 2015**.

IT IS SO ORDERED.

s/ Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Chief Judge