

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JUL 13 2005

LUTHER D. THOMAS, CL
Deputy Clerk

MARY PAT CAVANAUGH,)
CECIL WILSON, JASPER TYSON)
AND RICHARD G. BROTHERS,)

Plaintiffs,)

AND ALL THOSE SIMILARLY)
SITUATED,)

Putative opt in Plaintiffs,)

v.)

SPRINT/UNITED MANAGEMENT)
COMPANY,)

Defendant.)

Civil Action File No.

1:04-CV-3418-BBM

ORDER RELATING TO PENDING MOTIONS

The Court, having received and reviewed briefing by both parties regarding various motions pending in this matter, and having heard oral argument by counsel for both parties on July 7, 2005,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiffs' Motion for Leave to File Second Amended Complaint

[Docket No. 52], filed April 8, 2005, is DENIED as MOOT.

2. Plaintiffs' Motion for Leave to File Third Amended Complaint

[Docket No. 86], filed May 6, 2005, is GRANTED. Plaintiffs shall file their Third Amended Complaint.

3. Defendant's Motion to Dismiss Plaintiffs' Amended Complaint with

Respect to any Claim of Disparate Impact Discrimination Pursuant to Fed. R. Civ. P. 12(c) [Docket No. 71], filed April 25, 2005, is DENIED at this time.

4. Defendant's Motion to Quash Subpoena [Docket No.

132], filed June 7, 2005, is DENIED as MOOT as Defendant has withdrawn this motion and Plaintiffs have withdrawn the subpoena.

5. Plaintiffs' Motion for Leave to File Excess Pages [Docket No. 136],

filed June 10, 2005, is GRANTED.

6. Plaintiffs' Motion for Leave to File Excess Pages [Docket No. 149],

filed June 21, 2005, is GRANTED.

7. Defendant's Motion for Leave to File Excess Pages [Docket No. 174],

filed July 5, 2005, is GRANTED.

8. The Parties' Joint Motions for Order for Leave to File Sur-Reply Brief

of 10 Pages [Docket Nos. 156, 182], filed June 22, 2005 and July 6, 2005, are GRANTED.

9. **Plaintiffs' First Motion to Challenge Confidentiality Designation** [Docket No. 146], filed June 16, 2005 remains PENDING. Plaintiffs have until August 5, 2005 to withdraw their motion or file a reply brief.

10. **The following discovery motions remain PENDING:**

- a. **Plaintiffs' Request for a Hearing Regarding the Scope of Discovery, to Compel Discovery from Defendant and for Protective Order Pending Clarification of the Scope of Discovery** [Docket No. 150], filed June 21, 2005;
- b. **Defendant's Motion to Compel Responses to Request for Admissions** [Docket No. 153], filed June 21, 2005;
- c. **Plaintiffs' Motion to Compel Designation of 30(b)(6) Representatives and Discovery** [Docket No.158], filed June 23, 2005; and
- d. **Defendant's Motion Regarding Resolution of the Scope of Phase One Discovery** [Docket Entry No. 172], filed July 5, 2005.

Pursuant to Fed. R. Civ. P. 37, the parties shall continue to meet and confer to attempt to resolve the issues raised in these Motions on or before August 5, 2005; if the parties are unable to resolve the issues raised in these Motions following guidance provided by the Court at the July 7, 2005 hearing, the parties shall file

their respective briefs responding to any unresolved issues addressed in these motions on or before August 10, 2005, response briefs shall be due August 22, 2005, and reply briefs due August 29, 2005.

11. Depositions of opt-in plaintiffs shall resume on or after August 1, 2005, subject to the pending motions;

12. Defendant's First Motion for Order Specifying the Individuals Who Have Timely Joined This Action [Docket No. 165], filed June 27, 2005, and Plaintiffs' Motion To Re-Open Sending Notice [Docket No. 184] remain PENDING. The parties have agreed to meet and confer on these issues. If the parties cannot agree on which plaintiffs, who were on the Sperling list, timely joined the class, Plaintiffs shall file on or before August 5, 2005 a list of any disputed potential plaintiffs and the reasons they should be included. Defendant will file a response to any such list by August 22, 2005. If the parties cannot agree on whether notice shall be sent to individuals who fall within the class definition but who were not included on the Sperling list, Plaintiff shall file their brief in support by August 12, 2005. Defendant will file a response list by August 22, 2005, and any reply brief shall be filed by August 29, 2005.

14. The deadline for conclusion of all Phase One discovery is extended from December 15, 2005 until February 15, 2006; any contrary date in the

Scheduling Order is rescinded. Any additional extensions of the Phase One discovery period will only be permitted upon order of the Court.

IT IS SO ORDERED, this 13th day of July, 2005

A handwritten signature in cursive script that reads "Beverly B. Martin". The signature is written in black ink and is positioned above a horizontal line.

BEVERLY B. MARTIN
UNITED STATES DISTRICT JUDGE