

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-04935-VEC**

Franklin v. Whole Foods Market Group, Inc. et al
Assigned to: Judge Valerie E. Caproni
Cause: 28:1332 Diversity Action

Date Filed: 06/26/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Diversity

Plaintiff

Henry Franklin

*on behalf of himself and others
similarly situated*

represented by **Rony Guldmann**

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V.

Defendant

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represented by **Grace Elizabeth Hart**

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Defendant

Amazon.com, Inc.

represented by **Grace Elizabeth Hart**
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Jason C. Schwartz
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2020	<u>1</u>	COMPLAINT against Amazon.com, Inc., Whole Foods Market Group, Inc.. (Filing Fee \$ 400.00, Receipt Number ANYSDC-20447931)Document filed by Henry Franklin. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B).(Lee, C.K.) (Entered: 06/26/2020)
06/26/2020	<u>2</u>	CIVIL COVER SHEET filed..(Lee, C.K.) (Entered: 06/26/2020)
06/26/2020	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Whole Foods Market Group, Inc., re: <u>1</u> Complaint. Document filed by Henry Franklin..(Lee, C.K.) (Entered: 06/26/2020)
06/26/2020	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Amazon.com, Inc., re: <u>1</u> Complaint. Document filed by Henry Franklin..(Lee, C.K.) (Entered: 06/26/2020)
06/29/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Valerie E. Caproni. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(pne) (Entered: 06/29/2020)
06/29/2020		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (pne) (Entered: 06/29/2020)

06/29/2020		Case Designated ECF. (pne) (Entered: 06/29/2020)
06/29/2020	5	ELECTRONIC SUMMONS ISSUED as to Whole Foods Market Group, Inc...(pne) (Entered: 06/29/2020)
06/29/2020	6	ELECTRONIC SUMMONS ISSUED as to Amazon.com, Inc...(pne) (Entered: 06/29/2020)
06/30/2020	7	NOTICE OF INITIAL PRETRIAL CONFERENCE: In light of the COVID-19 situation, the Court will conduct the Initial Pretrial Conference ("IPTC") in accordance with Rule 16 of the Federal Rules of Civil Procedure on August 21, 2020 at 10:00 a.m. by teleconference. At the scheduled time, counsel for all parties should call 888-363-4749, Access code 3121171#, Security code 4935. SO ORDERED. Initial Conference set for 8/21/2020 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 6/30/2020) (kv) (Entered: 06/30/2020)
08/18/2020	8	NOTICE OF APPEARANCE by Grace Elizabeth Hart on behalf of Amazon.com, Inc...(Hart, Grace) (Entered: 08/18/2020)
08/18/2020	9	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for JASON C. SCHWARTZ to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21215369. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Amazon.com, Inc.. (Attachments: # 1 Affidavit of Jason C. Schwartz, # 2 Exhibit A - Certificates of Good Standing, # 3 Text of Proposed Order).(Schwartz, Jason) Modified on 8/19/2020 (bcu). (Entered: 08/18/2020)
08/19/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 9 MOTION for JASON C. SCHWARTZ to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21215369. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): Attorney Affidavit not notarized.;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bcu) (Entered: 08/19/2020)
08/19/2020	10	CONSENT LETTER addressed to Judge Valerie E. Caproni from Jason C. Schwartz dated August 19, 2020 re: adjournment of the Initial Pretrial Conference. Document filed by Amazon.com, Inc...(Hart, Grace) (Entered: 08/19/2020)
08/19/2020	11	MEMO ENDORSEMENT on re: 10 Letter filed by Amazon.com, Inc. ENDORSEMENT: The Aug. 21 initial conference is adjourned to September 11, 2020, at 11:00 A.M. Joint pre-conference submissions are due by September 3, 2020. All parties and any interested members

		of the public must attend by dialing 1-888-363-4749, using the access code 3121171 and the security code 4935. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. SO ORDERED. (Initial Conference set for 9/11/2020 at 11:00 AM before Judge Valerie E. Caproni.) (Signed by Judge Valerie E. Caproni on 8/19/2020) (jca) (Entered: 08/19/2020)
08/19/2020	12	ORDER FOR ADMISSION PRO HAC VICE: The motion of Jason C. Schwartz for admission to practice pro hac vice in the above captioned action is granted. (Signed by Judge Valerie E. Caproni on 8/19/2020) (nb) (Entered: 08/19/2020)
09/02/2020	13	NOTICE OF APPEARANCE by Grace Elizabeth Hart on behalf of Whole Foods Market Group, Inc...(Hart, Grace) (Entered: 09/02/2020)
09/02/2020	14	NOTICE OF APPEARANCE by Jason C. Schwartz on behalf of Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/02/2020)
09/03/2020	15	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent no corporate parent and no publicly held coporation owns 10 percent or more of its stock for Amazon.com, Inc.; Corporate Parent Amazon.Com, Inc. for Whole Foods Market Group, Inc.. Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/03/2020)
09/03/2020	16	JOINT LETTER addressed to Judge Valerie E. Caproni from C. K. Lee and Jason C. Schwartz dated September 3, 2020 re: submissions in advance of initial pretrial conference. Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc.. (Attachments: # 1 Exhibit A - Plaintiff's Proposed Case Management Plan & Scheduling Order, # 2 Exhibit B - A - Defendants' Proposed Case Management Plan & Scheduling Order).(Schwartz, Jason) (Entered: 09/03/2020)
09/04/2020	17	17 FILING ERROR - DEFICIENT DOCKET ENTRY - (SEE DOCUMENT #18) MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Amended Complaint</i> . Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) Modified on 9/8/2020 (lb). (Entered: 09/04/2020)
09/04/2020	18	MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Complaint [CORRECTED]</i> . Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/04/2020)
09/04/2020	19	MEMORANDUM OF LAW in Support re: 18 MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Complaint [CORRECTED]</i> . . Document filed by Amazon.com, Inc., Whole Foods Market Group, Inc...(Schwartz, Jason) (Entered: 09/04/2020)
09/04/2020	20	DECLARATION of JASON C. SCHWARTZ in Support re: 18 MOTION to Dismiss / <i>Defendants' Notice of Motion to Dismiss the Plaintiff's Complaint [CORRECTED]</i> .. Document filed by

		Amazon.com, Inc., Whole Foods Market Group, Inc.. (Attachments: # 1 Exhibit A - Screening Report, # 2 Exhibit B - Sponsor Memo).(Schwartz, Jason) (Entered: 09/04/2020)
09/10/2020	21	NOTICE OF APPEARANCE by Rony Guldmann on behalf of Henry Franklin..(Guldmann, Rony) (Entered: 09/10/2020)
09/11/2020	22	ORDER: WHEREAS the parties appeared for an initial pre-trial conference on Friday, September 11, 2020; and WHEREAS the Plaintiff indicated that he will be filing an Amended Complaint by no later than Friday, September 25, 2020; IT IS HEREBY ORDERED THAT discovery is stayed pending the filing of an Amended Complaint and the resolution of a subsequent Motion to Dismiss, were one to be filed. IT IS FURTHER ORDERED THAT if the parties do decide that they wish to convene a settlement conference, they must submit a joint letter and this Court will issue a referral to Magistrate Judge Debra Freeman for a settlement conference. (Amended Pleadings due by 9/25/2020.) (Signed by Judge Valerie E. Caproni on 9/11/2020) (nb) (Entered: 09/11/2020)
09/11/2020		Minute Entry for proceedings held before Judge Valerie E. Caproni: Telephone Conference held on 9/11/2020. Attorneys C.K. Lee and Rony Guldman present for the plaintiff. Attorneys Grace Hart and Jason Schwartz present for the defendants. Court Reporter Lisa Smith present. (anc) (Entered: 09/11/2020)

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