

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<p>ANDREW GIBSON, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>BARTLETT DAIRY, INC. and FARMLAND FRESH DAIRIES, LLC,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No. 20-cv-2848 (NGG) (SJB)</p> <p>JOINT MOTION TO STAY ALL PROCEEDINGS</p>
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JOINT MOTION TO STAY ALL PROCEEDINGS AND CONSENT TO JURISDICTION

Plaintiff Andrew Gibson (“Plaintiff”) and Defendants Bartlett Dairy, Inc. and Farmland Fresh Dairies, LLC (collectively, “Defendants”) (collectively, the “Parties”), by and through their undersigned counsel, respectfully move for an Order staying all proceedings in this matter for six months, and a corresponding extension of discovery and other deadlines, pending anticipated settlement of the case.

The Parties agree that there is good cause for the requested stay because, following a mediation, they have executed a Memorandum of Understanding and are drafting a final settlement agreement. The terms of the Memorandum of Understanding require compliance by October 11, 2023, at which time, if certain terms have been met, Plaintiff will voluntarily dismiss this action. The Parties agree that in order to conserve resources for the Court, the Parties, and the various third parties that have received subpoenas in this matter, a stay of all proceedings until after October 11, 2023 is the most sensible option. Should a stay be granted, the Parties agree to submit Joint Status Reports on the progress of settlement on May 12, 2023, and August 14, 2023.

Should the terms of the Memorandum of Understanding not be met and discovery resume, the Parties would need a reasonable amount of time to notify third parties of the renewed need to

comply with subpoenas, including three third-party depositions that would need to be scheduled.

The parties therefore propose the following contingent calendar:

Event	Deadlines per Current Scheduling Order	New Plan Proposed by Parties
Stay – no discovery to occur between the Court’s order and this date	N/A	October 16, 2023
Close of Fact Discovery	February 24, 2023	December 18, 2023
Expert reports (on all issues)	March 24, 2023	January 18, 2024
Responsive expert reports (on all issues)	April 21, 2023	February 19, 2024
Completion of expert discovery	May 26, 2023	March 19, 2024

The Parties hereby withdraw their January 30, 2023 Proposed Class Certification Schedule submitted to Judge Garaufis, and consent to Magistrate Judge Bulsara’s jurisdiction over this matter. A proposed order is attached.

Dated: February 15, 2023

Respectfully submitted,

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<p>ANDREW GIBSON, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>BARTLETT DAIRY, INC. and FARMLAND FRESH DAIRIES, LLC,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No. 20-cv-2848 (NGG) (SJB)</p> <p>[PROPOSED] ORDER GRANTING STAY AND MODIFYING SCHEDULE</p>
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[PROPOSED] ORDER

A consent motion was brought before the Court by agreement of all Parties to this action, requesting an Order staying all proceedings, and modifying and extending deadlines set forth in the Scheduling Order as approved by this Court on May 17, 2022.

WHEREAS the Court considered the Parties’ request and finds good cause, the Court hereby ORDERS that all proceedings are stayed until October 16, 2023, and that the following deadlines applicable to this case shall be as follows:

Event	New Plan Proposed by Parties
Stay – no discovery to occur between the Court’s order and this date	October 16, 2023
Close of Fact Discovery	December 18, 2023
Expert reports (on all issues)	January 18, 2024
Responsive expert reports (on all issues)	February 19, 2024
Completion of expert discovery	March 19, 2024

IT IS SO ORDERED.

Dated: _____

Hon. Sanket J. Bulasara

AO 85 (Rev. EDNY 8/3/2012) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

Andrew Gibson
Plaintiff
v.
Bartlett Dairy, Inc. and Farmland Fresh Dairies LLC
Defendant
Civil Action No. 1:20-cv-02848-NGG-SJB

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent. You may consent to the magistrate judge assigned to this case or to a new magistrate judge selected at random.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.
Select one: The parties consent to ___ the magistrate judge who is assigned to this case
___ a new magistrate judge selected at random.

Table with 3 columns: Parties' printed names, Signatures of parties or attorneys, Dates. Rows include Andrew Gibson, Bartlett Dairy, Inc., and Farmland Fresh Dairies, LLC with handwritten signatures and dates.

In order for the Consent to be valid, all parties must sign this form and agree to the selection of the magistrate judge.

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date:
District Judge's signature
Printed name and title

Note: Do not return the form to the Clerk of Court or file it on ECF unless all parties have consented to the exercise of jurisdiction by a United States Magistrate Judge. Do not return this form to a Judge.