

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

IN RE: AMAZON.COM, INC., FULFILLMENT CENTER FAIR LABOR STANDARDS ACT
(FLSA) and WAGE AND HOUR LITIGATION

Master File No. 14-MD-2504
MDL No. 2504

JUDGE HEYBURN

THIS DOCUMENT RELATES TO ALL CASES

ORDER FROM TELEPHONIC STATUS CONFERENCE

AND

ORDER REGARDING PRACTICE & PROCEDURE UPON TRANSFER

This matter came before the undersigned on March 4, 2014, for the purpose of conducting a
initial status conference upon the transfer of all cases.

APPEARANCES:

FOR THE PLAINTIFFS':
Mr. Jerry E. Martin Mr. David W. Garrison
Mr. Andrew Santillo Mr. Chris Sanders
Mr. Mark Thierman Mr. Joshua Buck
Mr. Timothy Becker Mr. Jacob Rusch
Mr. Jason J. Thompson Mr. Pete Winebrake

FOR THE DEFENDANTS:
Mr. Richard G. Rosenblatt Mr. Joseph A. Nuccio
Ms. Alison B. Willard Ms. Kathryn Quesenberry
Ms. Rebecca P. Bromet Mr. Rick D. Roskelley
Mr. William F. Dolan Mr. Andrew Madsen
Mr. Richard G. Griffith

After discussions with counsel regarding several matters including, the pending appeal in the
Busk case, discovery, the tolling issue, the filing of consent forms, and staying the case. The Court
being sufficiently advised;

IT IS HEREBY ORDERED that plaintiffs may file a motion regarding the tolling issue **on or**
before APRIL 8, 2014, with responses to be filed on or before APRIL 29, 2014, and replies filed
on or before MAY 13, 2014.

IT IS FURTHER ORDERED this matter shall be **STAYED** pending ruling from the United States Supreme Court in the *Busk* case (3:14CV-139-H). Any party may file a motion for relief from the stay at anytime.

IT IS FURTHER ORDERED the plaintiffs in all actions be allowed to file consent forms of individuals who wish to assert their claims for wages pursuant to 216(b) of the Fair Labor Standard Act (FLSA).

At this time, the Court will hold in abeyance the briefing schedule for appointment of the plaintiffs leadership structure until after the stay is lifted.

No further conferences will be held in this matter until notification is filed relating to a ruling in the *Busk* case. Counsel for *Busk* shall notify this Court in writing by filing a notice with the Court when there is a ruling.

PRACTICE AND PROCEDURE ORDER UPON TRANSFER PURSUANT
TO 28 U.S.C. § 1407(a)

Those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of February 19, 2014, and all related actions originally filed in this Court or transferred or removed to this Court, as well as any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigations pursuant to Rule 7.1 of the Rule of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court, and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court, shall all be governed by the following practices and procedures:

- 1) The actions described above are consolidated for pretrial purposes.
- 2) All documents filed in these actions shall bear the identification “MDL Docket No. 2504,” and shall indicate to which of these actions it applies. Counsel are urged to use the caption as it appears above. The notation “ALL CASES” shall be used where appropriate. Alternatively, if any filing does not relate to all of these actions, the individual docket individual cases as well. All pleadings and submissions in these actions shall be

electronically filed in both the master docket and in the individual case docket(s) to which the submission pertains..^{2 3}

- 3) Any paper that is to be filed in any of these actions shall be filed with the Clerk of this Court and not the transferor district court.
- 4) Counsel who appeared in the transferor district court prior to transfer need not enter a separate appearance before this Court. Non-resident attorneys in any of these actions shall not be required to apply for permission to appear or obtain local counsel in this district and the requirements of Joint Local Rules 83.1 and 83.2 of the Eastern and Western Districts of Kentucky are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States District Court.
- 5) These cases are subject to Electronic Case Filing (“ECF”), pursuant to Joint General Order 05-03, which requires that all documents in such a case be filed electronically. All attorneys of record shall register to become an ECF User. Forms and instructions can be found on the Court’s website at <https://kywd.uscourts.gov>. All attorneys must be registered with this Court’s CM/ECF system no later than **30 days from entry of this order**, absent application to the Court for relief from this requirement. This login and password issued by the Western District of Kentucky upon such registration will be used only for the purpose of filing documents in the Amazon.com Inc. Litigation and related cases. Said login and password are not to be used to file documents in any other case in the Western District of Kentucky unless the attorney is admitted or becomes admitted to practice in this District pursuant to Local Rule 83.1
- 6) Service of all papers shall be made on each of the attorneys on the Panel Attorney Service List. Any attorney who wishes to have his/her name added to or deleted from such Panel Attorney Service List may do so upon request to the Clerk of the Court with notice filed in the master case and any individual cases provided however, that at least one counsel for each party separately represented must remain on the list.⁴ Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List within the Master Lead Case 3:14-MD-2504.
- 7) Where counsel for more than one party plan to file substantially identical papers, they shall join in the submission of such papers and shall file only one paper on behalf of the parties so joined.

² Filings with questions regarding procedures for electronic filing in the Western District of Kentucky are directed to call the ECF Help Desk, Monday through Friday, 8:00am to 6:00pm EST, at 1-866-822-8305.

³ The parties may access the webpage established for this MDL at www.kywd.uscourts.gov/multidistrict-litigation/mdl2504

⁴ This requirement does not in any way amend the duties and requirement of counsel under Local Rule 83.6 with regard to the withdrawal of counsel.

8) The Court will be guided in its management of this litigation by the *Manual for Complex Litigation, Fourth*, which has been approved by the Judicial Conference of the United States. Counsel are directed to familiarize themselves with that reference. The Court wishes to express clearly its expectations that professionalism, courtesy, and civility will endure throughout these proceedings. The *Manual for Complex Litigation, Fourth* at section 10.21 captures the spirit in these terms:

The added demands and burdens of complex litigation place a premium on attorney professionalism, and the judge should encourage counsel to act responsibly. The certification requirements of the Federal Rules of Civil Procedure 11 and 26(g) reflect some of the attorneys' obligations as officers of the court.

Because of the high level of competence and experience that attorneys ordinarily bring to this type of litigation, the Court is confident that this objective will be achieved without judicial intervention.

9) The Clerk is directed to serve this Order on counsel of record in these cases and on an counsel in additional cases that may be filed in, removed from, or transferred to this action.

10) In compliance with the Local Rules of the Western/Eastern District of Kentucky all motions and responses, you must submit a separate proposed order with the relief requested.

IT IS FURTHER ORDERED that counsel shall contact the Court's Deputy, Ms. Andrea Morgan at 502-625-3538 or by email: andrea_morgan@kywd.uscourts.gov to schedule a conference as needed throughout this litigation, but counsel are to make best efforts to resolve any procedural issues by conferring with opposing counsel before contacting the Court. Unless otherwise ordered by the Court, all substantive communications with the Court shall be electronically filed in the Master Lead Case 3:14-MD-2504.

Date: March 13, 2014

Copies to:
Counsel of Record

Court Time: 00/50

Court Reporter: Alan Wernecke