

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH HARDESTY, et al.	:	Case No. 1:16-cv-00298
Individually and on behalf of All	:	
Others Similarly Situated	:	Judge Timothy Black
	:	
Plaintiffs,	:	
	:	JOINT MOTION TO AMEND
v.	:	CALENDAR ORDER
	:	
THE KROGER CO., et al.	:	
	:	
Defendants.	:	

Now come the Named Plaintiffs Joseph Hardesty, Madeline Hickey, and Derek Chipman (“Named Plaintiffs”), and Defendants The Kroger Co. and Kroger G.O., LLC (“Defendants”), by and through counsel, and hereby jointly move that this Court extend the current Calendar Order’s Rule 23 Certification and FLSA Decertification Briefing Schedule (Doc. #18), as previously amended by the Court’s January 30, 2017 Minute Entry so that the parties may attend mediation in an attempt to resolve this matter prior to incurring further expense. The parties propose the following extensions of applicable dates in the Calendar Order:

	<u>Current</u>	<u>Proposed</u>
Rule 23 Cert./FLSA Decert. Motions	April 7, 2017	June 9, 2017
Memoranda in Opposition	May 22, 2017	July 28, 2017
Reply Memorandum	June 23, 2017	August 28, 2017

To date, the parties have been engaged in extensive discovery, including responding to interrogatories and requests for admission, substantial exchanges of documents, and multiple depositions. While additional depositions were anticipated to occur in late February and early March of this year, counsel have recently conferred and agreed at this juncture to attempt to resolve

both this matter and Mr. Hardesty's individual litigation, *Hardesty v. The Kroger Co. et al.*, Case No. 1:16-cv-00367, prior to incurring further expense. The parties and their counsel have agreed to attend mediation, and have retained the services of Mediator John R. Van Winkle for both matters. Unfortunately, due to multiple scheduling conflicts, this mediation could not be scheduled until April 25, 2017. Given this delay, the parties anticipate utilizing this time to further engage in discussions regarding outstanding discovery issues which may benefit settlement discussions.

For the foregoing reasons, the parties request the foregoing extension of the Rule 23 Certification and FLSA Decertification briefing schedule in this case. Further, to the extent the Court finds it is necessary to extend other applicable dates in the Calendar Order, or in the event any such proposed dates conflict with the Court's schedule, the parties request a status conference to determine dates of availability for the parties, their counsel, and the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was served electronically through the District Court's electronic case filing system upon David K. Montgomery, Esq., and Ryan M. Martin, Esq., Jackson Lewis P.C., PNC Center, 26th Floor, 201 East Fifth Street, Cincinnati, Ohio 45202, this 15th day of March, 2017.

/s/ Joshua M. Smith
Joshua M. Smith (0092360)