

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:07-cv-01126-KAM-RER**

Guzman et al v. VLM, Inc et al
Assigned to: Judge Kiyoo A. Matsumoto
Referred to: Magistrate Judge Ramon E. Reyes, Jr
Magistrate Judge Ramon E. Reyes, Jr (Settlement)
Cause: 29:206 Collect Unpaid Wages

Date Filed: 03/16/2007
Date Terminated: 09/28/2010
Jury Demand: Defendant
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Armando Guzman

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Plaintiff

Jose Garcia
*individually and on behalf of all other
persons similarly situated who were
employed by VLM, Inc. d/b/a Reliable
Bakery*

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Nelson Andres Rios

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Plaintiff

Class Plaintiffs

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V.

Defendant

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doing business as
 Reliable Bakery

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Defendant

Joseph Vitacco

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Date Filed	#	Docket Text
03/16/2007	<u>1</u>	COMPLAINT against VLM, Inc, Joseph Vitacco \$ 350, filed by Armando Guzman, Jose Garcia. (Attachments: # <u>1</u> Civil Cover Sheet) (Davis, Kimberly) (Entered: 03/16/2007)
03/16/2007		Summons Issued as to VLM, Inc, Joseph Vitacco. (Davis, Kimberly) (Entered: 03/16/2007)
04/10/2007	<u>2</u>	SCHEDULING ORDER:Initial Conference set for 7/16/2007 @11:00 AM in Courtroom A,North Wing before Magistrate-Judge Ramon E. Reyes Jr. All counsel must be present, adhere to Judge Reyes' Individual Practice Rules, and bring a completed Case Management Plan to the scheduled conference (see attached order). Plaintiffs counsel is directed to confirm with defendants counsel that all necessary participants are aware of this conference. Absent exigent circumstances, requests for adjournment will not be considered unless made in writing and received at least forty-eight(48) hours before a scheduled conference.So Ordered by Judge Ramon E. Reyes Jr. on 4/10/07. (Vertus, Miriam)

		(Entered: 04/10/2007)
06/15/2007	<u>3</u>	Corporate Disclosure Statement by VLM, Inc (Labuda, Joseph) (Entered: 06/15/2007)
06/15/2007	<u>4</u>	ANSWER to Complaint by VLM, Inc. (Labuda, Joseph) (Entered: 06/15/2007)
06/15/2007	<u>5</u>	<i>Defendant, Joseph Vitacco's</i> ANSWER to Complaint by Joseph Vitacco. (Dmoch, Gary) (Entered: 06/15/2007)
07/12/2007		AMENDED SCHEDULING ORDER:Initial Conference currently set for 7/16/07 has been adjourned to 7/24/2007 @10:45 AM in Courtroom A, North Wing before Magistrate–Judge Ramon E. Reyes Jr. Ordered by Judge Ramon E. Reyes Jr. on 7/12/07. (Vertus, Miriam) (Entered: 07/12/2007)
07/12/2007		NOTICE of Hearing Correction: re AMENDED SCHEDULING ORDER:Initial Conference currently set for 7/16/07 has been adjourned to July 25, 2007 @10:45 AM in Courtroom A, North Wing before Magistrate–Judge Ramon E. Reyes Jr. Ordered by Judge Ramon E. Reyes Jr. on 7/12/07. (Vertus, Miriam) (Entered: 07/12/2007) (Vertus, Miriam) (Entered: 07/12/2007)
07/25/2007	<u>6</u>	Minute Entry for proceedings held before Ramon E. Reyes Jr.: Initial Conference Hearing held on 7/25/2007.All counsel present. Discussions held. All Discovery to be completed by 1/16/2008 (see attached order).Plaintiff to file motion for issuance of notice of pendency by 8/10/07, Defendant's Opposition due by 8/24/07, Plaintiff's Reply due by 8/31/07. The Pre–Class Certification discovery to be completed by 10/1/07. Class Certification Motion to be served by 10/22/07, Opposition to Class Certification Motion due by 11/12/07.,and Plaintiff's Reply due by 11/26/07. Further conferences to be scheduled upon conclusion of class certification briefing.(Tape #FTR:#(10:56:37–11:17:28).) (Vertus, Miriam) (Entered: 07/25/2007)
08/10/2007	<u>7</u>	Letter MOTION for Extension of Time to File <i>Motion for Notice of Pendency</i> by all plaintiffs. (Lusher, LaDonna) (Entered: 08/10/2007)
08/13/2007		ORDER granting <u>7</u> Motion for Extension of Time for plaintiffs' deadline to File a motion for issuance of notice of pendency due by 8/14/07. Ordered by Judge Ramon E. Reyes Jr. on 8/13/07. (Vertus, Miriam) Modified on 8/13/2007 (Vertus, Miriam). (Entered: 08/13/2007)
08/14/2007	<u>8</u>	First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> by all plaintiffs.Responses due by 8/31/2007 (Attachments: # <u>1</u>) (Ambinder, Lloyd) (Entered: 08/14/2007)
08/21/2007	<u>9</u>	MOTION for Extension of Time to File <i>opposition and reply papers</i> by VLM, Inc. (Labuda, Joseph) (Entered: 08/21/2007)
08/21/2007	<u>10</u>	MOTION for Extension of Time to File Response/Reply by VLM, Inc. (Labuda, Joseph) (Entered: 08/21/2007)
08/21/2007		Motions terminated: <u>9</u> MOTION for Extension of Time to File <i>opposition and reply papers</i> filed by VLM, Inc.. Ordered by Judge Ramon E. Reyes Jr. on 8/21/07. (Vertus, Miriam) (Entered: 08/21/2007)
08/21/2007		ORDER granting <u>10</u> Motion for Extension of Time to Response/Reply to plaintiff's motion for collective action certification.Defendant's Opposition due by 9/7/07, Plaintiff's Reply due by 9/21/07. Ordered by Judge Ramon E. Reyes Jr. on 8/21/07. (Vertus, Miriam) (Entered: 08/21/2007)
09/07/2007	<u>11</u>	RESPONSE in Opposition re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> filed by VLM, Inc. (Labuda, Joseph) (Entered: 09/07/2007)
09/07/2007	<u>12</u>	AFFIDAVIT in Opposition re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> filed by VLM, Inc. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Labuda, Joseph) (Entered: 09/07/2007)

09/07/2007	<u>13</u>	RESPONSE in Opposition re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> filed by Joseph Vitacco. (Dmoch, Gary) (Entered: 09/07/2007)
09/10/2007	<u>14</u>	RESPONSE in Opposition re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms Exhibit B</i> filed by VLM, Inc. (Attachments: # <u>1</u> Exhibit B (cont'd)) (Labuda, Joseph) (Entered: 09/10/2007)
09/11/2007		SCHEDULING ORDER: All parties are to appear for an Oral Argument on 9/28/2007 at 9:30 AM in 6C South before Judge John Gleeson. Ordered by Judge John Gleeson on 9/11/2007. (Lee, Ilene) (Entered: 09/11/2007)
09/19/2007	<u>15</u>	NOTICE GRANTING Adjournment request as per telephone conversation with defense counsel: the Oral Argument is now set for 10/5/2007 at 11:30 AM in 6C South before Judge John Gleeson. The defense counsel is directed to contact all parties involved of the new date and time. (Lee, Ilene) (Entered: 09/19/2007)
09/21/2007	<u>16</u>	REPLY to Response to Motion re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> filed by all plaintiffs. (Lusher, LaDonna) (Entered: 09/21/2007)
09/21/2007	<u>17</u>	AFFIDAVIT in Support re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A – Guzman Affidavit# <u>2</u> Exhibit B – Garcia Affidavit# <u>3</u> Exhibit C – Orellana Affidavit# <u>4</u> Exhibit D – Rios Affidavit# <u>5</u> Exhibit E – VLM Affidavit Summary# <u>6</u> Exhibit F – Proposed Notice of Pendency# <u>7</u> Exhibit G – Consent to Joinder) (Lusher, LaDonna) (Entered: 09/21/2007)
10/03/2007	<u>18</u>	NOTICE of a Change in the time for Oral Argument as per fax: The Oral Argument set for 10/5/2007 has been changed to 10:00 AM in courtroom 6C South before Judge John Gleeson. Defense counsel is directed to contact all parties involved regarding the new time. (Lee, Ilene) (Entered: 10/03/2007)
10/05/2007	<u>19</u>	Minute Order. Proceedings held before Judge John Gleeson : Case called. Plaintiffs represented by Lloyd R. Ambinder, Esq. and LaDonna M. Lusher, Esq. Defendants represented by Joseph M. Labuda, Esq. and Pantelis Skulikidis, Esq. Motion Hearing held on 10/5/2007 re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> filed by Armando Guzman, Jose Garcia. The court's decision is reserved. The defendants are directed to file their supplemental submissions and responses to this motion by 10/10/2007. (Court Reporter Henry Shapiro.) (Lee, Ilene) (Entered: 10/05/2007)
10/09/2007	<u>20</u>	AFFIDAVIT in Opposition re <u>9</u> MOTION for Extension of Time to File <i>opposition and reply papers Sur reply affirmation</i> filed by VLM, Inc. (Attachments: # <u>1</u> Exhibit A) (Newberger, Netanel) (Entered: 10/09/2007)
10/09/2007	<u>21</u>	RESPONSE in Opposition re <u>9</u> MOTION for Extension of Time to File <i>opposition and reply papers Sur reply brief</i> filed by VLM, Inc. (Newberger, Netanel) (Entered: 10/09/2007)
10/10/2007	<u>22</u>	RESPONSE in Support re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms and sur-reply to Defendants' submission of a DOL Report</i> filed by all plaintiffs. (Lusher, LaDonna) (Entered: 10/10/2007)
10/10/2007	<u>23</u>	RESPONSE in Support re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms and sur-reply to Defendants' submission of a DOL Report (with Exhibit A)</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A) (Lusher, LaDonna) (Entered: 10/10/2007)
10/10/2007	<u>24</u>	RESPONSE in Opposition re <u>8</u> First MOTION to Certify Class <i>for limited purpose of publication of FLSA notice of pendency and filing 'consent to joinder' forms</i> , <u>9</u> MOTION for Extension of Time to File <i>opposition and reply papers Sur Reply</i> filed by Joseph Vitacco. (Attachments: # <u>1</u> Exhibit A: DOL Report# <u>2</u> Exhibit B: Letter to DOL dated 3/27/06) (Dmoch, Gary) (Entered: 10/10/2007)

10/11/2007	<u>25</u>	ORDER granting in part and denying in part <u>8</u> Motion to Certify Class. Please see attached Memorandum and Order. Ordered by Judge John Gleeson on October 11, 2007. (Gleeson, John) (Entered: 10/11/2007)
10/15/2007	<u>26</u>	First MOTION for Extension of Time to File <i>Motion for class certification</i> by all plaintiffs. (Attachments: # <u>1</u>) (Ambinder, Lloyd) (Entered: 10/15/2007)
10/15/2007		ORDER granting <u>26</u> First MOTION for Extension of Time to File Motion for pre-class certification discovery due by 11/26/07, plaintiff's motion for class certification due by 12/17/07, defendant's opposition papers due by 1/7/08, and plaintiff's Reply due by 1/21/08. Ordered by Judge Ramon E. Reyes Jr. on 10/15/07. (Vertus, Miriam) (Entered: 10/15/2007)
10/19/2007	<u>27</u>	NOTICE by Armando Guzman, Jose Garcia <i>to publish notice of pendency</i> (Attachments: # <u>1</u> Text of Proposed Order FLSA Publication Order# <u>2</u> # <u>3</u>) (Ambinder, Lloyd) (Entered: 10/19/2007)
10/24/2007	<u>28</u>	ORDER directing changes to proposed notice. Please see attached order. Ordered by Judge John Gleeson on October 24, 2007. (Gleeson, John) (Entered: 10/24/2007)
10/24/2007	<u>29</u>	NOTICE by Armando Guzman, Jose Garcia <i>with revised Notice of Pendency and Consent to Joinder per Court's 10-24-07 Order</i> (Attachments: # <u>1</u> Revised Notice of Pendency per Court's 10-24-07 Order) (Ambinder, Lloyd) (Entered: 10/24/2007)
10/24/2007		ORDER: Plaintiffs are directed to file a proposed Order authorizing publication of the revised notice and consent to joinder forms submitted today, <u>29</u> . If the defendants have any objections that have not been addressed already, they shall make them by the end of the day today. Ordered by Judge John Gleeson on October 24, 2007. (Gleeson, John) (Entered: 10/24/2007)
10/25/2007	<u>30</u>	NOTICE by Armando Guzman, Jose Garcia <i>Letter and revised Publication Order, Notice of Pendency and Consent to Joinder</i> (Attachments: # <u>1</u> # <u>2</u> # <u>3</u>) (Ambinder, Lloyd) (Entered: 10/25/2007)
10/26/2007	<u>31</u>	ORDER/Notice of Pendency (Consent to Joinder attached). Ordered by Judge John Gleeson on 10/26/07. (Fernandez, Erica) (Entered: 10/26/2007)
10/26/2007	<u>32</u>	PUBLICATION ORDER: It is hereby ordered that on or before (30) days after entry of this Order, the plaintiffs or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form to be mailed by first class mail (see order for further details). Ordered by Judge John Gleeson on 10/26/07. (Fernandez, Erica) (Entered: 10/26/2007)
12/07/2007	<u>37</u>	CONSENT to become party in a class action. by Nawazish Ali Khan (Piper, Francine) (Entered: 01/09/2008)
12/14/2007		SCHEDULING ORDER: Telephone Conference set for 1/4/2008 at 11:15 AM, call to be initiated by plaintiff before Magistrate Judge Ramon E. Reyes Jr.. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 12/14/07. (Vertus, Miriam) (Entered: 12/14/2007)
12/17/2007	<u>33</u>	First MOTION to Certify Class by Armando Guzman, Jose Garcia. Responses due by 1/17/2008 (Attachments: # <u>1</u> Notice of Motion for Class Certification, # <u>2</u> Memo of Law, # <u>3</u> Declaration of Lloyd Ambinder, # <u>4</u> Exhibit Exhibits A through I, # <u>5</u> Affirmation of Service) (Ambinder, Lloyd) (Entered: 12/17/2007)
12/19/2007		ORDER: A response to the Motion for Class Certification, <u>33</u> , is due on or before January 17, 2008. A reply, if any, shall be due on or before January 28, 2008. Oral argument shall be held on February 8, 2008 at 9:30 AM. Ordered by Judge John Gleeson on December 19, 2007. (Gleeson, John) (Entered: 12/19/2007)
01/03/2008	<u>34</u>	First MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION to Certify Class by VLM, Inc. (Newberger, Netanel) (Entered: 01/03/2008)
01/04/2008	<u>35</u>	CONSENT to become party in a class action. by Armando Guzman, Jose Garcia (Virginia, Charles) (Entered: 01/04/2008)

01/04/2008	36	Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr:Telephone Conference held on 1/4/2008. Counsel for all parties present. Discussions held. Parties to submit consent scheduling order within thirty days of the entry of Judge Gleeson's order on the motion for class certification. If the motion is granted, the consent scheduling order must provide for the completion of all discovery and pretrial proceedings within 9 months, and provide blanks for the Court's entry of dates/time for 2 status and 1 final pretrial conference. If the motion is denied, the consent scheduling order must provide for the completion of discovery and all pretrial proceedings within 3 months, and provide a blank for the Court's entry of date/time for the final pretrial conference. (Court Reporter none.) (Reyes, Ramon) (Entered: 01/04/2008)
01/07/2008		ORDER granting in part and denying in part <u>34</u> Motion for Extension of Time to File Response/Reply: The motion to enlarge the time in which to respond to the motion for class certification is granted to the extent that the defendant's response is due on or before January 31, 2008. A reply, if any, is due on or before February 11, 2008. Oral argument shall be held on February 15, 2008 at 9:30 AM. Ordered by Judge John Gleeson on January 7, 2008. (Gleeson, John) (Entered: 01/07/2008)
01/29/2008	<u>38</u>	NOTICE by VLM, Inc re <u>31</u> Order, <u>32</u> Order, <i>request for Court to set deadline for collective action opt-in forms to be received by the Court</i> (Newberger, Netanel) (Entered: 01/29/2008)
01/29/2008	<u>39</u>	Letter MOTION to Take Deposition from Representative of VLM by Nawazish Ali Khan, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 01/29/2008)
01/29/2008	<u>40</u>	RESPONSE in Opposition re <u>39</u> Letter MOTION to Take Deposition from Representative of VLM filed by VLM, Inc. (Newberger, Netanel) (Entered: 01/29/2008)
01/29/2008		ORDER: The plaintiffs are directed to respond in writing, on or before February 6, 2008, to the defendants' request to impose a deadline on the collection of collective action opt-in forms, <u>38</u> . Ordered by Judge John Gleeson on January 29, 2008. (Gleeson, John) (Entered: 01/29/2008)
01/30/2008		SCHEDULING ORDER: Telephone Conference set for 1/31/2008 at 10:00 AM, call to be initiated by plaintiff, to discuss doc# <u>39</u> Letter MOTION to Take Deposition from Representative of VLM filed by Nawazish Ali Khan, Armando Guzman, Jose Garcia. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/30/2008. (Vertus, Miriam) (Entered: 01/30/2008)
01/31/2008		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr:Telephone Conference held on 1/31/2008. LaDonna Lusher for plaintiffs, Joseph Labuda and Netanel Newberger for defendants. Discussions held concerning plaintiffs' motion to take defendants' deposition <u>39</u> . Parties directed to contact Judge Gleeson's chambers concerning the motion as a decision on the motion will effect the oral argument date on plaintiffs' motion for class certification, which is currently scheduled to be heard before Judge Gleeson on 2/15/08. (Reyes, Ramon) (Entered: 01/31/2008)
01/31/2008	<u>41</u>	MOTION for Leave to File Excess Pages <i>to Defendant's Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification and Collective Action Status</i> by VLM, Inc. (Newberger, Netanel) (Entered: 01/31/2008)
01/31/2008		ORDER granting <u>41</u> Motion for Leave to File Excess Pages: The motion for leave to file excess pages is granted. Ordered by Judge John Gleeson on January 31, 2008. (Gleeson, John) (Entered: 01/31/2008)
01/31/2008	<u>42</u>	MEMORANDUM in Opposition <i>to Plaintiffs' Motion for Class Certification and in Support of Defendant's Cross-Motion to Dismiss Plaintiffs' Class Action Claims</i> filed by VLM, Inc. (Newberger, Netanel) (Entered: 01/31/2008)
01/31/2008	<u>43</u>	AFFIDAVIT/DECLARATION in Opposition re <u>33</u> First MOTION to Certify <i>Class Certification and in Support of Defendant's Cross-Motion to Dismiss Plaintiffs' Class Action Claims</i> filed by VLM, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A, # <u>4</u> Exhibit A, # <u>5</u> Exhibit A, # <u>6</u> Exhibit A, # <u>7</u> Exhibit A, # <u>8</u> Exhibit A, # <u>9</u> Exhibit A, # <u>10</u> Exhibit A, # <u>11</u> Exhibit A, # <u>12</u> Exhibit A, # <u>13</u> Exhibit A, # <u>14</u> Exhibit A, # <u>15</u> Exhibit A, # <u>16</u> Exhibit A, # <u>17</u> Exhibit A, # <u>18</u>

		Exhibit A, # <u>19</u> Exhibit A, # <u>20</u> Exhibit A, # <u>21</u> Exhibit B, # <u>22</u> Exhibit C, # <u>23</u> Exhibit C) (Newberger, Netanel) (Entered: 01/31/2008)
01/31/2008	<u>44</u>	AFFIDAVIT/DECLARATION in Opposition re <u>33</u> First MOTION to Certify Class <i>Opposition to Plaintiffs' Motion</i> filed by Joseph Vitacco. (Dmoch, Gary) (Entered: 01/31/2008)
02/01/2008	<u>45</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION to Certify Class, <u>42</u> Memorandum in Opposition, <u>44</u> Affidavit in Opposition to Motion, <u>43</u> Affidavit in Opposition to Motion,, by Nawazish Ali Khan, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 02/01/2008)
02/05/2008		ORDER granting <u>45</u> Motion for Extension of Time to File Response/Reply: The plaintiffs' reply and response to the cross-motion shall be due on or before February 18, 2008. The defendants' reply in support of their cross-motion shall be due on or before February 25, 2008. Oral argument shall be held on February 29, 2008 at 11:00 AM. Ordered by Judge John Gleeson on February 5, 2008. (Gleeson, John) (Entered: 02/05/2008)
02/06/2008	<u>46</u>	Letter to Judge Gleeson re; setting a bar-date to opt-in to FLSA class by Nawazish Ali Khan, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 02/06/2008)
02/08/2008		ORDER: The parties are directed to appear for a status conference at 9:30 AM on February 14, 2008 to discuss setting a deadline for the receipt of opt-in forms. Unless persuaded otherwise by the parties at the status conference, the court is inclined to authorize a renewed notice that is amended to advise potential class members that any opt-in forms received after April 15, 2008 will not be accepted absent a showing of good cause for the delay. Ordered by Judge John Gleeson on February 8, 2008. (Gleeson, John) (Entered: 02/08/2008)
02/11/2008	<u>47</u>	REPLY in Support of Notice by VLM, Inc. of request for Court to set deadline for collective action opt-in forms to be received by the Court filed by VLM, Inc. (Newberger, Netanel) (Entered: 02/11/2008)
02/14/2008	<u>48</u>	Minute Entry for proceedings held before Judge John Gleeson: Case called. Plaintiffs represented by Lloyd R. Ambinder, Esq. and LaDonna M. Lusher, Esq. Defendants represented by Joseph M. Labuda, Esq. and Gary J. Dmoch, Esq. Status Conference held on 2/14/2008. The court grants the posting of a second notice of lawsuit on the defendant. The parties are directed to work out the details and agreed upon area to post such notice by 2/21/08 and a status report of these agreed upon details shall be filed to the court by 2/21/08 as well. (Court Reporter Anthony Frisolone.) (Lee, Ilene) (Entered: 02/14/2008)
02/14/2008		ORDER: As stated on the record at today's appearance, the plaintiffs are authorized to issue a second notice substantially similar to the first notice, with the addition of language indicating that opt-in forms received after April 15, 2008 will be rejected unless good cause is shown for a delay. The notice shall direct potential plaintiffs to submit opt-in forms to the Clerk of Court and shall not inform them that they may submit these forms to the plaintiffs' law firm. The notice may inform potential plaintiffs that they can contact the Court at the Court's chambers telephone number to obtain copies of the opt-in form. The notice may be translated into Urdu and Spanish and shall be posted conspicuously, along with opt-in forms, in the defendants' workplace. The parties are directed to agree upon the content and form of the notice as well as the location and manner of its posting, and are directed to submit a written status report on February 21, 2008 advising if they have been able to do so. Ordered by Judge John Gleeson on February 14, 2008. (Gleeson, John) (Entered: 02/14/2008)
02/18/2008	<u>49</u>	REPLY in Support of Plaintiffs' motion for class certification and collective action status filed by Nawazish Ali Khan, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 02/18/2008)
02/18/2008	<u>50</u>	REPLY in Support of Plaintiffs' motion for class certification and collective action status filed by Nawazish Ali Khan, Armando Guzman, Jose Garcia. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F) (Lusher, LaDonna)

		(Entered: 02/18/2008)
02/21/2008	<u>51</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Armando Guzman, Jose Garcia (Virginia, Charles) (Entered: 02/21/2008)
02/21/2008	<u>52</u>	Letter <i>from Plaintiffs' counsel</i> by Nawazish Ali Khan, Armando Guzman, Jose Garcia (Attachments: # <u>1</u> Status letter regarding Notice of Pendency publication, # <u>2</u> Text of Proposed Order, # <u>3</u> Notice of Pendency and Consent of Joinder form) (Ambinder, Lloyd) (Entered: 02/21/2008)
02/25/2008		ORDER: The plaintiffs' proposed notice and publication order are "so ordered" provided that the plaintiffs remove the stray punctuation mark after the word "joinder" on the third page of the notice; provide 718-613-2453 as the chambers number to call in order to obtain a copy of the consent form; and add language directing non-English-speakers who call chambers requesting a consent form to state their name, the docket number (07-1126), and a telephone number at which they can be contacted. Ordered by Judge John Gleeson on February 25, 2008. (Gleeson, John) (Entered: 02/25/2008)
02/25/2008	<u>53</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Armando Guzman, Jose Garcia (Virginia, Charles) (Entered: 02/25/2008)
02/26/2008	<u>54</u>	REPLY in Support of <i>Class Certification Motion</i> filed by Nawazish Ali Khan, Marcelino Huerta, Armando Guzman, Jose Garcia. (Attachments: # <u>1</u> Letter to Judge Gleeson and affidavit of Huerta in support of class certification) (Ambinder, Lloyd) (Entered: 02/26/2008)
02/28/2008	<u>55</u>	REPLY to Response to Motion re <u>45</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION to Certify Class, <u>42</u> Memorandum in Opposition, <u>44</u> Affidavit in Opposition to Motion, <u>43</u> Affidavit in Opposition to Motion,, Letter MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION to Certify Class, <u>42</u> Memorandum in Opposition, <u>44</u> Affidavit in Opposition to Motion, <u>43</u> Affidavit in Opposition to Motion,, filed by VLM, Inc. (Attachments: # <u>1</u> Affidavit of J. Coppolo, # <u>2</u> Affidavit of Reliable Bakery employees (Part I), # <u>3</u> Affidavit of Reliable Bakery employees (Part II)) (Labuda, Joseph) (Entered: 02/28/2008)
02/28/2008	<u>56</u>	RESPONSE in Opposition re <u>45</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION to Certify Class, <u>42</u> Memorandum in Opposition, <u>44</u> Affidavit in Opposition to Motion, <u>43</u> Affidavit in Opposition to Motion,, Letter MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION to Certify Class, <u>42</u> Memorandum in Opposition, <u>44</u> Affidavit in Opposition to Motion, <u>43</u> Affidavit in Opposition to Motion,, <i>Supplemental timesheets of M. Huerta</i> filed by VLM, Inc. (Labuda, Joseph) (Entered: 02/28/2008)
02/29/2008	<u>57</u>	Minute Entry for proceedings held before Judge John Gleeson: Case called. Plaintiffs represented by Lloyd Ambinder, Esq. and LaDonna M. Lusher, Esq. Defendants represented by Joseph M. Labuda, Esq. and Gary J. Dmoch, Esq. Oral Argument held on 2/29/2008 re <u>33</u> First MOTION to Certify Class filed by Armando Guzman, Jose Garcia. The court's decision is reserved. A decision will be filed separately via ECF. (Court Reporter Marie Foley.) (Lee, Ilene) (Entered: 02/29/2008)
03/02/2008	<u>58</u>	ORDER granting <u>33</u> Motion to Certify Class on the condition that the plaintiffs waive their claims for liquidated damages. Please see attached memorandum and order. Ordered by Judge John Gleeson on March 2, 2008. (Gleeson, John) (Entered: 03/02/2008)
03/20/2008	<u>59</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 03/20/2008)
03/25/2008	<u>104</u>	CONSENT to become party in a class action by Jose Luis Roque. (Piper, Francine) (Entered: 09/05/2008)
03/26/2008	<u>60</u>	Letter to Judge Gleeson re notice of pendency posting by Nawazish Ali Khan, Marcelino Huerta, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 03/26/2008)

03/26/2008		ORDER TO SHOW CAUSE: The parties are directed to appear for a status conference at 2:00 PM on March 27, 2008, where the defendants shall orally show cause why the relief requested in the plaintiffs' letter of March 25, 2008, <u>60</u> , should not be granted. Ordered by Judge John Gleeson on March 26, 2008. (Gleeson, John) (Entered: 03/26/2008)
03/26/2008	<u>61</u>	NOTICE of Status Conference Adjournment as per fax from defense counsel: The new status conference date is set for Monday 3/31/2008 at 11:00 AM in courtroom 6C South before Judge John Gleeson. (Lee, Ilene) (Entered: 03/26/2008)
03/28/2008	<u>62</u>	Letter to Judge Gleeson in response to Plaintiffs' letter re notice of pendency posting by VLM, Inc (Newberger, Netanel) (Entered: 03/28/2008)
03/28/2008	<u>63</u>	AFFIDAVIT/AFFIRMATION re <u>62</u> Letter to Judge Gleeson in response to Plaintiffs' letter re notice of pendency posting by VLM, Inc (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F Part One, # <u>7</u> Exhibit F Part Two) (Newberger, Netanel) (Entered: 03/28/2008)
03/31/2008	<u>64</u>	Minute Entry for proceedings held before Judge John Gleeson: Case called. Plaintiffs represented by Lloyd Ambinder, Esq. Defendants represented by Joseph Labuda, Esq.; Gary Dmoch, Esq.; and Netanel Newberger, Esq. Status Conference held on 3/31/2008 in re: letter application regarding Notice of Pendency Posting filed by defendants. The application was GRANTED in part and DENIED in part. The Court grants: (1) Defendants shall post a second set of opt-in forms by the original time-clock location. (2) Photographs shall be taken of this location and supplied to plaintiff's counsel and to the court. (3) The time-clock shall not be moved again from its current location. A set of opt-in forms shall remain by the time-clock. (4) Additional photographs shall be taken from the old time-clock location and including the area around that location. These photos shall be supplied to the court for a 360 degree view of the factory area. (5) The opt-in deadline has been extended to May 31, 2008. (6) Defense counsel shall serve defendant, Joseph Vitacco, a copy of today's conference transcript by no later than April 4, 2008. (7) Defendants are to comply with the court's order today and subsequently. If not, the defendant Joseph Vitacco may be held in contempt of the court through an order to show cause. The Court DENIES (1) Defendant's application to move the time-clock again. (2) Plaintiff's application to visit and inspect the factory premises. (Court Reporter Nicole Warren.) (Lee, Ilene) (Entered: 03/31/2008)
03/31/2008	<u>65</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 03/31/2008)
04/02/2008	<u>66</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 04/02/2008)
04/02/2008	<u>105</u>	CONSENT to become party in a class action. by Jhou A. Ovellana (Piper, Francine) (Entered: 09/08/2008)
04/04/2008	<u>67</u>	Letter to Judge Gleeson Regarding Notices by Joseph Vitacco (Dmoch, Gary) (Entered: 04/04/2008)
04/04/2008	<u>68</u>	Letter to Judge Gleeson Regarding Forms by Joseph Vitacco (Dmoch, Gary) (Entered: 04/04/2008)
04/04/2008	<u>69</u>	Letter to Judge Gleeson requesting that opt-out form be placed in the Notice of Pendency by VLM, Inc (Attachments: # <u>1</u> Exhibit A) (Newberger, Netanel) (Entered: 04/04/2008)
04/07/2008		ORDER: The plaintiffs are directed to respond to VLM's April 4, 2008 letter regarding the notice of pendency for the Rule 23 class action, <u>69</u> , on or before April 14, 2008. I am inclined, unless the plaintiffs persuade me otherwise, to authorize notice substantially identical to the defendant's proposed notice including opt-out forms, but in order to minimize confusion, without any opt-in forms or language instructing the plaintiffs how to file opt-in forms. Ordered by Judge John Gleeson on April 7, 2008. (Gleeson, John) (Entered: 04/07/2008)
04/14/2008	<u>70</u>	REPLY in Opposition to Defendants' Letter Application for an Opt-Out Form filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A) (Lusher, LaDonna) (Entered: 04/14/2008)

		04/14/2008)
04/15/2008		ORDER: The notice of pendency of the Rule 23 class action shall be substantially identical to the defendants' proposed notice, and shall include an opt-out form, but in order to minimize confusion it shall not include any language instructing the plaintiffs how to file opt-in forms and shall not include an opt-in form. Ordered by Judge John Gleeson on April 15, 2008. (Gleeson, John) (Entered: 04/15/2008)
04/21/2008	<u>71</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 04/21/2008)
04/21/2008	<u>72</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 04/21/2008)
04/22/2008	<u>73</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 04/22/2008)
04/22/2008	<u>74</u>	CONSENT to become party in a class action by Nelson Andres Rios. (Abdallah, Fida) (Entered: 04/22/2008)
04/22/2008	<u>106</u>	CONSENT to become party in a class action by Fidel Martinez. (Piper, Francine) (Entered: 09/08/2008)
04/23/2008	<u>107</u>	CONSENT to become party in a class action by Victorino Barrera Hernandez. (Piper, Francine) (Entered: 09/08/2008)
04/25/2008	<u>108</u>	CONSENT to become party in a class action by Fernando Herrera. (Piper, Francine) (Entered: 09/08/2008)
05/02/2008	<u>75</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 05/02/2008)
05/02/2008	<u>76</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 05/02/2008)
05/06/2008	<u>77</u>	Letter to Judge Gleeson regarding improper solicitation of employees by VLM, Inc (Attachments: # <u>1</u> Exhibit A) (Newberger, Netanel) (Entered: 05/06/2008)
05/08/2008	<u>78</u>	Letter from Lloyd ambinder in response to Newberger 5/6/08 letter by Marcelino Huerta (Ambinder, Lloyd) (Entered: 05/08/2008)
05/08/2008		ORDER: The defendants' motion to change the deadline for opt-in forms to be received, <u>77</u> , is denied. The defendants' motion to "impose a bar against any people who have opted into this action from soliciting other employees to join this matter," <u>77</u> , is denied without prejudice to renewal upon an application setting forth the legal basis on which such relief is sought and proposing an order which makes clear exactly what conduct is prohibited. Ordered by Judge John Gleeson on May 8, 2008. (Gleeson, John) (Entered: 05/08/2008)
05/09/2008	<u>82</u>	OPT-OUT FORM filed by Fernando Flores, Javier Chavez San German, Arnold Chai, Alberto Hernandez, Jose Acevedo, Juan Carlos Rodriguez, Jesus Martinez Garcia, Diego Marulanda, Fernando Galindo Gonzalez. (Piper, Francine) (Entered: 05/21/2008)
05/09/2008	<u>83</u>	OPT OUT FORMS filed by MaryAnn Vitacco, Vito Vitale, Chuadry Igbal Haji, Jarod Coppolo, Raheel Abbas, Catherine Maher, Jameed Baskh. (Piper, Francine) (Entered: 05/21/2008)
05/12/2008	<u>81</u>	Opt-Out Forms filed by Joseph Livorsi, Naseeb Ahmad, Nadine DeMonda and Anton Borgic. (Piper, Francine) (Entered: 05/19/2008)
05/12/2008	<u>84</u>	OPT-OUT FORMS filed by Danile Lazcano Garcia, Luis Perez, Francisco Cecilio Campos, F [rancis] co Javier Joya, Eulalio Lopez, Gabriel Segovia, Vicente Lopez, Julio Martinez Garcia, Braulio Primero Analco, Evaristo Rosales, David Zainos,

		Omar Viscarra, Carlos Martinez, Guillermo Hernandez Esteban. (Piper, Francine) (Entered: 05/21/2008)
05/13/2008	<u>85</u>	OPT-OUT FORM filed by Jorge Torres, Guido N. Aguilar, Josue Gonzalez, Albaro Lopes. (Piper, Francine) (Entered: 05/21/2008)
05/14/2008	<u>91</u>	CONSENT to become party plaintiff in a class action. by Nawazish Ali Khan (Piper, Francine) (Entered: 05/23/2008)
05/15/2008	<u>86</u>	OPT-OUT FORM filed by Iasadaq Hussain, Qurban Baig. (Piper, Francine) (Entered: 05/21/2008)
05/15/2008	<u>90</u>	OPT-OUT FORMS filed by Nicolas Hernandez, Oswaldo Cordero, Luis Mendoza, Daniel Marino. (Piper, Francine) (Entered: 05/23/2008)
05/16/2008	<u>79</u>	Proposed Scheduling Order by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia, VLM, Inc, Joseph Vitacco (Attachments: # <u>1</u> Proposed Order Regarding Scheduling) (Lusher, LaDonna) (Entered: 05/16/2008)
05/16/2008	<u>80</u>	SCHEDULING ORDER: All Discovery to be completed by 12/1/2008. Final Pretrial Conference set for 12/5/2008 at 10:00 AM before Magistrate Judge Ramon E. Reyes Jr., In person Status Conference set for 11/5/2008 at 10:00 AM in Courtroom A North before Magistrate Judge Ramon E. Reyes Jr., In person Status Conference set for 10/2/2008 at 10:00 AM in Courtroom A North before Magistrate Judge Ramon E. Reyes Jr. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 5/16/2008. (Vertus, Miriam) (Entered: 05/19/2008)
05/19/2008	<u>88</u>	OPT-OUT FORM filed by Joseph Savatore, Provvidenza Gebbia, Frank Vitacco, Andrea Plastina, Joseph Vitacco. (Piper, Francine) (Entered: 05/21/2008)
05/19/2008		Incorrect Case/Document/Entry Information. Document no 87 has been deleted due to duplicated document of no. 88. (Piper, Francine) (Entered: 05/22/2008)
05/20/2008	<u>89</u>	OPT-OUT FORMS filed by Anthony Meola, William Maggio, Anthony Tart, Jerry Mandaro, Christopher Curigle, Christopher Ermandis, Anthony Torturella. (Piper, Francine) (Entered: 05/21/2008)
05/20/2008	<u>92</u>	OPT-OUT FORM filed by Gevani Chaj (Piper, Francine) (Entered: 05/27/2008)
05/22/2008	<u>93</u>	OPT-OUT FORM filed by Aneta Macikonska, Majid Khan, Cristine Polito. (Piper, Francine) (Entered: 05/28/2008)
05/23/2008	<u>94</u>	OPT-OUT FORM filed by Martha Martinez, Carmelo Scinndra. (Piper, Francine) (Entered: 05/28/2008)
05/27/2008	<u>95</u>	OPT-OUT FORM filed by Andrea Viola, Thomas Ruff, Peter Ruggeri, Angela Bartolone, Michael Bolino, Salvatore Siawgula, Giovanni Lodvca, Anthony Peduto. (Piper, Francine) (Entered: 06/02/2008)
05/27/2008	<u>97</u>	OPT-OUT FORM filed by Francisco Celderon Zacatelco. (Piper, Francine) (Entered: 06/04/2008)
05/30/2008	<u>96</u>	OPT-OUT FORM filed by Marcelino Carrasco. (Piper, Francine) (Entered: 06/02/2008)
06/04/2008	<u>98</u>	OPT-OUT FORM: by Carmela Loduca (Lagana, Michael) (Entered: 06/11/2008)
06/06/2008	<u>99</u>	OPT-OUT FORM by Maria Gebbia (Lagana, Michael) (Entered: 06/11/2008)
06/09/2008	<u>102</u>	OPT-OUT FORMS filed by Fernando Peralta, Margarito Cruz, and Louis Munive (Piper, Francine) (Entered: 06/17/2008)
06/12/2008	<u>100</u>	OPT-OUT FORM by Ernesto Lopez (Lagana, Michael) (Entered: 06/12/2008)
06/12/2008	<u>101</u>	OPT-OUT FORM for Thomas J. Dufficy (Lagana, Michael) (Entered: 06/12/2008)
06/13/2008	<u>103</u>	OPT-OUT FORM filed by Emerson Gonzalez and Pablo Lazcano Sanchez. (Piper, Francine) (Entered: 06/23/2008)

09/10/2008	<u>109</u>	OPT-IN FORM filed by Jose Maximo Garcia. (Piper, Francine) (Entered: 09/10/2008)
09/10/2008		Judge Kiyo A Matsumoto added. Judge John Gleeson no longer assigned to case. (Vaughn, Terry) (Entered: 09/10/2008)
10/02/2008	<u>110</u>	Minute Order for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Status Conference held on 10/2/2008. Counsel for all parties present. Ruling re <u>39</u> Motion to Take Deposition " terminating as moot ". The parties report that paper discovery is largely completed but for request that may arise during depositions. Twelve employees have been identified as belonging to the Rule 33 class. Parties in process of scheduling defendant's depositions (Messrs. Vitacco & Coppolo); plaintiff's depositions (12 "option" & sampling of Rule 23 class members. Parties discussing settlement. Further proceedings pursuant to existing schedule <u>80</u> . The 11/5/08 conference will be a Status/Settlement conference. (Tape #10:13:44-10:31:43.) (Vertus, Miriam) (Entered: 10/03/2008)
10/06/2008	<u>111</u>	CONSENT to become party in a class action. by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia (Ambinder, Lloyd) (Entered: 10/06/2008)
11/03/2008	<u>112</u>	Letter re: status conference and discovery by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia (Lusher, LaDonna) (Entered: 11/03/2008)
11/03/2008	<u>113</u>	MOTION to Adjourn Conference by VLM, Inc. (Labuda, Joseph) (Entered: 11/03/2008)
11/03/2008		ORDER granting <u>113</u> Motion to Adjourn 11/5/08 Status Conference to 11/13/2008 at 12:30 PM in Courtroom A North before Magistrate Judge Ramon E. Reyes Jr. (Vertus, Miriam) (Entered: 11/03/2008)
11/07/2008	<u>114</u>	Letter MOTION to Adjourn Conference on 11-8-08 from 12:30 to 4:30 pm by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Ambinder, Lloyd) (Entered: 11/07/2008)
11/07/2008		ORDER re <u>114</u> Letter MOTION to Adjourn TIME of Status Conference. The 11/13/2008 Status Conference is moved from 12:30 PM to 4:30 PM. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 11/7/2008. (Rivera, Marta) (Entered: 11/07/2008)
11/14/2008		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Status Conference held on 11/14/2008. Lloyd Ambinder and LaDonna Lusher for plaintiffs, Joseph Labuda for defendant. Discussions held. Parties to submit letter briefs on opt-in deposition issue by 11/21/08. 12/5 conference adjourned. final pretrial conference will be held on 12/16/06 at 2:00 p.m. Discovery extended to 12/16/08. Parties urged to discuss settlement and structure of settlement conference, and advise the court promptly whether settlement will be discussed at the 12/16 conference. (Tape #4:37:07-5:35:32.) (Reyes, Ramon) (Entered: 11/14/2008)
11/20/2008	<u>115</u>	Letter MOTION for Protective Order <i>precluding depositions of every opt-in Plaintiff</i> by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 11/20/2008)
11/21/2008	<u>116</u>	RESPONSE in Opposition re <u>115</u> Letter MOTION for Protective Order <i>precluding depositions of every opt-in Plaintiff</i> filed by VLM, Inc. (Attachments: # <u>1</u> Exhibit A) (Newberger, Netanel) (Entered: 11/21/2008)
11/21/2008	<u>117</u>	RESPONSE in Opposition re <u>115</u> Letter MOTION for Protective Order <i>precluding depositions of every opt-in Plaintiff</i> filed by Joseph Vitacco. (Dmoch, Gary) (Entered: 11/21/2008)
11/21/2008		ORDER granting in part and denying in part <u>115</u> Motion for Protective Order. After reviewing the parties submissions and considering their arguments, the Court will permit defendants to take the depositions of the two named plaintiffs and five opt-in plaintiffs (selected at defendants' discretion), prior to the 12/16/08

		settlement conference. Each opt-in deposition will be limited to 3.5 hours. Should the case not settle at the 12/16/08 conference, the Court will discuss with the parties the scheduling of further depositions. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 11/21/08. (Reyes, Ramon) (Entered: 11/21/2008)
12/09/2008		ORDER. Having been notified that settlement will be discussed at the upcoming conference on 12/16/2008, the parties are directed to submit, BY FAX, confidential settlement letters to the court by 12/12/2008. Given the unusual nature of this litigation, these letters should reflect, to the extent possible, the parties' bottom line position on settlement. Counsel shall ensure that persons with settlement authority are available during the conference. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 12/9/2008. (Rodriguez, Adam) (Entered: 12/09/2008)
12/16/2008		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Settlement Conference held on 12/16/2008. All counsel present. Discussion held. Case not settlement. Defendant's letter motion of Protective Order due by 12/19/08; Plaintiff's reply due by 12/24/08. Discovery to close on 1/29/2009. In person Final Pretrial Conference set for 1/29/2009 at 2:00 PM in Courtroom A North Wing before Magistrate Judge Ramon E. Reyes Jr. (Vertus, Miriam) (Entered: 12/16/2008)
12/17/2008	<u>118</u>	First MOTION for Extension of Time to File <i>Letter Motion for Protective Order</i> by VLM, Inc. (Newberger, Netanel) (Entered: 12/17/2008)
12/17/2008		ORDER granting <u>118</u> Motion for Extension of Time to File. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 12/17/08. (Reyes, Ramon) (Entered: 12/17/2008)
12/22/2008	<u>119</u>	Letter MOTION for Protective Order by VLM, Inc. (Labuda, Joseph) (Entered: 12/22/2008)
12/31/2008	<u>120</u>	RESPONSE in Opposition re <u>119</u> Letter MOTION for Protective Order filed by all plaintiffs. (Lusher, LaDonna) (Entered: 12/31/2008)
01/03/2009		ORDER denying <u>119</u> Motion for Protective Order. Defendants (and the individual witnesses) have not established good cause for the protective order pursuant to FRCP 26(c). The information sought (whether non-class members and managers were paid cash wages and whether they know if VLM reported those cash wages on the employees/managers W-2 forms) is not privileged. Further, the information sought is relevant (to establish that defendants "engaged in a pattern and practice of paying their employees in cash on a regular basis 'off the books'"). The information is also not sought for purposes of harassment, oppression, or embarrassment. Moreover, plaintiffs have proffered that they will not inquire of the witnesses whether they reported their cash wages on their personal tax returns. The cases cited by defendants are inapposite, and their objections to the information sought are overruled. Other objections to particular questions asked will be handled as they arise at each deposition. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/4/08. (Reyes, Ramon) (Entered: 01/03/2009)
01/20/2009	<u>121</u>	First MOTION for Discovery <i>Production of Defendants' witnesses for deposition</i> by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Ambinder, Lloyd) (Entered: 01/20/2009)
01/20/2009	<u>122</u>	RESPONSE in Opposition re <u>121</u> First MOTION for Discovery <i>Production of Defendants' witnesses for deposition</i> filed by Joseph Vitacco. (Dmoch, Gary) (Entered: 01/20/2009)
01/21/2009		ORDER granting <u>121</u> Motion for Discovery. Defendants to provide plaintiffs with dates for the requested depositions no later than January 23, 2009. Unless the parties agree otherwise, the depositions will not be stayed pending settlement discussions. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/21/2009. (Reyes, Ramon) (Entered: 01/21/2009)
01/29/2009		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Initial Pretrial Conference held on 1/29/2009. Lloyd Ambinder, Esq and LaDonna Lusher, Esq for plaintiffs, Joseph Labuda, Esq for defendants VLM, Inc., Gary Dmoch, Esq for defendant for Joseph Vitacco. Discussions held. Rulings on the record. Parties to split the cost of transcript. (Contact the ESR Dept.

		(718)613-2390 to order the transcript) Tape #2:18:05-2:23:32 cont. 3:11:54 -3:40:03.) (Vertus, Miriam) (Entered: 01/29/2009)
01/29/2009		SCHEDULING ORDER: In person Final Pretrial Conference set for 5/14/2009 @2:00 PM before Magistrate Judge Ramon E. Reyes Jr. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/29/2009. (Vertus, Miriam) (Entered: 01/29/2009)
02/06/2009	<u>123</u>	Letter MOTION for Protective Order by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 02/06/2009)
02/16/2009	<u>124</u>	Letter <i>regarding notice of settlement of matter in principal</i> by VLM, Inc (Newberger, Netanel) (Entered: 02/16/2009)
02/19/2009		ORDER re <u>124</u> Letter regarding notice of settlement of matter in principal filed by VLM, Inc. The parties are directed to file a stipulation of discontinuance no later than 3/16/09. 5/14/2009 Final Pretrial conference is adjourned sine die. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 2/19/2009. (Vertus, Miriam) (Entered: 02/19/2009)
02/24/2009	<u>126</u>	USCA MANDATE – Petitioners VLM Inc. and Joseph Vitacco move, pursuant to Federal Rules of Civil Procedure 23(f), for leave to appeal the District Court's order granting Respondents' motion for class certification. It is Ordered that the petition is denied because an immediate appeal is unwarranted. Issued as Mandate: 2/03/09. USCA#08-1395-mv. (McGee, Mary Ann) (Entered: 03/19/2009)
03/16/2009	<u>125</u>	Letter MOTION for Extension of Time to File <i>stipulation of discontinuance</i> by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 03/16/2009)
03/16/2009		ORDER granting <u>125</u> Motion for Extension. The parties are directed to file a stipulation of discontinuance no later than 3/25/09. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 3/16/2009. (Rodriguez, Adam) (Entered: 03/16/2009)
03/25/2009	<u>127</u>	Letter MOTION for Extension of Time to File <i>stipulation of settlement</i> by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 03/25/2009)
03/26/2009		ORDER granting <u>127</u> Letter MOTION for extension of time to file stipulation of settlement by March 27, 2009. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 3/26/2009. (Rivera, Marta) (Entered: 03/26/2009)
03/31/2009		SCHEDULING ORDER: Telephone Conference set for 4/6/2009 at 10:15 AM before Judge Reyes. Plaintiffs' counsel is to initiate the call and dial chambers when all parties are on the line. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 3/31/2009. (Rivera, Marta) (Entered: 03/31/2009)
04/06/2009		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Telephone Conference held on 4/6/2009. All counsel present by telephone. Discussions held. Rulings on the record. Fairness hearing set for 6/16/09@10:30 AM (ESR Dept.(SMG) FTR Folder) (Vertus, Miriam) (Entered: 04/07/2009)
04/06/2009		SCHEDULING ORDER: Fair Hearing set for 6/16/2009 @10:30 AM in Courtroom A North before Magistrate Judge Ramon E. Reyes Jr. (Vertus, Miriam) (Entered: 04/07/2009)
04/07/2009	<u>128</u>	CONSENT ORDER: The parties hereby consent to have Magistrate Judge Ramon E. Reyes, Jr. oversee all aspect of the settlement process including terms of the Implementing Order, and conducting the Fairness Hearing. Judge Reyes shall not participate in, or oversee any aspect of the Rule 23 Disputed Claim process. So Ordered by Magistrate Judge Ramon E. Reyes, Jr on 4/7/2009. (Vertus, Miriam) (Entered: 04/07/2009)
04/08/2009		ORDER re <u>128</u> Consent Order in which the parties consent to the action remaining before Judge Reyes for all purposes. The court hereby approves and "So Orders" the parties' Consent Order. Ordered by Judge Kiyoo A. Matsumoto on 4/8/2009. (Matsumoto, Kiyoo) (Entered: 04/08/2009)

04/08/2009	<u>129</u>	ORDER re <u>128</u> Consent Order. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 4/8/2009. (Attachments: # <u>1</u> Ex. A – Notice of Settlement, # <u>2</u> Ex. B – Notice, # <u>3</u> Ex. C – Proof of Claim) (Rodriguez, Adam) (Entered: 04/08/2009)
04/17/2009	<u>130</u>	TRANSCRIPT of Proceedings held on 1/29/09, before Judge Reyes. Court Transcriber ARIA TRANSCRIPTIONS, Telephone number 215–767–7700. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/8/2009. Redacted Transcript Deadline set for 5/18/2009. Release of Transcript Restriction set for 7/16/2009. (Hong, Loan) (Entered: 04/17/2009)
05/12/2009	<u>131</u>	Letter MOTION to Adjourn Conference <i>regarding pretrial matters</i> by Nawazish Ali Khan, Marcelino Huerta, Jhou A. Ovellana, Nelson Andres Rios, Armando Guzman, Jose Garcia. (Lusher, LaDonna) (Entered: 05/12/2009)
05/12/2009		ORDER granting <u>131</u> Motion to Adjourn 5/14/2009 final Pre–trial Conference sine die. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 5/12/2009. (Vertus, Miriam) (Entered: 05/13/2009)
06/16/2009	<u>132</u>	Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Fair Hearing Settlement Conference held on 6/16/2009. Plaintiffs represented by Lloyd R. Ambinder, Esq. and LaDonna M. Lusher, Esq. Defendants represented by Joseph M. Labuda, Esq. and Gary J. Dmoch, Esq. Discussions held. Parties to submit a final order of settlement due on 7/16/2009. The Court rules that proposed settlement is fair. No objections to settlement were filed and no objections made on the record. (Tape #10:50:37 – 11:00:06.) (Vertus, Miriam) (Entered: 06/17/2009)
07/17/2009	<u>133</u>	SETTLEMENT AGREEMENT <i>Final Order</i> by Jose Garcia, Armando Guzman, Marcelino Huerta, Nawazish Ali Khan, Jhou A. Ovellana, Nelson Andres Rios (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit A) (Lusher, LaDonna) (Entered: 07/17/2009)
08/14/2009	<u>134</u>	ORDER re <u>133</u> Settlement Agreement. Having previously found that the proposed settlement is fair and reasonable (especially in light of the fact that no objections to said settlement were filed or raised at the 6/16/09 fairness hearing), the Final Order approving the settlement in this matter is So Ordered. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 8/14/2009. (Rodriguez, Adam) (Entered: 08/14/2009)
09/29/2009		ORDER terminating <u>123</u> Motion for Protective Order. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 9/29/2009. (Vertus, Miriam) (Entered: 09/30/2009)
01/13/2010		SCHEDULING ORDER: The Court will initiate the Telephone Conference set for 1/14/2010 at 11:00 AM before Magistrate Judge Ramon E. Reyes Jr. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/13/2010. (Vertus, Miriam) (Entered: 01/13/2010)
01/14/2010		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Telephone Conference held on 1/14/2010. Plaintiffs represented by Lloyd R. Ambinder, Esq., Defendants represented by Joseph M. Labuda, Esq. Discussions held. Status Report due by 1/20/2010. (Tape #10:59:00–11:04:08.) (Vertus, Miriam) (Entered: 01/14/2010)
01/25/2010	<u>135</u>	STATUS REPORT <i>re settlement of disputed claims</i> by Jose Garcia, Armando Guzman, Marcelino Huerta, Nawazish Ali Khan, Jhou A. Ovellana, Nelson Andres Rios (Ambinder, Lloyd) (Entered: 01/25/2010)
01/26/2010		STATUS REPORT ORDER re <u>135</u> Status Report re settlement of disputed claims. Status report on two remaining disputed claims due on 2/26/2010. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 1/26/2010. (Rivera, Marta) (Entered: 01/26/2010)
02/17/2010	<u>136</u>	First MOTION for Settlement <i>order</i> by Class Plaintiffs. (Attachments: # <u>1</u> Exhibit 1–25–10 Status report letter) (Ambinder, Lloyd) (Entered: 02/17/2010)
02/18/2010	<u>137</u>	Letter <i>to Judge Reyes regarding payment to class members</i> by VLM, Inc (Labuda, Joseph) (Entered: 02/18/2010)

09/21/2010		ORDER: The parties are directed to file a stipulation of dismissal no later than 9/24/10. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 9/21/2010. (Vertus, Miriam) (Entered: 09/21/2010)
09/24/2010	<u>138</u>	STIPULATION of Dismissal by Jose Garcia, Armando Guzman, Marcelino Huerta, Nawazish Ali Khan, Jhou A. Ovellana, Class Plaintiffs, Nelson Andres Rios (Lusher, LaDonna) (Entered: 09/24/2010)
09/28/2010	<u>139</u>	ORDER DISMISSING CASE: SO ORDERED. Ordered by Judge Kiyo A. Matsumoto on 9/27/2010. (Williams-Jackson, Sandra) (Entered: 09/28/2010)