

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BALTIMORE FIELD OFFICE**

William H. Tschappat,)	
)	EEOC Case No.: 531-2018-00316X
Class Agent,)	
)	Agency Case No. 98-05-115
v.)	
)	Enechi A. Modu
R. Alexander Acosta, Secretary,)	Administrative Judge
U.S. Department of Labor.)	
)	DATE: February 14, 2019
Agency.)	
)	
)	
)	

ORDER

On Thursday, February 14, 2019, Administrative Judge Enechi A. Modu and counsel for the Class and for the Agency met for an in-person status conference at the Baltimore EEOC Office.

Administrative Judge Modu ORDERS that the parties will adhere to the following schedule for discovery, dispositive motions, pre-hearing procedures, and hearing:

SCHEDULING ORDER

The parties will work cooperatively with each other, and to alert each other and the Administrative Judge as soon as possible if they will be unable to meet any of the following deadlines. The parties agree to serve all discovery, discovery responses, and motions on each other electronically. Should either or both parties need to modify the following schedule, the moving party will confer with opposing counsel and alert the Administrative Judge via e-mail as soon as possible, preferably with the consent of the non-moving party, prior to the deadline. If a deadline falls on a weekend or holiday, the deadline will default to the next business day.

Fact Discovery

- **November 30, 2018:** Deadline for parties to initiate written discovery. Written requests may be served in more than one set. Responses to written discovery requests are due 30 calendar days after service.
- **March 15, 2019:** Deadline for Class counsel to identify additional Class agents. As part of identifying the additional Class agents, Class counsel will provide, with as much specificity as possible, the promotion opportunities to which the additional Class agents applied, and when they applied.
- **May 31, 2019:** Deadline for all written discovery requests and to notice depositions. Upon good cause shown, the deadline to notice depositions may be extended to April 15, 2019.
- **Motions to Compel:** In the event of a discovery dispute, the parties will make every attempt to resolve the dispute without involving the Administrative Judge. The parties will notify each other of any discovery dispute within 15 calendar days of receiving a deficient response/no response, whichever is earlier. The parties will then have 14 days to resolve the dispute between themselves before filing a Motion to Compel. The responding party will have 10 days to file a response, and the moving party will have 5 days to file a reply. The failure to timely file objections and/or to follow these procedures may result in objections being waived
- **July 1, 2019:** Close of Fact Discovery.

Expert Discovery

- **February 28, 2019:** Deadline to identify expert witnesses in accordance with rule 26(a). The Agency has requested supplemental information regarding the Class expert, Dr. Rebecca Klemm. Specifically, the Agency has asked Class counsel to supplement its

disclosures by providing information about Dr. Klemm's testimony from September 3, 2004 to September 3, 2008 and her rate of pay for the first part of this case. Class counsel will provide this information no later than February 28, 2019.

- **August 30, 2019:** Deadline to exchange expert reports.
- **October 4, 2019:** Deadline to exchange expert rebuttal reports.
- **November 8, 2019:** Deadline to complete expert depositions, except for good cause shown.

Dispositive Motions


- **December 6, 2019:** Deadline for dispositive motions.
- **December 27, 2019:** Deadline for responses to dispositive motions.
- **January 6, 2020:** Deadline for replies to responses to dispositive motions.

Hearing

- **February 28, 2020:** Deadline for Prehearing Submissions
- **March 13, 2020:** Prehearing Conference
- **May 11-May 22, 2020:** Hearing

It is so ORDERED.

For the Commission:



ENECHI A. MODU
ADMINISTRATIVE JUDGE