

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

**JENNIFER HASEMANN and DEBBIE HOTH,
individually and on behalf of all others similarly
situated,**

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 1:15-cv-02995-MKB-RER

**PROPOSED CONSOLIDATION AND
CASE SCHEDULING ORDER ON
CONSENT**

**JEREMY GREENE and CETARIA
WILKERSON, individually and on behalf of all
others similarly situated,**

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 1:16-cv-1153-MKB-RER

**PROPOSED CONSOLIDATION AND
CASE SCHEDULING ORDER ON
CONSENT**

**WENDY MANEMEIT, individually and on behalf
of all others similarly situated,**

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 2:17-cv-00093-JFB-AYS

**PROPOSED CONSOLIDATION AND
CASE SCHEDULING ORDER ON
CONSENT**

**NOTICE OF MOTION ON CONSENT TO
CONSOLIDATE CASES FOR DISCOVERY AND PRETRIAL PURPOSES**

PLEASE TAKE NOTICE, that, on a date and time to be determined by the Court, Defendant Gerber Products Co. (“Gerber”), through its counsel Kelley Drye & Warren LLP, will move this Court at a date and time to be determined by the Court, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn New York 11201, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate *Jennifer Hasemann and Debbie Hoth et al. v. Gerber Products Co.*, No. 15-cv-02995-MKB-RER (E.D.N.Y.) (the “Hasemann Action”) with two virtually identical actions styled *Greene et al. v. Gerber Prods. Co.*, No. 16-cv-1153-MKB-RER (E.D.N.Y.) and *Manemeit et al. v. Gerber Prods. Co.*, No. 2:17-cv-00093-JFB-AYS (E.D.N.Y.), for discovery and other pretrial purposes, along with such other, further, and different relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, in support of this Motion, Gerber shall rely on its supporting Memorandum of Law, dated January 17, 2017, and all pleadings filed in this action.

PLEASE TAKE FURTHER NOTICE, that Gerber’s motion is being made with the consent of Plaintiffs.

This motion is supported by the accompanying memorandum of law, dated January 18, 2017 and a proposed order.

Respectfully submitted:

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Dated: January 18, 2017

*Attorneys for Defendant
Gerber Products Co.*

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January, 2017, I caused to be served the attached NOTICE OF MOTION ON CONSENT TO CONSOLIDATE CASES FOR DISCOVERY AND PRETRIAL PURPOSES NOTICE OF APPEARANCE in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants.

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Dated: January 18, 2017

/s/ Jaclyn M. Metzinger
Jaclyn M. Metzinger

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

**JENNIFER HASEMANN and DEBBIE
HOTH, individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

**Civil Action No. 1:15-cv-02995-MKB-
RER**

**PROPOSED CONSOLIDATION AND
CASE SCHEDULING ORDER ON
CONSENT**

**JEREMY GREENE and CETARIA
WILKERSON, individually and on behalf of
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Plaintiffs,

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GERBER PRODUCTS CO.,

Defendant.

**Civil Action No. 1:16-cv-1153-MKB-
RER**

**PROPOSED CONSOLIDATION AND
CASE SCHEDULING ORDER ON
CONSENT**

**WENDY MANEMEIT, individually and on
behalf of all others similarly situated,**

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

**Civil Action No. 2:17-cv-00093-JFB-
AYS**

**PROPOSED CONSOLIDATION AND
CASE SCHEDULING ORDER ON
CONSENT**

Upon the motion of Defendant Gerber Products Co. (“Defendant”) to consolidate the action styled *Jennifer Hasemann and Debbie Hoth et al. v. Gerber Products Co.*, No. 15-cv-02995-MKB-RER (E.D.N.Y.) (the “*Hasemann Action*”), with the separate actions pending before this Court styled *Jeremy Greene and Cetaria Wilkerson et al. v. Gerber Products Co.*, No. 16-cv-01153-MKB-RER (E.D.N.Y.) (the “*Greene Action*”) and *Wendy Manemeit et al. v. Gerber Prod. Co.*, No. 2:17-cv-00093-JFB-AYS (E.D.N.Y.) (the “*Manemeit Action*”) dated January 17, 2017 (the “Consolidation Consent Motion”), and with the consent of Plaintiffs in all three actions;

IT IS HEREBY ORDERED THAT:

1. The Consolidation Consent Motion is GRANTED;
2. The *Hasemann Action* is hereby consolidated with both the *Greene Action* and the *Manemeit Action* for discovery and pretrial purposes as set forth herein (the “Consolidated Actions”);
3. All pretrial filings for the Consolidated Actions shall be electronically filed under the *Hasemann* docket only with the following triple caption:

JENNIFER HASEMANN and DEBBIE HOTH,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 1:15-cv-02995-MKB-
RER

JEREMY GREENE and CETARIA
WILKERSON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

GERBER PRODUCTS CO.,

Defendant.

Civil Action No. 1:16-cv-1153-MKB-
RER

WENDY MANEMEIT, individually and on
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GERBER PRODUCTS CO.,

Defendant.

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AYS

4. All documents so filed shall be deemed to have been contemporaneously filed in both the *Greene* Action and the *Manemeit* Action.

5. Defendant agrees to accept service of the Complaint in the *Manemeit* Action.

6. The parties to the *Greene* Action and the *Manemeit* Action shall exchange initial disclosures by April 4, 2017.

7. The deadline for Defendant to move to dismiss the complaint filed in the *Manemeit* Action shall be February 28, 2017. The deadline for the Plaintiff in the *Manemeit* Action to file her opposition to Defendant's motion to dismiss shall be April 18, 2017 and the Defendant's reply shall be due May 18, 2017.

8. The deadline for Plaintiffs to move for class certification in all three actions shall be October 20, 2017.¹ Plaintiffs may choose to file separate motions for class certification in the *Hasemann* Action, the *Greene* Action, and the *Manemeit* Action, or may choose to file a single motion for class certification in the Consolidated Actions. The deadline for Defendant to oppose Plaintiffs' motion(s) for class certification shall be December 20, 2017. The deadline for Plaintiffs to file any reply (or replies) in further support of their motion(s) for class certification shall be January 26, 2018. Any expert reports offered in support of, or in opposition to, any class-certification brief(s) shall be served contemporaneously with the respective brief. Depositions of experts disclosed as part of a class-certification motion or response to such motion shall occur within four weeks of the filing of their reports.

9. The deadline to complete all fact discovery in the Consolidated Actions shall be June 15, 2018.

10. For additional experts who will testify at trial, the deadline to serve affirmative expert reports under Rule 26(a)(2) on matters for which a party will bear the burden of proof at trial shall be May 18, 2018. The deadline to serve rebuttal expert reports under Rule 26(a)(2) shall be July 20, 2018. Depositions of experts shall occur within five weeks of service of their reports.

11. Pre-motion letters regarding proposed dispositive motions shall be due within one week following the close of all discovery and responses are due one week later. The parties may choose to file separate dispositive motions in the *Hasemann* Action, the *Greene* Action, and the *Manemeit* Action, or may choose to file dispositive motions in the Consolidated Actions.

¹ The parties have made one prior request for an extension of the discovery and pretrial deadline in the *Hasemann* Action, which was granted in its entirety. (*Hasemann* Action, ECF No. 42.)

12. Gerber's Consolidation Motion and this Order shall not be construed as a concession that class certification is appropriate in either the *Hasemann* Action, the *Greene* Action, or the *Manemeit* Action.

Dated: Brooklyn, New York

RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE