

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**TIMOTHY W. REPASS and WILLIAM
SCOTT McCANDLESS, Individually and On
Behalf of All Others Similarly Situated,**

Plaintiffs,

vs.

TNT CRANE AND RIGGING, INC.,

Defendant.

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NO. MO:18-CV-107-DC-RCG

ORDER

BEFORE THE COURT is the Parties’ Joint Status Report and Motion for Entry of Scheduling Order. (Doc. 98). The Joint Status Report indicates that Defendant TNT Crane and Rigging, Inc., emerged from bankruptcy on October 16, 2020. *See id.* at 2. Accordingly, the Court **ORDERS** that this case be **REOPENED**. The Court also **GRANTS** the Motion for Entry of Scheduling Order, adopts the parties’ stipulations, and enters the following scheduling order:

<p>No later than 10 days from the date of an Order is signed regarding this Status Report / Motion</p>	<p>TNT shall provide to Class Counsel in Excel (.xlsx) format the following information regarding the omitted Putative Class Members, as discussed in the Parties’ Status Report / Motion: full name; last known mailing address(es) with city, state, and Zip Code; all known email address(es); beginning date(s) of employment; ending date(s) of employment (if applicable); and all mobile telephone number(s).</p>
<p>Within 30 days of receiving the contact information for the omitted Putative Class Members</p>	<p>Class Counsel shall send a copy of the prior Court-approved Notice and Consent Form to the omitted Putative Class Members by First Class U.S. Mail; Class Counsel may send the prior Court-approved Text Message Notice of Collective Action through text message to the omitted Putative Class Members; Class Counsel may send a copy of the prior Court-approved Notice and Consent Form to the omitted Putative Class Members by email to any omitted Putative Class Members for whom TNT has not provided a working mobile telephone number; Class Counsel may send the prior Court-approved Social Media Notice of Collective Action to Putative Class Members through Facebook and/or LinkedIn for any omitted Putative Class Members for whom TNT has not provided</p>

	either a working mobile telephone number or working e-mail address; and Class Counsel may make the prior Notice and Consent Form available on a website solely dedicated to disseminating notice.
Within 3 business days of the initial mailing of the Notice of Collective Action	Class Counsel shall file an Advisory with the Court indicating the date of mailing of the Notice of Collective Action and Consent Form.
60 days from the initial mailing of Notice and Consent Forms to omitted Putative Class Members	The omitted Putative Class Members shall have 60 days to return their signed Consent forms to Class Counsel for filing with the Court (the "Notice Period").
No later than 15 days after the close of the Notice Period	Class Counsel shall file with the Court all Consents to Join.

The Court further **ORDERS** that the statutes of limitations for all putative class members who were omitted from the original list provided to Class Counsel on March 4, 2019 shall be, and is hereby, **TOLLED** from March 4, 2019 through the date on which Defendant provides to Class Counsel the list of omitted Putative Class Members.

The Court further **GRANTS** the Parties' Status Report / Motion and hereby **ORDERS** the following deadlines and settings:

1. All designations of rebuttal experts shall be designated within thirty (30) days from the date of this Order.

2. The parties shall complete all discovery on or before **8/2/2021**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

3. All dispositive motions shall be filed no later than **9/2/2021**. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e).

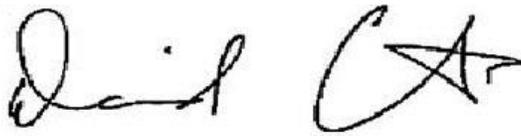
4. The Final Pretrial Conference for this case is set for **2/4/2022** at 10:00 A.M. The parties shall file their pretrial submissions in accordance with the provisions set out in Local Rule CV-16(e). Pretrial submissions shall also be provided in a USB Flash Drive.

5. This case is set for **BENCH TRIAL** on **3/7/2022** at 8:00 A.M.

It is further **ORDERED** that the Parties shall have until 30 days from the date this Order is signed to: (a) object and respond to outstanding written discovery requests for which the deadline to object and respond had not lapsed before TNT filed its voluntary petition for relief under Chapter 11 of title 11 of the United States Bankruptcy Code (including, but not necessarily limited to, Plaintiffs' Requests for Production to Defendant TNT Crane and Rigging, Inc.—Third Set, Plaintiff William Scott McCandless's First Set of Interrogatories to Defendant TNT Crane and Rigging, Inc., and Defendant TNT Crane and Rigging Inc.'s Fourth Set[s] of Interrogatories to Plaintiff[s]); (b) designate deposition testimony as “confidential,” “for counsel only,” or “attorneys' eyes only” for witnesses for whom the deadline to make such designations had not lapsed before TNT filed its Chapter 11 petition; and (c) serve objections to the reliability of any expert's proposed testimony under Federal Rule of Evidence 702 with respect to Plaintiffs' Designation of Testifying Expert Witnesses served August 4, 2020 and with respect to Defendant's Designation of Testifying Expert Witnesses, served August 17, 2020, *provided however* that if any such expert's deposition is taken, the deadline shall be the later of 30 days from the date an order is entered with respect to this Status Report / Motion or 30 days from the date of the expert's deposition.

It is so **ORDERED**.

SIGNED this 3rd day of December, 2020.

A handwritten signature in black ink, appearing to read "David Counts", written over a horizontal line.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE