IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

ANGELINA HARRISON,
On behalf of Herself and All others
Similarly Situated,

Plaintiff,

vs. CASE NO: 26-cv-00192-CHB-MAS

SEASONAL FOOD CONCEPTS INCORPORATED d/b/a KONA ICE OF THE BLUEGRASS, KONA ICE OF THE VILLE, LLC CO., THOMAS SCOTT LAMB, AND LISA DAWN LAMB,

Defendants.

DEFENDANTS' RULE 26(f) CONFERENCE REPORT

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and the Court's Order entered July 27, 2026, (Record No. 10), Defendants Seasonal Food Concepts Incorporated, Kona Ice of the Ville, LLC Co., Thomas Scott Lamb, and Lisa Dawn Lamb ("Defendants"), respectfully submit this Rule 26(f) report.

Defendants' counsel has met and conferred with Plaintiff's counsel regarding drafts of the joint report. Counsel were unable to agree as to whether, prior to class certification, discovery will be limited to information about the Named Plaintiff and to demonstrate whether she is similarly situated to the alleged employees entitled to notice pursuant to Clark, *et al. v. A & L Homecare and Training Center, LLC*, 68 F.4th 1003 (6th Cir. 2023). Defendants submit that it is appropriate to provide limited discovery related to common policies and procedures and the class characteristics,

but not full class discovery such as three years of time and payroll records and names/addresses of all alleged employees within the putative class. Defendant Seasonal Food is a small food truck business with limited time and financial resources which should not be largely diverted from on-going business operations unless a class is certified and/or FLSA notices issue. Defendants believe that, even assuming FLSA class notices issue or Rule 23 certification occurs, the class size and issues presented could vary significantly.

Given the foregoing, Defendants respectfully request that the Court defer setting merits discovery, dispositive motion, and other motion deadlines at this time, and instead only set a briefing schedule on Plaintiff's anticipated motion for Court-facilitated notice. Defendants additionally request that the Court schedule a status conference to determine the scope and timing of future discovery approximately thirty (30) days after either: (a) if the Court grants Plaintiff's anticipated motion and authorizes notice, the date that the notice period closes; (b) if the Court denies Plaintiff's anticipated motion and does not authorize notice, the date of such decision; or (c) if Plaintiff does not file any motion for Court-facilitated notice by the Court's deadline, the date such deadline expires.

Defendants respectfully request the above schedule to allow them to better understand the nature of the case prior to proceeding with time-consuming and costly discovery. In the alternative, the Defendants propose the following dates. While the parties largely agreed on the dates provided below, the following dates are those proposed by Defendants.

1. <u>Initial Disclosures.</u>

The Parties have not yet exchanged the disclosures required by Rule 26(a)(1)**.** The parties shall exchange complete Rule 26(a)(1) disclosures within seven (7) calendar days after entry of the Rule 16 Scheduling Order.

2. Discovery Plan.

Defendants propose the following discovery plan:

(a) Defendants anticipate a need for discovery on all issues pertaining to Plaintiff's claims and asserted damages, to demonstrate whether she is similarly situated to the alleged employees entitled to class notice, and Defendants' answer and affirmative defenses.

(b) If any issues as to the discovery of electronically stored information arise, the parties agree to confer and determine a solution to any such issues as they arise.

(c) Defendants have agreed to commence pretrial fact discovery on the date following entry of the Rule 16 Scheduling Order. Defendants agree to complete pretrial discovery by **May 29, 2027**.[1]

(d) The parties may serve written discovery including, without limitation, interrogatories, requests for production of documents, and requests for admissions pursuant to the Federal Rules of Civil Procedure.

(e) The Plaintiff shall disclose the identity of any person who they may use in their case-in-chief at trial to provide expert testimony on any of their claims or defenses (other than rebuttal testimony) under Rule 26(a)(2)(A), and shall submit written reports from any expert witnesses who are retained or specially employed to provide testimony on any claim or defense (other than rebuttal testimony) under Rule 26(a)(2)(B) on or before **February 27, 2026.**

(f) The Defendants shall disclose the identity of any person who they may use in their case-in-chief at trial to provide expert testimony on any of their claims or defenses under Rule

[1] The Parties submit that fact discovery should close no sooner than thirty (30) days following the close of any FLSA or Rule 23 notice period. Depending on when the Court decides Plaintiff's motions, the Parties may need to seek an extension.

26(a)(2)(A) and shall submit written reports from any expert witnesses who are retained or specially employed to provide testimony on any claim or defense under Rule 26(a)(2)(B) on or before **February 15, 2027**.

(g) The Plaintiff shall disclose the identity of any person who may be used at trial to provide expert rebuttal testimony under Rule 26(a)(2)(A) and shall submit written reports from any expert witnesses who are retained or specially employed to provide rebuttal testimony as required by Rule 26(a)(2)(B) on or before **March 15, 2027.**

(h) The parties will supplement their Rule 26(a) disclosures and responses to interrogatories, requests for production, and requests for admissions in accordance with Rule 26(e) or any order of the Court.

3. <u>Other Items.</u>

(a) All motions to join additional parties shall be filed no later than **January 15, 2027.**

(b) The parties shall file all motions to amend the pleadings no later than **February 15, 2027.**

(c) The Parties shall have until **February 28, 2027**, to complete initial discovery limited to Named Plaintiff's claims and to demonstrate whether she is similarly situated to the alleged employees entitled to notice pursuant to *Clark, et al. v. A & L Homecare and Training Center, LLC*, 68 F.4th 1003 (6th Cir. 2023).

(d) Plaintiff shall have until **April 1, 2027**, to file a motion for Court-authorized notice pursuant to 216(b) of the FLSA, and to file a motion for Rule 23 class certification of their Kentucky state law claims.

(e) By **July 31, 2027**, counsel for the parties shall file all dispositive motions and all motions related to the admissibility of expert testimony pursuant to Federal Rule of 702 (*Daubert* motions).

(f) Defendants believe a scheduling conference is necessary in this matter.

(g) The parties do believe a pretrial conference is necessary in this matter.

(h) Depending on the timing of the Court's adjudication of Plaintiffs motions for Court-authorized FLSA notice and for Rule 23 class certification, the Parties submit that this case could be ready for trial as soon as **November 2027** and expect that the trial should take approximately **5-6 days**.

(i) Defendants do not consent to the magistrate judge for all further proceedings, including trial.

(j) Defendants believe this case is appropriate for mediation to limit the costs and other expenses, and that the parties should engage in mediation with an experienced mediator in wage and hour class and collective action litigation.

Respectfully submitted,

/s/ Catherine S. Wright
M. Jane Brannon
Catherine S. Wright
Jackson Kelly PLLC
100 West Main Street, Suite 700
Lexington, KY 40507
(859) 255-9500
mjbrannon@jacksonkelly.com
catherine.wright@jacksonkelly.com
Counsel for Defendants, Seasonal Food Concepts Incorporated, Kona Ice of the Ville, LLC, Co., Thomas Scott Lamb, and Lisa Dawn Lamb

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2026, I electronically filed the foregoing with the CM/ECF filing system, which electronically served a copy to all counsel of record:

MORRIS & MORRIS, P.S.C.
James M. Morris
Tyler J. Morris
Sharon K. Morris
217 North Upper Street
Lexington, Kentucky 40507