UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

ANGELINA HARRISON,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	**NO. 5:26-CV-00192-CHB-MAS**
	)	
SEASONAL FOOD CONCEPTS INCORPORATED,	)	
	)	
	)	
Defendants.	)	

SCHEDULING ORDER

Judge Boom referred this matter to the undersigned for evaluating the existence of federal subject-matter jurisdiction and establishing a scheduling order through the dispositive motion deadlines. [DE 3]. The Court has determined jurisdiction is proper under 28 U.S.C. § 1331 because the Court has original jurisdiction over the federal questions presented and supplemental jurisdiction over the remaining claims. [DE 1]. Having carefully considered the parties' Rule 26(f) reports [DE 11, 13], the Court **ORDERS** as follows:

1) The parties shall exchange any information required by Rule 26(a)(1) that has not previously been exchanged by **September 4, 2026**.

2) The parties shall immediately assess the potential for agreed case resolution and should continue to make that assessment as litigation persists. If the

parties desire a settlement conference with a magistrate judge, they shall file a joint motion seeking such relief.

3) The parties shall make any motions to amend the pleadings or join additional parties by **January 15, 2027**.

4) That the parties shall complete fact discovery regarding potential class certification, pursuant to paragraph 5 below, by **April 1, 2027**. In any instance, a party using a form of discovery that allows a response time under the rules shall calculate and account for appropriate response time, within the discovery deadline, in serving that method of discovery. Supplementation of discovery pursuant to Rule 26(e)(1) shall be due within thirty (30) days of the discovery of new information.

5) Pursuant to Fed. R. Civ. P. 23(d)(1)(A) and 26(b)(1), discovery is bifurcated. Phase I discovery is limited to matters relevant to whether the requirements of Rule 23(a) and Rule 23(b) are satisfied, including the proposed class definition and the ascertainability of its members. Discovery directed to the ultimate merits of any claim or defense, or to the existence or amount of any individual class member's damages, is prohibited in Phase I.

a) The only exception to that prohibition is that the Court recognizes that the rigorous analysis required at certification will frequently entail some overlap with the merits of the underlying claim. Merits issues may be explored in Phase I to the extent, but only to the extent, they are relevant to determining whether a Rule 23 prerequisite is satisfied. The limitation imposed by this Order is therefore not a bar to discovery that touches the merits; it is a bar to

discovery whose principal object is to develop the merits rather than to inform the Rule 23 analysis.

b) A party propounding Phase I discovery shall identify, in the request itself or in response to a meet-and-confer inquiry, the specific Rule 23 element or elements to which the request is directed. A request that cannot be so tethered is outside the scope of Phase I.

6) The Court schedules a telephonic status conference, to discuss discovery progress, for **February 5, 2027, and 1:00 p.m.** The call will be off the record and for counsel only. Parties should contact the chambers for the undersigned at least one business day prior to the teleconference to obtain the required call-in information.

6) Plaintiff shall disclose the identity of expert witnesses for class certification and those experts' reports no later than **April 15, 2027**. Defendant shall make the same disclosures by **May 15, 2027**. The parties shall provide proposed deposition dates with their disclosures.

7) The parties shall complete all expert discovery by **June 10, 2027**.

8) Any motions for class certification shall be filed no later than **July 1, 2027**.

9) Upon resolution of any motions for class certification, the Court will enter an Amended Scheduling Order governing Phase II of discovery.

10) Discovery disputes shall be resolved as set forth in Paragraph 5 of Judge Boom's Standing Case Management and Referral Order.

11) Motion practice shall be governed by Local Rule 7.1 except as otherwise provided in this order. Failure to respond to a motion shall be grounds for the Court to conclude that any arguments in opposition thereto have been waived. *See Humphrey v. U.S. Attorney Gen.'s Office*, 279 F. App'x 328, 331 (6th Cir. 2008).

12) The Court builds the case schedule based on party input. Modification of this schedule thus is disfavored and will occur only under the standards and mechanics of Rule 16 and/or Rule 6, as applicable. Further, seeing no request for modification, the default limits within the discovery rules apply.

13) Upon resolution of any summary judgment motion, or expiration of the deadline to file the same, the Court will set any additional deadlines as necessary at that time.

Entered this 31st of August, 2026.

MATTHEW A. STINNETT
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF KENTUCKY