

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK DONOFRIO, :
on behalf of himself individually :
and on behalf of those similarly situated, :

Plaintiff, :

v. :

IKEA US RETAIL, LLC, :
Defendant. :

CIVIL ACTION
No. 2:18-cv-00599 (AB) X

FILED

OCT 02 2019

KATE BARKMAN, Clerk
By _____ Dep. Clerk

WILLIAM V. ANTONELLI, JR., :
on behalf of himself individually :
and on behalf of those similarly situated, :

Plaintiff, :

v. :

IKEA HOLDING US, INC. :
d/b/a IKEA, *et al.* :
Defendants. :

CIVIL ACTION
No. 2:19-cv-01286 (AB)

BRANDON PAINE, :
on behalf of himself individually :
and on behalf of those similarly situated, :

Plaintiff, :

v. :

IKEA HOLDING US, INC. :
d/b/a IKEA, *et al.* :
Defendants. :

CIVIL ACTION
No. 2:19-cv-00723 (AB) X

LAURIE GORBECK,	:	
<i>on behalf of herself individually</i>	:	
<i>and on behalf of those similarly situated,</i>	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	No. 2:18-cv-03651 (AB) X
v.	:	
	:	
IKEA NORTH AMERICA SERVICES ,	:	
LLC d/b/a IKEA, <i>et al.</i>	:	
	:	
Defendants.	:	

^{ABS}
JOINT STIPULATION AND ~~PROPOSED~~ CONSENT ORDER

Plaintiffs, Frank Donofrio, William V. Antonelli, Jr., Brandon Paine, and Laurie Gorbeck (collectively “Plaintiffs”) and Defendants IKEA US HOLDING, INC., IKEA US RETAIL LLC, IKEA NORTH AMERICA SERVICES, LLC, IKEA DISTRIBUTION SERVICES, INC., Jacqueline DeChamps, and John Olson (collectively “Defendants”), through their respective counsel of record, stipulate and agree as follows:

1. On September 12, 2019, the Court held a joint discovery conference in the *Donofrio* (No. 2:18-cv-00599), *Antonelli* (No. 2:19-cv-01286), *Paine* (No. 2:19-cv-00723), *Parker* (No. 2:18-cv-03261), and *Gorbeck* (No. 2:18-cv-03651) matters to discuss, among other things, how discovery in the five (5) cases should proceed moving forward;

2. The Court granted conditional certification in the *Donofrio* matter on May 15, 2019 (ECF Nos. 70-71), and after conferral, the parties have agreed that, solely to preserve resources and in the interests of judicial economy, and in lieu of protracted briefing, the parties in the *Paine* and *Antonelli* matters have resolved the issue of conditional certification and issuance of notice and anticipate filing with the Court a Joint Stipulation Regarding Conditional Certification and

Notice, along with proposed notice materials and proposed Stipulated Consent Order. The parties are in the process of re-working the *Donofrio* proposed notice in light of the Court's comments regarding its clarity during the September 12, 2019 conference and will promptly submit a revised version as soon as practicable. The parties are also nearing a final version of proposed notices in the *Paine* and *Antonelli* matters, which the parties will similarly submit to the Court for approval as soon as practicable.

3. During the September 12, 2019 conference with the Court, the parties to the *Donofrio*, *Paine*, and *Antonelli*, matters agreed to consolidated, joint discovery following the conclusion of the respective opt-in notice periods in those cases in an effort to conserve resources and avoid duplicative discovery efforts. This agreement to conduct consolidated, joint discovery in these matters does not preclude Defendants from objecting to whether certain discovery can in fact be used on a consolidated, joint basis. The parties to *Donofrio*, *Antonelli*, and *Paine* have also agreed to cooperate with counsel for Laurie Gorbeck in the *Gorbeck* matter (No. 2:18-cv-03651) to the extent discovery conducted in *Donofrio*, *Antonelli*, and *Paine* may be relevant to Gorbeck's age discrimination claim.

4. During the September 12, 2019 conference with the Court, the Court agreed to grant Plaintiff Donofrio's two (2) respective consent motions regarding certain documents currently under seal. In particular, the Court agreed to grant:

- i. Plaintiff's Consent Motion to Continue the Seal As to Certain and Particular Parts of Deposition Testimony of Particular Non-Party Witness (ECF No. 77); and
- ii. Plaintiff's Consent Motion to Permit Redaction of Personal Identifiers (ECF No. 78).

5. During the September 12, 2019 conference with the Court, the parties agreed that the Court should unseal:

- a. The Court's May 15, 2019 Order and Opinion (ECF Nos. 70-71);
- b. Plaintiff's Brief In Support of Plaintiff's Motion to Proceed as a Collective Action (ECF No. 36);
- c. Plaintiff's Brief In Opposition to Defendant's Motion for Summary Judgment (ECF No. 45);
- d. Plaintiff's Reply Brief in Support of Motion to Proceed as a Collective Action (ECF No. 47);
- e. Defendant's Response to Plaintiff's Statement of Additional Facts that Preclude Partial Summary Judgment (ECF No. 49).
- f. Defendant's Motion for Clarification of Order (ECF No. 72);
- g. Plaintiff's Brief in Opposition to Defendant's Motion for Clarification of Order (ECF No. 74);
- h. Defendant's Reply Brief in Support of Defendant's Motion for Clarification (ECF No. 75);
- i. Plaintiff's Motion for Leave to File a Sur-reply Brief in Opposition to Defendant's Motion for Clarification of Order (ECF No. 80).

6. During the September 12, 2019 conference with the Court, the parties in the *Donofrio* matter further agreed to allow Plaintiff Laurie Gorbeck access to motions, briefs, orders, and opinions currently under seal in *Donofrio* excluding attached exhibits.

7. During the September 12, 2019 conference with the Court, the parties agreed to meet-and-confer regarding the documents subject to Defendant's Motion to Extend the Seal of Select Records in the *Donofrio* matter and submit any remaining disputes regarding those

documents to the Court by October 3, 2019. Plaintiff is to respond to any submission by October 7, 2019.

8. A Consent Order consistent with this Stipulation is attached hereto for the Court's consideration as *Exhibit A*.

/s/ Brian C. Farrell

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK DONOFRIO,
on behalf of himself individually
and on behalf of those similarly situated,

Plaintiff,

v.

IKEA US RETAIL, LLC,

Defendant.

CIVIL ACTION
No. 2:18-cv-00599 (AB)

WILLIAM V. ANTONELLI, JR.,
on behalf of himself individually
and on behalf of those similarly situated,

Plaintiff,

v.

IKEA HOLDING US, INC.
d/b/a IKEA, et al.

Defendants.

CIVIL ACTION
No. 2:19-cv-01286 (AB)

BRANDON PAINE,
on behalf of himself individually
and on behalf of those similarly situated,

Plaintiff,

v.

IKEA HOLDING US, INC.
d/b/a IKEA, et al.

Defendants.

CIVIL ACTION
No. 2:19-cv-00723 (AB)

LAURIE GORBECK,	:	
<i>on behalf of herself individually</i>	:	
<i>and on behalf of those similarly situated,</i>	:	
	:	
	:	CIVIL ACTION
Plaintiff,	:	No. 2:18-cv-03651 (AB)
v.	:	
	:	
	:	
IKEA NORTH AMERICA SERVICES ,	:	
LLC d/b/a IKEA, <i>et al.</i>	:	
	:	
	:	
Defendants.	:	

CONSENT ORDER

Upon consideration of the parties' jointly submitted Stipulation, it is hereby **ORDERED** that the parties' Stipulation is **GRANTED** in its entirety. Accordingly:

1. Following the conclusion of the respective opt-in notice periods in the *Donofrio* (No. 2:18-cv-00599), *Antonelli* (No. 2:19-cv-01286), and *Paine* (No. 2:19-cv-00723) cases, discovery will be conducted in a consolidated, joint manner. The consolidated, joint discovery does not preclude Defendants from objecting to whether certain discovery can in fact be used on a consolidated, joint basis. The parties to *Donofrio*, *Antonelli*, and *Paine* will cooperate with counsel for Laurie Gorbeck in the *Gorbeck* matter (No. 2:18-cv-03651) to the extent discovery conducted in *Donofrio*, *Antonelli*, and *Paine* may be relevant to Gorbeck's age discrimination claim.

2. Plaintiff's Consent Motion to Continue the Seal As to Certain and Particular parts of Deposition Testimony of Particular Non-Party Witness (ECF No. 77) is **GRANTED**. Plaintiff will submit to the Clerk, within seven (7) days of the entry of this Order, redacted versions of the transcript pages subject to said Motion so that the Clerk can make the appropriate substitutions.

3. Plaintiff's Consent Motion to Permit Redaction of Personal Identifiers (ECF No. 78) is **GRANTED**. Plaintiff will submit to the Clerk, within seven (7) days of the entry of this Order, redacted versions of the documents subject to said Motion so that the Clerk can make the appropriate substitutions.

4. The Court's May 15, 2019 Order and Opinion (ECF Nos. 70-71) are to be **UNSEALED**.

5. The below referenced briefs and motions currently under seal, **not** including attached exhibits, in the *Donofrio* matter are to be **UNSEALED**. For the avoidance of doubt, the exhibits attached to the briefs and motions shall remain under seal until further Order of the Court. Specifically, the Court directs the Clerk to unseal the following briefs and motions currently under seal:

- a. Plaintiff's Brief In Support of Plaintiff's Motion to Proceed as a Collective Action (ECF No. 36);
- b. Plaintiff's Brief In Opposition to Defendant's Motion for Summary Judgment (ECF No. 45);
- c. Plaintiff's Reply Brief in Support of Motion to Proceed as a Collective Action (ECF No. 47);
- d. Defendant's Response to Plaintiff's Statement of Additional Facts that Preclude Partial Summary Judgment (ECF No. 49).
- e. Defendant's Motion for Clarification of Order (ECF No. 72);
- f. Plaintiff's Brief in Opposition to Defendant's Motion for Clarification of Order (ECF No. 74);

- g. Defendant's Reply Brief in Support of Defendant's Motion for Clarification (ECF No. 75);
- h. Plaintiff's Motion for Leave to File a Sur-reply Brief in Opposition to Defendant's Motion for Clarification of Order (ECF No. 80).

6. The Court further orders the parties to submit agreed-upon non-redacted versions of the following briefs which were filed partially under seal within five (5) days of the entry of this Order:

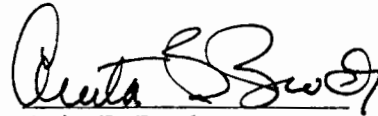
- a. Plaintiff's Brief in Support of his Motion for Sanctions (ECF No. 38-1);
- b. Defendant's Opposition Brief to Plaintiff's Motion to Proceed as a Collective Action (ECF No. 41);
- c. Plaintiff's Motion to Remove Defendant's Confidential Designations (ECF No. 50);
- d. Plaintiff's Sur-reply in further Opposition to Defendant's Motion for Summary Judgment (ECF No. 54);

7. The parties to the *Donofrio* matter are to continue to meet-and-confer regarding the documents currently subject to Defendant's Motion to Extend Seal of Select Records (ECF No. 79) and Defendant is to submit to the Court any remaining disputes by October 3, 2019. Plaintiff is to respond to any submission by Defendant by October 7, 2019.

8. All exhibits to briefs currently under seal will remain under seal pending the Court's disposition of the parties' remaining disputes related to the documents currently subject to Defendant's Motion to Extend Seal of Select Records (ECF 79.)

9. Within fourteen (14) days of the conclusion of the respective opt-in periods in the *Paine, Antonelli*, and *Donofrio* matters, the parties will submit to the Court a proposed scheduling order regarding discovery and other pretrial deadlines.

IT IS SO ORDERED.


Anita B. Brody, J.

Date: *October 7, 2019*