

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

(1) Henry Randall Colvin;  
and all others similarly situated,

Plaintiff,

v.

(1) TYSON FOODS, INC.;  
(2) TYSON CHICKEN, INC.;  
(3) TYSON BREEDERS, INC.;  
(4) TYSON POULTRY, INC.;  
(5) PILGRIM'S PRIDE CORPORATION;  
(6) PERDUE FOODS, LLC;  
(7) KOCH FOODS, INC.;  
(8) KOCH MEAT CO, INC., d/b/a KOCH  
POULTRY CO.;  
(9) SANDERSON FARMS, INC.;  
(10) SANDERSON FARMS, INC.  
(FOODS DIVISION);  
(11) SANDERSON FARMS, INC.  
(PROCESSING DIVISION); and,  
(12) SANDERSON FARMS, INC.  
(PRODUCTION DIVISION),

Defendants.

No. 2-20-cv-02464-HLT-JPO

**ORDER GRANTING MOTION TO STAY RULE 12 DEADLINES AND DISCOVERY**

The Court, having reviewed the Unopposed Motion to Stay Rule 12 Deadlines and Discovery Pending Resolution of First-to-File Dismissal and 28 U.S.C. § 1407 Motions (ECF No. 38), hereby enters the following order:

The Motion is GRANTED.

IT IS HEREBY ORDERED that: (i) all Rule 12 deadlines and discovery in this case are stayed pending resolution of Defendants' first-to-file dismissal motion pending before this Court

(ECF No. 14) and the Section 1407 consolidation motion pending before the Judicial Panel on Multidistrict Litigation; (ii) this Order supersedes and stays the deadline set in the Order Granting Unopposed Motion for Extension of Time to Answer, setting December 8, 2020 as the deadline for defendants to file a Rule 12(b) response to Plaintiff's complaint (ECF No. 7); (iii) if both the first-to-file dismissal and Section 1407 motions are resolved such that litigation will continue in this Court, then, within fourteen days of the later-decided motion, the parties shall file before this Court a joint proposed briefing schedule on Defendants' Rule 12 response to Plaintiff's complaint.

Dated October 23, 2020, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge