

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Master Docket No. 06-cv-17430-WYD-CBS (MDL Docket No. 1743)

IN RE AMERICAN FAMILY MUTUAL INSURANCE CO. OVERTIME PAY LITIGATION

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**PRACTICE AND PROCEDURE ORDER  
UPON TRANSFER PURSUANT TO 28 U.S.C. § 1407(a)**

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1. This Order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of February 13, 2006 as well as all related actions originally filed in this Court or transferred or removed to this Court. To date these actions include:

- Rocky Baldozier, et al. v. American Family Mutual Insurance Co., D. Colorado, Civil Case No. 04-cv-02174-WYD-CBS
- Robert Schultz v. American Family Mutual Insurance Co., N.D. Illinois, Civil Case No. 06-cv-00322-WYD-CBS (Northern District of Illinois Civil Case No. 04-cv-05512)

This Order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

2. The actions described in paragraph 1 of this Order are consolidated for pretrial purposes.

3. Any pleading or paper which is to be filed in any of the actions described in paragraph 1 of this Order shall be filed with the Clerk of this Court and not with the transferor district court. All papers filed in the consolidated action shall use the caption as set forth in this Order and shall be filed in the Master Docket in this Court in case no. 06-cv-17430-WYD-CBS. If a pleading or paper relates solely to one of the individual actions listed in paragraph 1 of this Order and does not relate to the Master Docket, it shall be filed in this Court in the individual action using the individual case number and caption designated in paragraph 1 of this Order.

4. All pleadings or papers filed in this Court shall be filed electronically in a portable document format (PDF) using the Electronic Case Filing System (ECF)

connected through the Court's web site at <http://www.cod.uscourts.gov> pursuant to the Electronic Case Filing Procedures for the District of Colorado (Civil Cases).

5. The following steps shall be completed as soon as possible but no later than March 7, 2006. Counsel who appeared only in the transferor district court prior to the transfer must apply for admission to the bar of this Court and enter a separate appearance before this Court. Counsel are directed to D.C.Colo.LCivR. 83.3 for the pertinent admission procedures. Counsel shall complete their application for admission which is available at this Court's website, listed above, and submit the application and filing fee. Once admitted, counsel shall register as a participant in this Court's ECF system by completing the ECF Attorney Registration Form at the Court's website.

6. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct. Any pleading or paper filed in this consolidated action which is substantially identical to any other pleading or paper filed in another of these actions shall be sufficient if it incorporates by reference the pleading or paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical pleadings or papers they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.

7. Any orders including protective orders previously entered by this Court of any transferor district court shall remain in full force and effect unless modified by this Court upon application.

8. The time requirements to perform any acts or file any papers pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure are tolled until further order of the Court.

9. The Court will be guided by the most recent volume of the Manual for Complex Litigation approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.

Dated: February 27, 2006

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
U. S. District Judge