

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: April 19, 2010
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 07-cv-00541-RPM

NICK ROGERS,
AL ARCHULETA,
WILFRED BELIVEAU,
HARRY BLOODWORTH,
MICHAEL CODY,
TIMOTHY DELSORDO,
CORY DUNAHUE,
RUSSELL DYMOND, JR.,
ROBERT FREUND,
MICHAEL GABRIELE,
PAUL GOFF,
ALEXANDER M. GOLSTON,
JEFFREY MARTINEZ,
MICHAEL MOSCO,
PHILLIP NEWTON, and
ANDREW RAMIREZ, et al.,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, a Colorado Municipal Corporation,

Defendant.

David L. Worstell
Breanne M. Sheetz
William B. Aitchison
Robert W. Kiesnowski, Jr.

Robert A. Wolf
Robert D. Nespor

COURTROOM MINUTES

Hearing on Pending Motions

9:30 a.m. Court in session.

Court's preliminary remarks.

Court states its understanding of the case and that for the purposes of this hearing it will consider this case as a collective action.

9:37 a.m. Statements by Mr. Wolf regarding work hour / manning procedures.

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9:48 a.m. Argument by Mr. Nespor
10:00 a.m. Argument by Mr. Aitchison.
10:11 a.m. Argument by Mr. Wolf.
10:17 a.m. Argument by Ms. Sheetz.

10:23 a.m. Argument by Mr. Nespor .
10:30 a.m. Argument by Mr. Worstell.
10:34 a.m. Argument by Mr. Wolf.
10:41 a.m. Argument by Mr. Nespor.

10:44 a.m. Argument by Mr. Nespor .
10:54 a.m. Argument by Mr. Aitchison.
11:02 a.m. Argument by Mr. Wolf.
11:07 a.m. Argument by Mr. Aitchison.

11:12 a.m. Mr. Wolf answers questions asked by the Court regarding statutory exclusions.

ORDERED: Plaintiffs' Motion for Summary Judgment On Their First Claim for Relief—donning and Doffing, filed October 30, 2009 [125], is taken under advisement.

ORDERED: Defendant's Motion for Summary Judgment on Plaintiffs' Second, Third, Fourth and Fifth Claims for Relief, filed May 29, 2009 [104], is taken under advisement.

ORDERED: Defendant's Motion for Summary Judgment on Plaintiffs' Seventh, Eighth, Ninth and Tenth Claims for Relief, filed August 12, 2009 [112], is taken under advisement.

ORDERED: Plaintiffs' Motion for Summary Judgment on Their Tenth Claim for Relief—Unlawful Denial of Compensatory Time off, filed August 17, 2009 [113], is taken under advisement

ORDERED: Plaintiffs' Motion for Summary Judgment On Their Seventh, Eighth, and Ninth Claims for Relief, filed August 17, 2009 [114], is taken under advisement.

ORDERED: Plaintiffs' Motion to Create Sub-Classes and Select Representative Plaintiffs, filed June 1, 2009 [105], is taken under advisement.

ORDERED: Defendant's Motion to Strike Exhibit 6 and Certain Paragraphs of Plaintiffs' Statement of Undisputed Facts in Plaintiffs' Motion For Summary Judgment on Their Tenth Claim for Relief, filed September 21, 2009 [119], is taken under advisement.

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ORDERED: Defendant's Motion for Summary Judgment on Plaintiffs' First and Sixth Claims for Relief, filed October 30, 2009 [126], is taken under advisement.

11:15 a.m. Court in recess.

Hearing concluded. Total time: 1 hr. 45 min.