

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Gudrun J. Rice

Civil Action No. 07-cv-00969-PAB-GJR

ANDREW R. NEWMAN,

Plaintiff,

v.

ED BOZARTH CHEVROLET COMPANY, INC.,

Defendant.

ORDER RE: PLAINTIFF'S MOTION FOR CLASS CERTIFICATION (Docket # 104) and
AMENDED MOTION TO CERTIFY CLASS (Docket # 107)

The Plaintiff Andrew Newman has filed a Motion for Class Certification (Docket # 104) pursuant to Federal Rule of Civil Procedure 23 (a) and 23 (b) and an amended Motion for Class Certification (to correct typographical errors) (Docket #107).

This Court previously entered a Report and Recommendation (Docket # 150), incorporated herein by reference, wherein it was recommended that Plaintiff's First Claim for relief be dismissed with prejudice and wherein it was recommended that summary judgment with regard to Plaintiff's Second, Third and Fourth Claims for Relief be entered in favor of Defendant Ed Bozarth Chevrolet Company, Inc. Plaintiff objected to the Magistrate Judge's Report and Recommendation. (Docket # 151) Final order is pending from the Honorable Philip A. Brimmer, District Court Judge.

The Magistrate Judge, particularly considering Rule 1 of the Federal Rules of Civil Procedure, orders that determination of Plaintiff's Motion for Class Certification and Amended

Motion for Class Certification be deferred pending final order concerning Defendant's Motion for Summary Judgment (Docket # 84).

Dated this 6th day of February, 2009.

BY THE COURT:

s/ Gudrun J. Rice

Gudrun J. Rice
United States Magistrate Judge