

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 09-cv-02071-MSK-CBS
Date: November 3, 2009

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Bernique Abiakam

Parties:

CLARA E. SALAZAR, et al.,

Plaintiffs,

Counsel:

J. Gordon Rudd, Jr.

v.

BUTTERBALL, LLC.,

Defendant.

Eric R. Magnus
Stephen X. Munger

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:30 p.m.

Court calls case. Appearances of counsel. Also present, Walter Davis and Gary Lenaghan, defendants.

Preliminary remarks by the Court.

Argument heard on Amended Motion To Amend Defendant's Answer And Affirmative Defense And Memorandum Of Law In Support (Filed 9/9/09; Doc. No. 70).

1:31 p.m. Argument by Mr. Magnus. Questions by the Court.

1:40 p.m. Argument by Mr. Munger. Questions by the Court.

ORDERED: Amended Motion To Amend Defendant's Answer And Affirmative Defense And Memorandum Of Law In Support (Filed 9/9/09; Doc. No. 70) is voluntarily WITHDRAWN.

Argument heard on **Defendant's Motion For Summary Judgment And Memorandum Of Law In Support (Filed 5/15/09; Doc. No. 40)**; and **Plaintiffs' Motion For Partial Summary Judgment On Butterball's 29 U.S.C.§203(o) Affirmative Defense (Filed 5/15/09; Doc. No. 41)**.

1:45 p.m. Argument by Mr. Munger. Questions by the Court.

2:29 p.m. Argument by Mr. Rudd. Questions by the Court.

3:16 p.m. Argument by Mr. Munger. Questions by the Court.

3:20 p.m. Argument by Mr. Rudd. Questions by the Court.

Discussion regarding Plaintiffs' Motion for Class Certification and Collective Action Certification (Filed 5/15/09; Doc. No. 34).

Defendant's counsel requests a recess to speak with client.

3:31 p.m. Court in recess.

3:43 p.m. Court in session.

Counsel advise the Court that they would like the Plaintiff's Motion for Class Certification and Collective Action Certification (Filed 5/15/09; Doc. No. 34) to be HELD IN ABEYANCE until a final ruling has been made on Defendant's Motion For Summary Judgment And Memorandum Of Law In Support (Filed 5/15/09; Doc. No. 40); and Plaintiffs' Motion For Partial Summary Judgment On Butterball's 29 U.S.C.§203(o) Affirmative Defense (Filed 5/15/09; Doc. No. 41).

Counsel will be given opportunity to meet and confer in order to evaluate their positions.

ORDERED: A Telephonic Status Conference call is set for November 9, 2009 at 8:30 a.m., regarding Plaintiff's Motion for Class Certification and Collective Action Certification (Filed 5/15/09; Doc. No. 34).

HEARING CONCLUDED.

Court in recess: 3:53 p.m.

Total time in court: 02:23

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