

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 09-cv-00658-REB

D. EDWARD WALTER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

LEVEL 3 COMMUNICATIONS, INC., et al.,

Defendants.

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**MINUTE ORDER<sup>1</sup>**

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The parties filed a **Second Joint Status Report To Court Regarding Outcome of Mediation** [#162] on March 22, 2011. The parties report that they have reached a settlement in principle and now are preparing a settlement agreement and supporting papers, as well as a motion for preliminary approval of the settlement. As a result, the parties ask that proceedings on the defendants' pending motion to dismiss and motion for class certification be stayed.

In light of the pending settlement, the **Defendants' Combined Motion and Brief To Dismiss First Amended Complaint and To Strike Jury Demand** [#73] and the **Plaintiffs' Revised Motion For Class Certification and Memorandum in Support Thereof** [#124] are **DENIED** without prejudice. If the pending settlement does not ripen into a complete settlement of the case, then the appropriate party may renew either of these motions by filing a brief notice with the court indicating that they would like to renew the motion.

The **Plaintiffs' Motion For Class Certification and Memorandum in Support Thereof** [#100] filed June 7, 2010, is **DENIED** as moot. That motion [#100] was supplanted by the revised motion for class certification [#124].

Dated: March 22, 2011

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<sup>1</sup>This minute order is issued pursuant to the express authority of the Honorable Robert E. Blackburn, United States District Judge for the District of Colorado.