

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-01613-CMA-BNB

ROBERT DARROW, individually and on behalf of other similarly situated persons,

Plaintiff,

v.

WKRP MANAGEMENT, LLC,
WKRP COLORADO PP, LLC,
WKRP COLORADO, LLC, and
WKRP HOLDINGS, LLC,

Defendants.

ORDER

This matter arises on the following:

- (1) Plaintiff's **Motion for Leave to Amend Complaint** [Doc. # 92, filed 7/21/2010]
(the "Motion to Amend");
- (2) **Defendants' Motion for Extension of Time to Respond to Plaintiffs' Written Discovery Requests, Or, In the Alternative, to Stay Discovery** [Doc. # 93, filed 7/22/2010]
(the "Motion to Stay"); and
- (3) **Joint Motion to Vacate Deadlines Established By the Scheduling Order** [Doc. # 85, filed 6/11/2010] (the "Motion to Vacate Schedule").

Also pending is:

- (4) **Defendants' Motion to Dismiss Plaintiffs' Amended Complaint** [Doc. # 82, filed 5/25/2010] (the "Motion to Dismiss").

I held a hearing on the motions yesterday and made rulings on the record, which are incorporated here. In summary and for the reasons stated on the record:

IT IS ORDERED that the Motion to Amend [Doc. # 92] is GRANTED. The Clerk of the Court shall accept for filing the Second Amended Complaint [Doc. # 92-1]. The defendants shall answer or otherwise respond to the Second Amended Complaint on or before **September 13, 2010.**

IT IS FURTHER ORDERED that the Motion to Stay [Doc. # 93] is GRANTED to allow the defendants to respond to the pending discovery on or before **September 8, 2010**, and DENIED in all other respects.

IT IS FURTHER ORDERED that the Motion to Vacate Schedule [Doc. # 85] is GRANTED. All previous deadlines established in the Scheduling Order are VACATED. I will enter a new case schedule, if appropriate, after the filing of an answer or a ruling by the district judge on a motion to dismiss the Second Amended Complaint.

IT IS FURTHER ORDERED that the plaintiff shall file a status report within 10 days of the defendant's answer or a ruling by the district judge on a motion to dismiss the Second Amended Complaint informing me of the event and addressing any pretrial proceedings to be scheduled.

IT IS FURTHER ORDERED that the Motion to Dismiss [Doc. # 82] is DENIED AS MOOT and without prejudice in view of the filing of the Second Amended Complaint.

Dated August 10, 2010.

BY THE COURT:

s/ Boyd N. Boland

United States Magistrate Judge