

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

Civil Action No. 09-cv-01632-CMA-BNB

MARK SMITH, individually and on behalf  
of other similarly situated persons,

Plaintiff,

v.

PIZZA HUT, INC.,

Defendant.

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**ORDER**

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This matter arises on **Pizza Hut's Unopposed Motion to Clarify Order** [Doc. # 117, filed 5/6/2010] (the "Motion"). The parties seek clarification of my Order [Doc. # 116, filed 5/4/2010] (the "May 4 Order") denying as premature their joint motion to modify the case schedule.

IT IS ORDERED that the Motion [Doc. # 117] is GRANTED. My May 4 Order is clarified to state that all deadlines established by the Scheduling Order [Doc. # 47] as subsequently modified are VACATED. I will enter a new case schedule, if appropriate, after a ruling by the district judge on Pizza Hut's Rule 12(b)(6) Motion.

Dated May 10, 2010.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge