

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 **Plaintiff's and Pizza Hut's Joint Status Report and Proposed Case Plan and Schedule** [Doc. # 180, filed 1/21/2011]. I held a status conference this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The stay of discovery previously entered, see Order [Doc. # 174], is LIFTED, and discovery may proceed subject to the limits established in the Scheduling Order [Doc. # 47];

(2) The following case schedule is established:

- Deadline to file motion to conditionally certify collective action and proposed notice: 30 days after Pizza Hut files its answer
- Deadline to file motion to certify class pursuant to Rule 23 and proposed notice: 30 days after end of FLSA opt-in period or 30 days after Pizza Hut files its answer, whichever is later
- Fact discovery cut-off: 120 days after end of FLSA opt-in period or 120 days after end of Rule 23 opt-out period, whichever is later
- Deadline to designate experts and provide opposing counsel with

all information specified in Rule 26(a)(2): 30 days after fact discovery cut-off

- Deadline to designate rebuttal experts and provide opposing counsel with all information specified in Rule 26(a)(2): 30 days after deadline to designate experts and provide opposing counsel with all information specified in Rule 26(a)(2)
- Expert discovery cut-off: 30 days after deadline to designate rebuttal experts and provide opposing counsel with all information specified in Rule 26(a)(2)
- Dispositive motion deadline: 45 days after expert discovery cut-off
- Deadline to file motion to decertify collective action: 45 days after expert discovery cut-off; and

(3) Within ten days after any ruling by the district judge on Pizza Hut's Rule 12(b)(6)

Motion [Doc. # 147], the parties shall file a status report informing me of the effect of the ruling on the case and, if appropriate, requesting a status conference to review the case schedule and set a final pretrial conference.

Dated February 4, 2011.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge