

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 10-cv-01884-KMT-MEH

FTR - Courtroom C-201

Date: January 10, 2012

Deputy Clerk, Nick Richards

JAQUELYN ANN WHITTINGTON, individually
and on behalf of all other persons similarly
situated,

Kyra Naomi Hild
Seth R. Lesser
Silvija Anna Strikis
Barry Boughman

Plaintiff,

v.

TACO BELL OF AMERICA, INC., and
TACO BELL CORP.,

Brian Lee Duffy
Jeannette MacLeod Brook
Naomi G. Beer
John A. Makarewich

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 9:58 a.m.

Court calls case. Appearances of counsel.

Motion Hearing is called regarding Notice of Plaintiff's Motion for Conditional Certification [Doc. No. 61, filed September 16, 2011].

It is **ORDERED**: Plaintiff's Motion to File Supplemental Authority in Support of Her Motion for Conditional Certification [Doc. No. 83, filed January 9, 2012, and amended motion, Doc. No. 84, filed January 9, 2012] are **GRANTED**.

Oral argument from plaintiff.

Oral argument from defendant.

It is **ORDERED**: Notice of Plaintiff's Motion for Conditional Certification [61] is **GRANTED** for reasons stated on the record. This case will be conditionally certified as a collective action concerning plaintiff's claims under the Fair Labor Standards Act on behalf of all current and former assistant general managers and similarly situated and current employees holding comparable positions with different titles employed by Taco Bell of America, Inc. and Taco Bell Corp. at their

Taco Bell company owned restaurants in the United States, except for the state of California, at any time since January 10, 2009 to the entry of judgment in this case.

Therefore, defendant is to produce to plaintiff on or before January 25, 2012 the names, addresses, phone numbers, and email addresses of the employees defined above, as well as dates of employment, location of employment, employee number, and date of birth.

The parties shall submit simultaneous briefs and a proposed notice to be submitted to the putative collective members on or before January 27, 2012.

The opt-in date for potential collective members shall be 90 days from the date the notice is sent.

It is **ORDERED**: The Scheduling Conference set for January 18, 2012 at 9:30 a.m. is **VACATED**.

Court in Recess: 11:20 a.m.

Hearing concluded.

Total In-Court Time 01:22

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.