

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-00028-PAB-KLM  
(consolidated with Civil Action No. 12-cv-00377-PAB)

DARREN GIUFFRE, on behalf of himself and all similarly situated persons,  
  
Plaintiff,

v.

MARYS LAKE LODGE, LLC, a Colorado Limited Liability Company, and  
RAMS HORN DEVELOPMENT COMPANY, LLC, doing business as  
Marys Lake Lodge, a Colorado Limited Liability Company,

Defendants.

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**ORDER**

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This matter is before the Court on the motion for approval of *Hoffman-La Roche* notice [Docket No. 28] filed by plaintiff. In the motion, plaintiff requests that the Court conditionally certify a collective action pursuant to § 216(b) of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, and authorize the issuance of notice to certain “current and former employees of Marys Lake Lodge.” Docket No. 28-1 at 11, ¶ 1. Plaintiff has since filed a motion “request[ing] leave to substitute Ram’s Horn Development Company, LLC . . . for Marys Lake Lodge, LLC . . . as the proper party Defendant in this matter.” Docket No. 60 at 1. Therefore, it is

**ORDERED** that plaintiff’s motion for approval of *Hoffman-La Roche* notice [Docket No. 28] is DENIED without prejudice to refile upon resolution of the issue regarding the identification of the proper defendant in this matter.

DATED February 21, 2012.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge