

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 11-cv-00165-REB-KMT

JOHN WOLFE, individually and on behalf of all others similarly situated,
MIKE MARNHOUT, individually and on behalf of all others similarly situated,
SHAZI IQBAL, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ASPENBIO PHARMA, INC., a Colorado corporation,
RICHARD G. DONNELLY,
GREGORY PUSEY,
JEFFREY G. McGONEGAL,
MARK COLGIN, and
ROBERT CASPARI,

Defendants.

SECOND ORDER RE: MOTIONS FOR CLASS CERTIFICATION¹

Blackburn, J.

The matter is again before the court *sua sponte*. In this putative class action, the court recognizes the requirement under Fed.R.Civ.P. 23(c)(1)(A) to determine whether to certify a class before the case properly can proceed to resolution by summary judgment, trial, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of this and related matters.

IT IS ORDERED as follows:

1. That no later than thirty (30) days after the first answer or other response, e.g., motion to dismiss, etc., to the complaint is filed by the defendant in this case, the

¹An **Amended Class Action Complaint For Violations of The Securities Laws** [#29] was filed on August 23, 2011, thus, prompting this **Second Order Re: Motions For Class Certification**.

plaintiff **SHALL FILE** a motion for class certification under Fed. R. Civ. P. 23 (a) that addresses, *inter alia*, (i) the prerequisites at Fed. R. Civ. P. 23(a)(1)-(4), and (ii) the matters at Fed. R. Civ. P. 23(b); (b) that defines the proposed class; and (c) that requests the appointment of class counsel;


2. That the deadlines for filing response and reply briefs **SHALL BE AS PRESCRIBED** under D.C.COLO.LCivR 7.1C.;

3. That an applicant for class counsel **SHALL ADDRESS** the matters at Fed. R. Civ. P. 23(g)(1)(A)(i)-(iv) and any other matter pertinent to the applicant's ability to fairly and adequately represent the interests of the proposed class; and

4. That based on the parties' submissions, the court **WILL** either rule on the papers, order further briefing, convene an evidentiary hearing, or take such further action as the court in its discretion deems proper and necessary.

Dated August 25, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge