

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

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

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

ORDER RE CLASS CERTIFICATION SCHEDULE

Blackburn, J.

The matter is before me on the **Joint Motion To (1) Vacate The Court's "Second Order Re: Motions For Class Certification" and (2) Confirm The February 1, 2011 Scheduling Order** [#37]¹ filed September 15, 2011. After reviewing the motion and file, I conclude that the motion should be granted and a new class certification schedule should be followed.

THEREFORE, IT IS ORDERED as follows:

1. That the **Joint Motion To (1) Vacate The Court's "Second Order Re: Motions For Class Certification" and (2) Confirm The February 1, 2011 Scheduling**

¹“[#37]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

Order [#37] filed September 15, 2011, is **GRANTED**;

2. That the **Second Order Re: Motions For Class Certification** [#34] entered August 25, 2011, is **VACATED**; and

3. That the court approves, adopts, incorporates, and orders implemented the schedule set forth in the joint motion of the parties and the **Order Re Schedule** [#14] entered February 1, 2011, modified as follows:

(a) a defendant shall file any motion to dismiss by **October 7, 2011**, which is 45 days after the filing of the amended complaint;

(b) the lead plaintiff shall respond to any motion to dismiss by **November 21, 2011**;

(c) a defendant may file a reply, if any, by **December 12, 2011**; and

(d) the lead plaintiff shall file his motion for class certification within thirty (30) days of any order denying the defendants' motion(s) to dismiss, or the date that defendants file an answer, whichever is later.

Dated September 16, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge