

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 11-cv-01063-REB-CBS

JOHN GREEN and ELIZABETH ENRIGHT,
individually and on behalf of others similarly situated,

Plaintiffs,

v.

DRAKE BEAM MORIN, INC.,

Defendant.

ADDENDUM TO E-DISCOVERY PROTOCOL

Pursuant to the Court's Minute Entry (doc. #55) and the Court's further direction during the Scheduling Conference on January 24, 2012, Plaintiffs and Defendant Drake Beam Morin, Inc. submit the following addendum to the e-discovery protocol for Court approval and inclusion in the Scheduling Order:

1. In this case, Plaintiffs allege that Defendant violated the Fair Labor Standards Act ("FLSA") by failing to pay Plaintiffs and other similarly situated consultants for hours worked and failing to pay overtime. Defendant has denied the material allegations of Plaintiffs' complaint and asserted various other defenses. The Court granted Plaintiffs' motion for conditional certification (doc. #44). Notice was mailed on January 20, 2012. The notice period ends on April 19, 2012.

2. Plaintiffs took depositions of Defendant's corporate representatives regarding IT topics on February 28, 2012.

3. Pursuant to the Court's order, the parties have conferred regarding electronically stored information ("ESI") that may be relevant to this matter following conditional certification, and have agreed on the following protocol for discovery of ESI.

a. Electronic Scheduler, Orbit and Time Records

Plaintiffs have requested, and Defendant has agreed to produce, Scheduler records, Orbit records, web time sheets and ADP records in electronic format for all opt-ins for the relevant time period.

Defendant has agreed to begin production on a rolling basis.

b. Electronic Time Stamps

Plaintiffs have requested, and Defendant has agreed to produce, electronic time stamp logs for all opt-ins' activity in Orbit, ADP, client portal, customer portal, mydbm.com, WebEx (if available from the vendor) and Microsoft live meeting (if available from the vendor) for the relevant time period. Defendant has agreed to begin production on a rolling basis.

c. Email

Plaintiffs have requested, and Defendant has agreed to produce, all email in the email boxes of all opt-ins in their native format. Further, Plaintiffs have requested, and Defendant has agreed to search, the email boxes of all employees with supervisory authority over consultants with agreed-upon search terms to be decided no later than April 1, 2012. Defendant has agreed to begin production on a rolling basis.

DATED at Denver, Colorado, this 12th day of March, 2012.

BY THE COURT:

s/Craig B. Shaffer
Craig B. Shaffer
United States Magistrate Judge

APPROVED:

/s/ Jack D. McInnes

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