

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

Civil Action No: 13-cv-00277-RM-KMT
Courtroom Deputy: Sabrina Grimm

Date: March 10, 2014
FTR: Courtroom C-201

Parties:

JAMES GERARD, JR., and
MICHAEL COX, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

NEW ELK COAL COMPANY, LLC,

STRATEGIC STAFFING SOLUTIONS, and

CLINE MINING CORPORATION,

Defendants.

Counsel:

David Tufts

M. Robin Repass

Austin Smith
David Powell
M. Robin Repass

COURTROOM MINUTES

MOTION HEARING AND SCHEDULING CONFERENCE

1:30 p.m. Court in session.

Court calls case. Appearances of counsel.

Court states its understanding of the issues.

Discussion regarding WARN, single employer issue, amount of propounded interrogatories, and verification of testimony.

ORDERED: Defendant New Elk is directed to produce "Exhibit B" as described by the parties in their papers, to the Plaintiff on or before March 10, 2014. The Court understands Exhibit B to be a settlement agreement. Therefore the document will be designated confidential and produced under the provisions of the protective order entered in the case.

Further discussion regarding single employer issue, New Elk discovery pertaining to interrogatories 6-10, 12, 15, and 17, request for production 7-13, 15, 18, and 28.

Counsel for Defendant Strategic Staffing Solutions are excused from the remainder hearing.

3:09 p.m. Court in recess.

3:54 p.m. Court in session.

Discussion regarding Cline discovery. Mr. Tufts informs the Court that the Cline discovery issues have been resolved and states the resolution on the record.

ORDERED: Plaintiff's Motion to Compel Discovery from Defendants New Elk Coal Company, LLC and Cline Mining Corporation and Extend the Phase One Discovery and Dispositive Motion Deadlines [80] is GRANTED IN PART AND DENIED IN PART. The motion is granted as to defendant New Elk's interrogatories 6, 7, 8, 9, 10, 12, and 17 and request for production 7-13, and 18. New Elk is directed to supplement their responses to the interrogatories on or before March 17, 2014 and produce responsive documents to the requests for production on or before April 7, 2014. The motion is granted in part as to defendant Cline's documents. Cline is directed to supplement discovery, as agreed to by the parties on record, on or before March 17, 2014. The motion is denied in all other respects.

Discussion and review of the string cheese factors.

ORDERED: Further discovery is stayed, excluding the completion of Phase 1 discovery and the completion of any discovery discussed herein, pending District Judge Moore's resolution of the parties' summary judgment motions. Parties are directed to submit a Status Report within 5 days of Judge Moore's ruling stating the outcome of the ruling and further discovery requirements.

ORDERED: The Proposed Scheduling Order is rejected at this time.

4:11 p.m. Court in recess.

Hearing concluded.

Total in-court time 01:56

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