

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE RAYMOND P. MOORE**

Courtroom Deputy: Nick Richards
Court Reporter: Tammy Hoffschildt

Date: January 10, 2014

CASE NO. 13-cv-01930-RM-MJW

Parties

Counsel

DANIEL LYSYJ, and
DAVID RHOADS, on behalf of themselves
and others similarly situated,

Donna E. Dell'Olio

Plaintiffs,

v.

MILNER DISTRIBUTION ALLIANCE, INC.
d/b/a MAXX SUNGLASSES, a Colorado
corporation,

Mark Anthony Barrionuevo
Jeffrey Brian Morganroth

Defendant.

COURTROOM MINUTES

MOTION HEARING

COURT IN SESSION: 8:59 a.m.

Court calls case. Appearances of counsel.

Motion Hearing called regarding Plaintiffs' Motion to Certify Conditionally a Collective Action Under the Fair Labor Standards Act 29 U.S.C. § 216(b) and for Court Assisted Notice Under Authority of *Sperling v. Hoffman La Roche*, 493 U.S. 165, 169 (1989) [Doc. No. 7, filed September 10, 2013] and Defendant's Motion to Stay Proceedings and Compel Arbitration as to Plaintiff, Daniel Lysyj, Only, Pursuant to Section 3 of the Federal Arbitration Act [Doc. No. 31, filed September 27, 2013].

Preliminary remarks by the Court.

9:06 a.m. Argument by Ms. Dell'Olio regarding Plaintiffs' Motion to Certify [7].

9:16 a.m. Argument by Mr. Morganroth regarding Plaintiffs' Motion to Certify [7].

9:28 a.m. Response by Ms. Dell'Olio.

9:32 a.m. Argument by Mr. Morganroth regarding Defendant's Motion to Stay Proceedings [31].

9:42 a.m. Argument by Ms. Dell'Olio regarding Defendant's Motion to Stay Proceedings [31].

9:51 a.m. Response by Mr. Morganroth.

ORDERED: Plaintiffs' Motion to Certify Conditionally a Collective Action Under the Fair Labor Standards Act 29 U.S.C. § 216(b) and for Court Assisted Notice Under Authority of *Sperling v. Hoffman La Roche*, 493 U.S. 165, 169 (1989) [7] and Defendant's Motion to Stay Proceedings and Compel Arbitration as to Plaintiff, Daniel Lysyj, Only, Pursuant to Section 3 of the Federal Arbitration Act [31] are **TAKEN UNDER ADVISEMENT**.

COURT IN RECESS: 9:54 a.m.

Total in court time: 00:55

Hearing concluded