

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

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Courtroom Deputy: Nick Richards  
Court Reporter: Tammy Hoffschildt

Date: January 10, 2014

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

Parties

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

Plaintiffs,

v.

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

Defendant.

Counsel

Donna E. Dell'Olio

Mark Anthony Barrionuevo  
Jeffrey Brian Morganroth

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**COURTROOM MINUTES**

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**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**