

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 13-cv-01930-RM-MJW

FTR - Courtroom A-502

Date: April 07, 2014

Courtroom Deputy, Ellen E. Miller

Parties

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

Plaintiff(s),

v.

MILNER DISTRIBUTION ALLIANCE, INC., d/b/a
Maxx Sunglasses,
a Colorado corporation,

Defendant(s).

Counsel

Donna E. Dell'Olio

Jeffrey B. Morganroth
Mark A. Barrionuevo

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in Session: 10:36 a.m.

Court calls case. Appearances of counsel.

The Motion to Withdraw Consents to Join filed by Debra Grainger and Floyd Roberts is discussed. With no objections,

It is ORDERED: MOTION TO WITHDRAW CONSENTS TO JOIN FILED BY DEBRA GRAINGER AND FLOYD ROBERTS [Docket No. 72, filed March 17, 2014] is **GRANTED** for reasons as set forth on the record.
The following Consents to be Joined are therefore WITHDRAWN:
Consent Form Debra Grainger [Docket No. 60, filed 02/21/14]
Consent Form Floyd Roberts [Docket No. 57, filed 02/19/2014]

Discussion is held regarding defendant providing to Plaintiffs records for the approximately 11 to 18 Opt-in Plaintiffs.

It is ORDERED: **On or before APRIL 25, 2014**, Defendant shall provide to Plaintiffs the Time and Pay Records for the approximately 11 to 18 Opt-in Plaintiffs.

It is ORDERED: **On or before APRIL 25, 2014**, Defendant shall provide to Plaintiffs any Supplemental Time and Pay Records as to Plaintiff David Rhoads.

As the records are accumulated for any Opt-in Plaintiff, the records shall be promptly delivered to Plaintiffs' counsel by Defendant to aid in preparations for depositions.

It is ORDERED: **On or before APRIL 11, 2014**, parties shall file a Stipulation as to the three known Opt-in Plaintiffs who are subject to an arbitration agreement and the previous order entered by Judge Moore. It is not certain at this time if one other Opt-in Plaintiff may be subject to an arbitration agreement and the previous order entered by Judge Moore. **On or before APRIL 16, 2014**, parties shall file any appropriate Stipulation as to that one Opt-in Plaintiff.

Defendant makes an Oral Motion to modify the Scheduling Order limitation on number of depositions to allow the defendant to take depositions of Opt-in Plaintiffs still in the case. With no objection,

It is ORDERED: Defendant's ORAL MOTION is **GRANTED**. The Scheduling Order [Docket No. 29, filed September 24, 2013] is amended to allow Defendant additional depositions of the Opt-in Plaintiffs.

Parties shall meet and confer regarding any requests to modify any deadlines contained in the Scheduling Order and file any appropriate motion.

It is ORDERED: A **TELEPHONIC STATUS CONFERENCE** is set **MAY 27, 2014 at 11:00 a.m.** (Mountain Time).

All participating parties are to be on the call *before* the Court is contacted; Plaintiff shall create the conference call. Once the conference call is established, the Court shall be added as the final connection by dialing (303) 844-2403 at the scheduled time. To ensure a more adequate connection, parties shall use a Conference Operator. At least four (4) working days prior to the date set for the conference call, counsel for the plaintiff(s) shall call chambers (303) 844-2403 with the conference call-in telephone number and access code., if applicable.

Hearing concluded.

Court in recess: 11:05 a.m.

Total In-Court Time 00:29

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