

**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

Counsel

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

Donna E. Dell'Olio

Plaintiff(s),

v.

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

Jeffrey B. Morganroth
Mark A. Barrionuevo

Defendant(s).

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The following Consents to be Joined are therefore WITHDRAWN: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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