

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-03299-CMA-BNB

NANCY CHAVEZ,
MARGARITA HERRERA, and
ANA MARIA PEINADO-NOVOA
on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

EXCEL SERVICES SOUTHEAST, INC.,
EXCEL SERVICES NETWORK, INC., and
JAMES DAVID SAXTON,

Defendants.

ORDER

This matter is before me on the following:

(1) **Plaintiffs' Second Motion to Compel Discovery** [Doc. # 39, filed 10/20/2014]
(the "Motion to Compel"); and

(2) **Plaintiffs' Unopposed Motion for Modification of Scheduling Order** [Doc. #
44, filed 12/1/2014] (the "Motion to Extend Schedule").

I held a hearing on the motions this morning and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion to Compel [Doc. # 39] is GRANTED IN PART and DENIED IN
PART as follows:

- GRANTED to require the defendants to make available to the plaintiffs, on or before December 18, 2014, the defendants' electronic Quickbooks payroll database insofar as it contains addresses, Social Security numbers, and weekly payment data for the 215 identified potential collective action plaintiffs, including, if it exists, any program that converts the Quickbooks data to a report in the form of Plaintiffs' Exhibit 29 [Doc. # 39-2].

- GRANTED to require the defendants to make available for inspection and copying the approximately 106 customer files which contain the missing 302 sheets previously marked by apparently not copied. The defendants shall bear the cost of pulling the identified files, and the plaintiffs shall bear the cost of identifying the particular missing pages and copying them. The files shall be made available to the plaintiffs at a date and time as the parties may agree, but not later than January 30, 2015.

- DENIED without prejudice insofar as it seeks production of 190 missing files. On or before December 18, 2014, the parties shall conduct additional conferences under D.C.COLO.LCivR 7.1A in an attempt to resolve or narrow this dispute.

(2) The Motion to Extend Schedule [Doc. # 44] is GRANTED as specified and the case schedule is modified to the following extent:

Deadline to Join Parties and Amend Pleadings:	February 13, 2015
Deadline to Give Notice of Collective Action:	February 16, 2015
Deadline to Opt-In to Collective Action:	45 days after notice is given

Deadline to File Motion for Rule 23
Class Action Certification: May 14, 2015

Discovery Cut-Off: July 14, 2015

Dispositive Motions Deadline and
to File Motion to Decertify
Collective Action: August 30, 2015

Expert Disclosures:

- (a) The parties shall designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before may 15, 2015
- (b) The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before June 15, 2015

Final Pretrial Conference: The final pretrial conference set for August 10, 2015, at 9:00 a.m., is VACATED and RESET to November 4, 2015, at 9:00 a.m. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than October 29, 2015.

(3) The plaintiffs' request for an order tolling the statute of limitation applicable to the claims of opt-in plaintiffs is DENIED without prejudice. Any such relief shall be made by a separate motion.

(4) The plaintiffs' request for an award of their costs and attorneys' fees in connection with the Motion to Compel and Motion to Extend Schedule is DENIED.

Dated December 4, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge