

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00458-KLM

LEONARD MARTINEZ,
DOUG PATRICK,
SAMANTHA PATRICK,
DEVIN QUINTANA,
SCOTT ROSENBAUM,
STEVEN ROSENBAUM,
JOSEPH VIALPANDO,
MICHAEL WOLFE,
DENNIS GREGORY,
FRANCISCO MEDINA, and
SCOTTIE LEE WRAY,

Plaintiffs,

v.

RED'S TOWING,

Defendant.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs'¹ **Motion for Summary Judgment as to Liability** [#67]² (the "Motion").³ Defendant filed a Response [#68] stating that it does not contest the Motion. Plaintiffs did not file a Reply.

¹ The term "Plaintiffs" refers to only Michael Wolfe and Leonard Martinez for purposes of this Order.

² "[#67]" is an example of the convention the Court uses to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). The Court uses this convention throughout this Order.

³ The case has been referred to the undersigned for all purposes pursuant to the Court's Pilot Program and 28 U.S.C. § 636(c), upon consent of the parties.

In the Motion, Plaintiffs seeks summary judgment with respect to Defendant's liability under the Fair Labor Standards Act ("FLSA"). In the Response, Defendant admits that it is liable under the FLSA and may owe Plaintiffs overtime under the statutory regime. Defendant further states that trial on this matter can be held solely on the issue of the amount of overtime, if any, due to Plaintiffs. Having not filed a Reply, Plaintiffs apparently do not contest this statement of the case. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#67] is **GRANTED** to the extent it seeks entry of summary judgment against Defendant with respect to Defendant's liability under the FLSA. Therefore,

IT IS FURTHER **ORDERED** that judgment shall enter in favor of Plaintiffs Michael Wolfe and Leonard Martinez with respect to Defendant's liability under the FLSA. This matter shall proceed to trial on the sole issue of the amount of damages, if any, due to Plaintiffs Michael Wolfe and Leonard Martinez.

Dated: April 20, 2015

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix
United States Magistrate Judge