

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No: 14-cv-02701-KMT
Courtroom Deputy: Sabrina Grimm

Date: January 12, 2015
FTR: Courtroom C-201

Parties:

ALFREDO "OSCAR" JARA, and
HUGO ESPARZA, on their own behalf and on behalf of
all others similarly situated,

Plaintiff,

v.

GEORGE MEDINA, SR., d/b/a CAFÉ CHIHUAHUA,

Defendant.

Counsel:

Brandt Milstein

Ralph Torres

COURTROOM MINUTES

SCHEDULING CONFERENCE

10:04 a.m. Court in session.

Court calls case. Appearances of counsel.

Discussion regarding proceeding as a collective action, attorney's fees, costs, and potential dates for the opt-in period.

ORDERED: Plaintiffs' Motion to Proceed as a Collective Action, for Court-Authorized Notice and for Disclosure of the Names, Addresses, and Dates of Employment of the Potential Opt-In Plaintiffs [2] is GRANTED, as stated on record.

The putative class shall be "All hourly employees who worked for Defendant on or after October 2, 2011 who were not paid overtime wages for overtime hours worked."

ORDERED: The parties shall file a revised and updated Notice, with revisions and appropriate opt-in dates on or before January 20, 2015. The opt-in period shall conclude no longer than 95 days from today's date.

ORDERED: The parties shall cooperate to create a reasonable translation of the Notice and Consent to Join in the Spanish language by on or before February 9, 2015.

ORDERED: Defendant shall provide the list of former and current employees as ordered no later than 21 days from today's date. The Plaintiffs shall cause Notice to be sent to the putative class no later than 14 days from the date Plaintiffs receive the former and current employee list. Plaintiffs shall deliver the Notice and Consent to Join form, in English and Spanish, to all potential class members via first-class U.S. Mail

On a mutually agreed date, but no later than the mailing date to former and current employees of the Notice, Defendant shall post the Notice and Consent to Join form, in English and Spanish, in conspicuous places at his place of business;

Defendant shall include a copy of the Notice and Consent to Join form, in English and Spanish, in two consecutive pay envelopes of all putative class members currently employed by Defendant, beginning during the pay period when the first notice is posted.

Counsel confirm initial disclosures have been exchanged.

THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE.

Each side shall be limited to 10 depositions, including experts.

Depositions shall not exceed 7 hours, without prior agreement or absent leave of court.

Each side shall be limited to 25 interrogatories, 25 requests for production, and 25 requests for admission.

Joinder of Parties/Amendment to Pleadings: March 16, 2015, excluding those parties to be joined pursuant to the court's Order allowing conditional certification of the Collective Action.

Discovery Cut-off: June 17, 2015

Dispositive Motions Deadline: July 17, 2015

Each side shall be limited to 2 expert witnesses, absent leave of court.

Since neither party anticipates the use of experts at this time, a disclosure schedule will not be ordered at this time, however expert disclosures, if necessary, will be completed by the Discovery cut off.

Written Discovery shall be served 33 days prior to the discovery cutoff.

ORDERED: Telephonic Status Conference set for May 5, 2015 at 10:00 a.m. The parties shall initiate a conference call and contact chambers at 303-335-2780 at the time of the conference to discuss further settings, including trial.

ORDERED: The parties are directed to submit a revised Scheduling Order, including dates in Section 9 as agreed, to tafoya_chambers@cod.uscourts.gov, on or before January 20, 2015. The Scheduling Order will be entered at that time.

10:40 a.m. Court in recess.

Hearing concluded.

Total in-court time: 00:36

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.