

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-01327

BRIDGETTE MARLOW, on behalf of herself and all similarly situated persons,
Plaintiff,

v.

THE NEW FOOD GUY, INC., and
BRETT TUCKER,

Defendants.

ORDER ON PLAINTIFF'S MOTION FOR RECONSIDERATION

Kane, J.

Plaintiff has moved for reconsideration of my order granting Defendants' motion for judgment on the pleadings (Doc. 43), on the grounds that the Ninth Circuit's decision in *Oregon Rest. and Lodging Ass'n v. Perez*, Nos. 13-35765, 14-15243, 2016 WL 706678 (9th Cir. Feb. 23, 2016) has limited the applicability of the authorities relied on by Defendants in support of their original motion. *See* Doc. 44. I do not find the reasoning of *Perez* persuasive, and it is not binding on this Court. *See Perez*, 2016 WL 706678 at *9-*12 (Smith, J., dissenting); *Brueningsen, et al. v. Resort Express Inc.*, No. 2:12-CV-843-DN, 2016 WL 1181683, at *2-*5 (D. Utah Mar. 25, 2016). Accordingly, Plaintiff's motion for reconsideration (Doc. 44) is

DENIED.

Dated: April 4, 2016

s/ John L. Kane
Senior U.S. District Judge