

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FELICIA BURCH, ET AL.,
ON BEHALF OF THEMSELVES AND
OTHER INDIVIDUALS SIMILARLY
SITUATED,

PLAINTIFFS,

V.

QWEST COMMUNICATIONS
INTERNATIONAL, INC., ET AL.,

DEFENDANTS.

CIVIL NO. 06-3523 (MJD/AJB)

ORDER

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan, dated February 4, 2010, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss is **GRANTED** to the extent that this Court orders that all claims, except those maintained by the caption Plaintiffs, based on allegations of working during meal times or breaks or before and after shifts for reasons other than booting up or shutting down their computers **ARE DISMISSED WITHOUT PREJUDICE**.
2. Plaintiffs' motion to stay and/or toll the statutes of limitations is **GRANTED** to the extent that the statutes of limitations on all claims based on allegations of working during meal times or breaks or before and after shifts for reasons other than booting up or shutting down their computers are tolled for 60 days from the date of this Order for those individuals who are/were opt-in (FLSA) Plaintiffs or are/were part of the pleaded (Rule 23) class.

Dated: February 24, 2010

s/Michael J. Davis
Michael J. Davis
Chief United States District Court Judge