

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FELICIA BURCH, et al.,
on behalf of themselves and
other individuals similarly situated,

Plaintiffs,

v.

ORDER

Civil File No. 06-3523 (MJD/AJB)

QWEST COMMUNICATIONS
INTERNATIONAL, INC., et al.,

Defendants.

James H. Kaster, Matthew C. Helland, Sofia B. Andersson-Stern, Matthew H. Morgan, Paul J. Lukas, and Reena I. Desai, Nichols Kaster & Anderson, PLLP, Counsel for Plaintiffs.

Daniel C. Barr, Jill L. Ripke, and M. Bridget Minder, Perkins Coie Brown & Bain, PA, and Melissa Raphan, Robert R. Reinhart, and Ryan E. Mick, Dorsey & Whitney LLP, Counsel for Defendants.

This matter is before the Court on Defendants' Appeal of Magistrate Judge Boylan's May 27, 2010 Third Amended Pretrial Scheduling Order. [Docket No. 378]

A pretrial scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). This Court will reverse a magistrate judge’s order on a nondispositive issue if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). The Court has reviewed the parties’ submissions and the record in this case and concludes that Magistrate Judge Boylan’s Third Amended Pretrial Scheduling Order is neither clearly erroneous nor contrary to law. The Magistrate Judge’s decision that the additional discovery is related to the belatedly revealed time and motion study is reasonable, and his decision that good cause existed to implement these new discovery deadlines in order to accommodate that discovery was not an abuse of discretion.

To the extent that Qwest seeks new discovery deadlines, including new deadlines for expert discovery, that request should be directed to Magistrate Judge Boylan.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

United States Magistrate Judge Arthur J. Boylan's May 27, 2010 Third Amended Pretrial Scheduling Order [Docket No. 376] is **AFFIRMED**.

Dated: July 12, 2010

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court