

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LYLE BRENNAN, et al.,

CIVIL NO. 07-2024 (ADM/JSM)

Plaintiffs,

v.

ORDERQWEST COMMUNICATIONS
INTERNATIONAL, INC., et al.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 10, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. The claims of the following plaintiffs are **DISMISSED** with prejudice:

Lorie L. Bergman
Joshua D. Binkley
William H. Eberspacher
Bruce J. Fix
Leonard K. Hammerud
Chad A. Johnson
Tim Jorgenson
Ronald H. Klatt
Charles T. Leininger
David J. Leslie
John K. Linafelter
Justin M. Lorinser
Scott Lynk

Michael A. Peterson
David C. Riess
Mark M. Sandhoefner
Bonnie R. Spolarich
Wayne R. Stangler

2. As a sanction for their failure to respond to the Consent Plaintiff Survey, the following plaintiffs shall be precluded from providing testimony at trial and plaintiffs shall be precluded from introducing evidence on behalf of any of these 16 individuals on any question asked in the Consent Plaintiff Survey, unless the individual has provided to Qwest the information sought in another form:

Paul A. DiLorenzo
Brian J. Edgell
Chad R. Hayft
Paul D. Johnson
Charles M. Karie
James R. Kremer
Erik R. Lorenz
Dennis M. Moore
Lawrence B. Munch
John J. Nelson
Joseph A. Schlosser
Kevin J. Sobczak
Jennifer R. Stevens
Jerry L. Swanson,
John A. Thibedeau,
Robbin A. Vessel

3. Brenda Selby shall provide to Qwest the executed signature page of her Consent Plaintiff Survey prior to her deposition or shall sign or attest to the Survey at her deposition.

4. Paul Oberholtzer shall be prepared to answer and shall answer

Question 19 of the Consent Plaintiff Survey at his deposition.

Dated: March 4, 2010

s/Ann D. Montgomery

ANN D. MONTGOMERY
United States District Court Judge