

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00486-jdp**

Pope, Andrew v. Espeseth, Inc. et al
Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 29:201 Denial of Overtime Compensation

Date Filed: 08/06/2015
Date Terminated: 09/27/2017
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Andrew J. Pope

represented by **Yingtao Ho**
Previant, Goldberg, Uelmen, Gratz, Miller &
Brueggeman, S.C.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Joshua Rave

represented by **Yingtao Ho**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Espeseth, Inc.

represented by **Ryan J. Steffes**
Weld Riley, S.C.
3624 Oakwood Hills Pkwy.
P.O. Box 1030
Eau Claire, WI 54702
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Defendant

Wendy Espeseth
TERMINATED: 12/17/2015

represented by **Ryan J. Steffes**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Fish Window Cleaning Services, Inc.
TERMINATED: 01/11/2017

represented by **Patrick Michael Miller**
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Defendant

Anthony Espeseth

represented by **Ryan J. Steffes**
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ATTORNEY TO BE NOTICED

William E. Wallo
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------|--|
| 08/06/2015 | 1 | COMPLAINT against All Defendants. (Filing fee \$ 400 receipt number 0758-1611271.), filed by All Plaintiffs. (Attachments: # 1 Consent to Opt In, # 2 Summons, # 3 JS-44 Civil Cover Sheet) (Ho, Yingtao) (Entered: 08/06/2015) |
| 08/06/2015 | | Case randomly assigned to District Judge James D. Peterson and Magistrate Judge Stephen L. Crocker. (jat) (Entered: 08/06/2015) |
| 08/06/2015 | | Standard attachments for Judge James D. Peterson required to be served on all parties with summons or waiver of service: NORTC , Corporate Disclosure Statement . (jat) (Entered: 08/06/2015) |
| 08/06/2015 | 2 | Summons Issued as to Espeseth, Inc. (jat) (Entered: 08/06/2015) |
| 08/17/2015 | 3 | Summons Returned Executed as to Defendant Espeseth, Inc.; served on 8/12/2015, answer due 9/2/2015. (Ho, Yingtao) Modified on 8/18/2015. (lak) (Entered: 08/17/2015) |
| 08/31/2015 | 4 | ANSWER by Defendants Wendy Espeseth, Espeseth, Inc. (Steffes, Ryan) (Entered: 08/31/2015) |
| 08/31/2015 | | Set Telephone Conference: Telephone Pretrial Conference set for 9/29/2015 at 02:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [Standing Order Governing Preliminary Pretrial Conference attached] (jat) (Entered: 08/31/2015) |
| 09/08/2015 | 5 | Notice of Consent to Join Lawsuit by Plaintiff Andrew J. Pope. <i>Consent to Opt in and Participate as a Named Plaintiff in Suit for Violations of Fair Labor Standards Act by Joshua M. Rave.</i> (Ho, Yingtao) Modified on 9/9/2015. (lak) (Entered: 09/08/2015) |
| 09/24/2015 | 6 | Report of Rule 26(f) Planning Meeting. (Ho, Yingtao) (Entered: 09/24/2015) |
| 09/30/2015 | | Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 9/30/2015 [:15] (cak) (Entered: 09/30/2015) |
| 09/30/2015 | 7 | Standing Order Relating to the Discovery of Electronically Stored Information in a Complex Civil Lawsuit. Signed by Magistrate Judge Stephen L. Crocker on 9/30/15. (jat) (Entered: 09/30/2015) |
| 10/01/2015 | 8 | Pretrial Conference Order - Amendments to Pleadings due 11/30/2015. Motion for Conditional Certification of Class due 1/29/2016. Motion to Certify Class under Rule 23 due 4/29/2016. Dispositive Motions due 9/2/2016. Settlement Letters due 3/10/2017. Final Pretrial Submissions due 3/20/2017. Court Trial set for 4/17/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 9/30/15. (jat) (Entered: 10/01/2015) |
| 11/04/2015 | 9 | Joint Stipulation to Extend Complaint Amendment Deadline by Plaintiff Andrew J. Pope. Motions referred to Magistrate Judge Stephen L. Crocker. (Ho, Yingtao) Modified on 11/4/2015. (arw) (Entered: 11/04/2015) |
| 11/04/2015 | 10 | ** TEXT ONLY ORDER ** ORDER accepting and entering 9 Joint Stipulation to Extend Complaint Amendment Deadline. Signed by Magistrate Judge Stephen L. Crocker on 11/4/2015. (arw) (Entered: 11/04/2015) |
| 11/04/2015 | | Reset Deadlines: Amendments to the Pleadings due 12/22/2015. (arw) (Entered: 11/04/2015) |
| 11/12/2015 | 11 | Stipulation for Protective Order by Defendants Wendy Espeseth, Espeseth, Inc. (Steffes, Ryan) Modified on 11/12/2015: Corrected docketing event. (lak) (Entered: 11/12/2015) |

11/12/2015 12 ** TEXT ONLY ORDER **
The parties' stipulated protective order [11](#) is accepted and entered by the court. Signed by Magistrate Judge Stephen L. Crocker on 11/12/15. (jat) (Entered: 11/12/2015)

11/24/2015 [13](#) Rule 26 Initial Disclosure Report by Defendants Wendy Espeseth, Espeseth, Inc. (Steffes, Ryan) (Entered: 11/24/2015)

12/17/2015 [14](#) AMENDED COMPLAINT (*First*) against All Defendants, filed by All Plaintiffs. (Ho, Yingtao) Modified on 12/18/2015. (lak) (Entered: 12/17/2015)

01/06/2016 [15](#) *First Amended* ANSWER to Amended Complaint by Defendants Anthony Espeseth, Wendy Espeseth, Espeseth, Inc. (Steffes, Ryan) (Entered: 01/06/2016)

01/13/2016 [16](#) Affidavit of Service by Plaintiff. Fish Window Cleaning Services, Inc. served on 1/12/2016, answer due 2/2/2016. (Ho, Yingtao) (Entered: 01/13/2016)

01/20/2016 [17](#) Unopposed Motion to Stay *the Scheduling Order* by Plaintiffs Andrew J. Pope, Joshua Rave. Response due 1/27/2016. (Ho, Yingtao) Modified on 1/21/2016. (lak) (Entered: 01/20/2016)

01/20/2016 18 ** TEXT ONLY ORDER **
Plaintiffs' motion [17](#) to stay the schedule--actually, a motion to strike the schedule--is GRANTED, given the service of a new defendant and plaintiff's assertion that now they are attempting to certify a nationwide class. The existing schedule is stricken. The court will hold another telephonic preliminary pretrial conference after Fish Window Cleaning Services, Inc., has answered or otherwise responded. The parties must submit a new 26(f) report that accounts for the changes in the proposed scope and direction of this lawsuit. Signed by Magistrate Judge Stephen L. Crocker on 1/20/16. (jat) (Entered: 01/20/2016)

02/01/2016 [19](#) Notice of Appearance filed by Patrick Michael Miller for Defendant Fish Window Cleaning Services, Inc. (Miller, Patrick) (Entered: 02/01/2016)

02/01/2016 [20](#) Unopposed Motion for Extension of Time to File Answer *or Otherwise Respond to Plaintiff's First Amended Complaint* by Defendant Fish Window Cleaning Services, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Miller, Patrick) (Entered: 02/01/2016)

02/02/2016 21 ** TEXT ONLY ORDER **
ORDER granting [20](#) Motion for Extension of Time to Answer. Fish Window Cleaning Services, Inc. answer due 2/23/2016. Signed by Magistrate Judge Stephen L. Crocker on 2/2/16. (jat) (Entered: 02/02/2016)

02/11/2016 [22](#) Motion to Admit Heather Carson Perkins Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1742401.) by Defendant Fish Window Cleaning Services, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Perkins, Heather) (Entered: 02/11/2016)

02/11/2016 [23](#) Motion to Admit Samantha M. Rollins Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1742411.) by Defendant Fish Window Cleaning Services, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Rollins, Samantha) (Entered: 02/11/2016)

02/11/2016 24 ** TEXT ONLY ORDER **
ORDER granting [22](#) Motion to Admit Heather Carson Perkins Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 2/11/2016. (lak) (Entered: 02/11/2016)

02/11/2016 25 ** TEXT ONLY ORDER **
ORDER granting [23](#) Motion to Admit Samantha M. Rollins Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 2/11/2016. (lak) (Entered: 02/11/2016)

02/23/2016 [26](#) ANSWER and Defenses to Amended Complaint by Defendant Fish Window Cleaning Services, Inc. (Perkins, Heather) Modified on 2/24/2016. (lak) (Entered: 02/23/2016)

02/23/2016 [27](#) Corporate Disclosure Statement by Defendant Fish Window Cleaning Services, Inc. (Perkins, Heather) (Entered: 02/23/2016)

02/23/2016 Set Telephone Conference: Telephone Pretrial Conference set for 3/18/2016 at 01:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [[Standing Order Governing Preliminary Pretrial Conference](#) attached] (jat) (Entered: 02/23/2016)

03/15/2016 [28](#) Joint Report of Rule 26(f) Planning Meeting. (Ho, Yingtao) Modified on 3/16/2016: Two events were selected during docketing. (lak) (Entered: 03/15/2016)

03/18/2016 [29](#) Motion to Strike *Affirmative Defenses* by Plaintiffs Andrew J. Pope, Joshua Rave. Brief in Opposition due 4/1/2016. Brief in Reply due 4/8/2016. (Ho, Yingtao) Modified on 3/21/2016: Removed duplicate text. (lak) (Entered: 03/18/2016)

03/18/2016 [30](#) Brief in Support of [29](#) Motion to Strike *Affirmative Defenses* by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 3/21/2016: Removed duplicate text. (lak) (Entered: 03/18/2016)

03/18/2016 [31](#) Disregard. See [34](#) . Modified on 3/21/2016. (lak) (Entered: 03/18/2016)

03/18/2016 [32](#) Standing Order Relating to the Discovery of Electronically Stored Information in a Complex Civil Lawsuit. Signed by Magistrate Judge Stephen L. Crocker on 3/18/16. (jat) (Entered: 03/18/2016)

03/18/2016 [33](#) Pretrial Conference Order - Motion for Conditional Certification of Class due 9/16/2016. Defendants' Rule 56 motion challenging joint employer status due 9/16/2016. Motion to Certify Class under Rule 23 due 1/31/2017. Dispositive Motions due 7/21/2017. Settlement Letters due 11/17/2017. Final Pretrial Submissions due 12/26/2017. Court Trial set for 1/22/2018 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 3/18/16. (jat) (Entered: 03/18/2016)

03/18/2016 Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 3/18/2016 [:15] (jat) (Entered: 03/21/2016)

03/21/2016 [34](#) Deposition of Anthony Espeth taken on 12/16/2015. (Ho, Yingtao) (Entered: 03/21/2016)

03/28/2016 [35](#) Unopposed Motion for Extension of Time to Respond to Plaintiffs' Motion to Strike *Affirmative Defenses* by Defendant Fish Window Cleaning Services, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Perkins, Heather) (Entered: 03/28/2016)

03/28/2016 [36](#) ** TEXT ONLY ORDER **
ORDER granting [35](#) Unopposed Motion for Extension of Time to Respond to Plaintiff's Motion to Strike *Affirmative Defenses*. Brief in Opposition due 4/8/2016. Brief in Reply due 4/15/2016. Signed by Magistrate Judge Stephen L. Crocker on 3/28/16. (jat) (Entered: 03/28/2016)

04/08/2016 [37](#) *First Amended* ANSWER to Amended Complaint by Defendant Fish Window Cleaning Services, Inc. (Perkins, Heather) (Entered: 04/08/2016)

04/08/2016 [38](#) Brief in Opposition by Defendant Fish Window Cleaning Services, Inc. re: [29](#) Motion to Strike filed by Joshua Rave, Andrew J. Pope. (Perkins, Heather) (Entered: 04/08/2016)

04/15/2016 [39](#) Brief in Reply by Plaintiffs Andrew J. Pope, Joshua Rave in Support of [29](#) Motion to Strike *Affirmative Defenses*. (Ho, Yingtao) (Entered: 04/15/2016)

04/28/2016 [40](#) OPINION & ORDER denying [29](#) Motion to Strike *Affirmative Defenses*. Signed by District Judge James D. Peterson on 4/28/16. (jat) (Entered: 04/28/2016)

05/16/2016 [41](#) Stipulated Motion to Amend/Correct 12 Order on Motion for Protective Order by Defendant Fish Window Cleaning Services, Inc. (Perkins, Heather) (Entered: 05/16/2016)

05/20/2016 42 ** TEXT ONLY ORDER **
ORDER granting [41](#) Motion to Amend/Correct Protective Order. Signed by Magistrate Judge Stephen L. Crocker on 5/20/2016. (lak) (Entered: 05/20/2016)

07/11/2016 [43](#) Stipulation to Extend Summary Judgment Deadline by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) (Entered: 07/11/2016)

07/12/2016 44 ** TEXT ONLY ORDER **
ORDER granting [43](#) Stipulation to Extend Summary Judgment Deadline. Defendant Fish Window Cleaning Services, Inc.'s Rule 56 motion challenging joint employer status due 9/30/2016. Signed by Magistrate Judge Stephen L. Crocker on 7/12/2016. (arw) (Entered: 07/12/2016)

09/09/2016 [45](#) Stipulation to Extend Conditional Certification Deadline by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 9/9/2016. (lak) (Entered: 09/09/2016)

09/14/2016 46 ** TEXT ONLY ORDER **
ORDER granting [45](#) Stipulation to Extend Conditional Certification Deadline. Signed by Magistrate Judge Stephen L. Crocker on 9/14/16. (jat) (Entered: 09/14/2016)

09/14/2016 Reset Deadlines as to Motions to Certify Class: Motion for Conditional Certification of Class due 9/30/2016. (jat) (Entered: 09/14/2016)

09/30/2016 [47](#) Motion for Conditional Certification of Class by Plaintiffs Andrew J. Pope, Joshua Rave. Brief in Opposition due 10/21/2016. Brief in Reply due 10/31/2016. (Ho, Yingtao) (Entered: 09/30/2016)

09/30/2016 [48](#) Brief in Support of [47](#) Motion for Conditional Certification of Class by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) (Entered: 09/30/2016)

09/30/2016 [49](#) Deposition of Angie Masters taken on August 17, 2016, (Attachments: # [1](#) Exhibit 1 - Employee Support Documents, # [2](#) Exhibit 2 - Table of Contents, # [3](#) Exhibit 11 - Job Posting Employment Flyer, # [4](#) Exhibit 12 - Email from Maria Sternaman dated 05/30/2014, # [5](#) Exhibit 13 - New Employee Confirmation Agreement, # [6](#) Exhibit 34 - Window Cleaner Pay Overview, # [7](#) Exhibit 35 - Window Cleaner Pay Standards, # [8](#) Exhibit 36 - Pay Program, # [9](#) Exhibit 37 - Email from Nathan Merrick dated 05/15/2013, # [10](#) Exhibit 40 - Franchise Agreement) (Ho, Yingtao) (Entered: 09/30/2016)

09/30/2016 [50](#) Declaration of Joshua Rave filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [47](#) Motion for Conditional Certification of Class. (Ho, Yingtao) (Entered: 09/30/2016)

09/30/2016 [51](#) Declaration of Andrew Pope filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [47](#) Motion for Conditional Certification of Class, (Attachments: # [1](#) Exhibit 1 - Claim Confirmation) (Ho, Yingtao) (Entered: 09/30/2016)

09/30/2016 [52](#) Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [47](#) Motion for Conditional Certification of Class, (Attachments: # [1](#) Exhibit 1 - Fish Window Cleaning Introduction, # [2](#) Exhibit 2 - Personnel Document, # [3](#) Exhibit 3 - Window Cleaning Technician, # [4](#) Exhibit 4 - Policy and Procedure Manual, # [5](#) Exhibit 5 - Invoice, # [6](#) Exhibit 6 - Mileage Log,

[7](#) Exhibit 7 - Mileage Log) (Ho, Yingtao) Modified on 10/1/2016. (lak) (Entered: 09/30/2016)

- 09/30/2016 [53](#) **MOTION FOR SUMMARY JUDGMENT** by Defendant Fish Window Cleaning Services, Inc. Brief in Opposition due 10/21/2016. Brief in Reply due 10/31/2016. (Perkins, Heather) (Entered: 09/30/2016)
- 09/30/2016 [54](#) Brief in Support of [53](#) Motion for Summary Judgment by Defendant Fish Window Cleaning Services, Inc. (Perkins, Heather) (Entered: 09/30/2016)
- 09/30/2016 [55](#) Declaration of Heather Perkins filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Pope Paystub (Excerpts from Deposition Exhibit 50), # [2](#) Exhibit B - Pope W2s (Deposition Exhibit 61), # [3](#) Exhibit C - Rave Paystubs (Excerpts from Deposition Exhibit 66), # [4](#) Exhibit D - Rave W2s (Deposition Exhibit 76), # [5](#) Exhibit E - Pope Noncompetition Agreement (Deposition Exhibit 54), # [6](#) Exhibit F - Rave Noncompetition Agreement (Deposition Exhibit 70), # [7](#) Exhibit G - Answer to Plaintiff's Interrogatory No.: 9 (Including Cover and Verification Pages)) (Perkins, Heather) Modified on 10/1/2016: Removed duplicate text; corrected typo. (lak) (Entered: 09/30/2016)
- 09/30/2016 [56](#) Declaration of Angie Masters filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Screenshot of People Tab of the Fishing Hole, # [2](#) Exhibit B - Branding Standards, # [3](#) Exhibit C - Training School Presentation Outline, # [4](#) Exhibit D - Pages from Training Presentation Regarding Pay Program, # [5](#) Exhibit E - Espeseth Franchise Agreement (20040827), # [6](#) Exhibit F - (Part 1 of 2) Espeseth Franchise Renewal (20140802), # [7](#) Exhibit F - (Part 2 of 2) Espeseth Franchise Renewal (20140802), # [8](#) Exhibit G - Espeseth-Corporate Assignment) (Perkins, Heather) Modified on 10/1/2016: Removed duplicate text. (lak) (Entered: 09/30/2016)
- 09/30/2016 [57](#) Deposition of Anthony Espeseth taken on 12/16/2015. (Perkins, Heather) (Entered: 09/30/2016)
- 09/30/2016 [58](#) Deposition of Angie Masters taken on 8/17/2016. (Perkins, Heather) (Entered: 09/30/2016)
- 09/30/2016 [59](#) Deposition of Andrew Pope taken on 9/15/2016. (Perkins, Heather) (Entered: 09/30/2016)
- 09/30/2016 [60](#) Deposition of Joshua Rave taken on 9/16/2016. (Perkins, Heather) (Entered: 09/30/2016)
- 09/30/2016 [61](#) Proposed Findings of Fact filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment. (Perkins, Heather) (Entered: 09/30/2016)
- 10/19/2016 [62](#) Motion for Extension of Time *to File Reply Brief* by Plaintiffs Andrew J. Pope, Joshua Rave. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 10/26/2016. (Ho, Yingtao) (Entered: 10/19/2016)
- 10/20/2016 63 **** TEXT ONLY ORDER ****
Plaintiff's motion to extend the briefing reply deadline [62](#) is granted without the need for a response. Reply briefs from both sides on the pending motions are due by Monday, November 7, 2016. Signed by Magistrate Judge Stephen L. Crocker on 10/20/16. (jat) (Entered: 10/20/2016)
- 10/21/2016 [64](#) Response to Proposed Findings of Fact filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [53](#) Motion for Summary Judgment. (Ho, Yingtao) (Entered: 10/21/2016)

- 10/21/2016 [65](#) Brief in Opposition by Plaintiffs Andrew J. Pope, Joshua Rave re: [53](#) Motion for Summary Judgment filed by Fish Window Cleaning Services, Inc. (Ho, Yingtao) (Entered: 10/21/2016)
- 10/21/2016 [66](#) Declaration of Joshua Rave filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [53](#) Motion for Summary Judgment. (Ho, Yingtao) (Entered: 10/21/2016)
- 10/21/2016 [67](#) Declaration of Andrew Pope filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [53](#) Motion for Summary Judgment. (Ho, Yingtao) (Entered: 10/21/2016)
- 10/21/2016 [68](#) Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [53](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit 1 - Payroll Detail, # [2](#) Exhibit 2 - Payroll Detail, # [3](#) Exhibit 3 - Defendant's Response to Plaintiffs' Third Set of Discovery Requests, # [4](#) Exhibit 4 - Pre-Training Procedures) (Ho, Yingtao) (Entered: 10/21/2016)
- 10/21/2016 [69](#) Brief in Opposition by Defendant Fish Window Cleaning Services, Inc. re: [47](#) Motion for Conditional Certification of Class filed by Joshua Rave, Andrew J. Pope. (Perkins, Heather) (Entered: 10/21/2016)
- 10/21/2016 [70](#) Declaration of Angie Masters filed by Defendant Fish Window Cleaning Services, Inc. *In Support of Opposition* re: [47](#) Motion for Conditional Certification of Class. (Perkins, Heather) (Entered: 10/21/2016)
- 10/21/2016 [71](#) Declaration of Heather Perkins filed by Defendant Fish Window Cleaning Services, Inc. *In Support of Opposition* re: [47](#) Motion for Conditional Certification of Class. (Perkins, Heather) (Entered: 10/21/2016)
- 10/21/2016 [72](#) Declaration of Michael Sugg filed by Defendant Fish Window Cleaning Services, Inc. *In Support of Opposition* re: [47](#) Motion for Conditional Certification of Class, (Attachments: # [1](#) Exhibit A - Sample Time Card, # [2](#) Exhibit B - Redacted Pay Stub) (Perkins, Heather) Modified on 10/24/2016: Entered exhibit descriptions; e-mail to counsel. (lak) (Entered: 10/21/2016)
- 10/21/2016 [73](#) Declaration of Todd Groseclose filed by Defendant Fish Window Cleaning Services, Inc. *In Support of Opposition* re: [47](#) Motion for Conditional Certification of Class, (Attachments: # [1](#) Exhibit A - Redacted Pay Stub) (Perkins, Heather) Modified on 10/24/2016: Entered exhibit description. (lak) (Entered: 10/21/2016)
- 10/21/2016 [74](#) Disregard. See [77](#) . Modified on 10/24/2016. (lak) (Entered: 10/21/2016)
- 10/22/2016 [75](#) Response Stating No Opposition by Defendants Anthony Espeseth, Espeseth, Inc. re: [53](#) Motion for Summary Judgment filed by Fish Window Cleaning Services, Inc. (Wallo, William) (Entered: 10/22/2016)
- 10/22/2016 [76](#) Response Stating No Opposition by Defendants Anthony Espeseth, Espeseth, Inc. re: [47](#) Motion for Conditional Certification of Class filed by Joshua Rave, Andrew J. Pope. (Wallo, William) Modified on 10/24/2016 (voc). (Entered: 10/22/2016)
- 10/24/2016 [77](#) Declaration of Mark Phillips filed by Defendant Fish Window Cleaning Services, Inc. *In Support of Opposition* re: [47](#) Motion for Conditional Certification of Class, (Attachments: # [1](#) Exhibit 1 - Sample Timesheet, # [2](#) Exhibit 2 - Employee pay stub, # [3](#) Exhibit 3 - Employee W-2) (Rollins, Samantha) Modified on 10/24/2016. (lak) (Entered: 10/24/2016)

- 11/07/2016 [78](#) Motion to Amend [14](#) Amended Complaint by Plaintiffs Andrew J. Pope, Joshua Rave. Brief in Opposition due 11/14/2016. Brief in Reply due 11/21/2016. (Attachments: # [1](#) Second Amended Complaint) (Ho, Yingtao) (Entered: 11/07/2016)
- 11/07/2016 [79](#) Supplemental Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [78](#) Motion to Amend Complaint, (Attachments: # [1](#) Exhibit 1 - Defendants' Response to Plaintiffs' First Set of Discovery Requests, # [2](#) Exhibit 2 - First, Fourth, and Seventh Pages of the Exhibit to the 2014 Franchise Circular, # [3](#) Exhibit 3 - Defendant's First Supplement to Its Initial Disclosures) (Ho, Yingtao) Modified on 11/8/2016. (lak) (Entered: 11/07/2016)
- 11/07/2016 [80](#) Disregard. A Brief in Support of [78](#) will not be filed. Modified on 11/8/2016. (lak) (Entered: 11/07/2016)
- 11/07/2016 [81](#) Brief in Reply by Plaintiffs Andrew J. Pope, Joshua Rave in Support of [47](#) Motion for Conditional Certification of Class. (Ho, Yingtao) (Entered: 11/07/2016)
- 11/07/2016 [82](#) Brief in Reply by Defendant Fish Window Cleaning Services, Inc. in Support of [53](#) Motion for Summary Judgment. (Perkins, Heather) (Entered: 11/07/2016)
- 11/07/2016 [83](#) Reply in Support of Proposed Findings of Fact filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment. (Perkins, Heather) (Entered: 11/07/2016)
- 11/07/2016 [84](#) Response to Proposed Findings of Fact filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment. (Perkins, Heather) (Entered: 11/07/2016)
- 11/07/2016 [85](#) Declaration of Heather Perkins filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Sample Weekly Time Card, # [2](#) Exhibit B - Job Description) (Perkins, Heather) Modified on 11/8/2016. (lak) (Entered: 11/07/2016)
- 11/07/2016 [86](#) Declaration of Angie Masters filed by Defendant Fish Window Cleaning Services, Inc. re: [53](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Outline Regarding New Employee Documents, # [2](#) Exhibit B - Sample Non-Compete Agreement) (Perkins, Heather) Modified on 11/8/2016. (lak) (Entered: 11/07/2016)
- 11/14/2016 [87](#) Brief in Opposition by Defendant Fish Window Cleaning Services, Inc. re: [78](#) Motion to Amend Complaint filed by Joshua Rave, Andrew J. Pope. (Perkins, Heather) (Entered: 11/14/2016)
- 11/14/2016 [88](#) Declaration of Heather Perkins filed by Defendant Fish Window Cleaning Services, Inc. *In Support of Opposition* re: [78](#) Motion to Amend Complaint, (Attachments: # [1](#) Exhibit A - Excerpt of Plaintiffs' Responses to the Defendants' First Set of Discovery Requests) (Perkins, Heather) Modified on 11/15/2016. (lak) (Entered: 11/14/2016)
- 11/15/2016 [89](#) Motion for Leave to File *to File Sur-Reply Brief* by Plaintiffs Andrew J. Pope, Joshua Rave. (Attachments: # [1](#) Plaintiffs' Sur-Reply Brief in Opposition to Fish's Motion for Summary Judgment) (Ho, Yingtao) (Entered: 11/15/2016)
- 11/15/2016 [90](#) Motion to Stay *Summary Judgment (Rule 56(F))* by Plaintiffs Andrew J. Pope, Joshua Rave. Response due 11/22/2016. (Ho, Yingtao) Modified on 11/15/2016. (lak) (Entered: 11/15/2016)
- 11/21/2016 [91](#) Brief in Reply by Plaintiffs Andrew J. Pope, Joshua Rave in Support of [78](#) Motion to Amend Complaint. (Ho, Yingtao) (Entered: 11/21/2016)

11/22/2016 [92](#) Brief in Opposition by Defendant Fish Window Cleaning Services, Inc. re: [90](#) Motion to Stay filed by Joshua Rave, Andrew J. Pope. (Perkins, Heather) (Entered: 11/22/2016)

11/22/2016 [93](#) Declaration of Heather Perkins filed by Defendant Fish Window Cleaning Services, Inc. re: [90](#) Motion to Stay, (Attachments: # [1](#) Exhibit A - Fish Window Cleaning's Responses to Plaintiffs' Third Set of Discovery Requests) (Perkins, Heather) Modified on 11/22/2016. (lak) (Entered: 11/22/2016)

11/22/2016 [94](#) Brief in Opposition by Defendant Fish Window Cleaning Services, Inc. re: [89](#) Motion for Leave to File filed by Joshua Rave, Andrew J. Pope. (Perkins, Heather) (Entered: 11/22/2016)

11/22/2016 [95](#) Declaration of Heather Perkins filed by Defendant Fish Window Cleaning Services, Inc. re: [89](#) Motion for Leave to File. (Perkins, Heather) (Entered: 11/22/2016)

12/29/2016 [96](#) Stipulated Motion for Extension of Time (*Joint*) for Plaintiffs to file Motion to Certify Class and Defendants to File Motions to Decertify Any Conditionally Certified Class by Defendant Fish Window Cleaning Services, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Perkins, Heather) (Entered: 12/29/2016)

01/03/2017 97 ** TEXT ONLY ORDER **
The parties jointly move to extend the deadline for motions to certify/decertify classes. Dkt. 96. The court will GRANT the parties' motion but shorten the extension and provide a hard deadline. The parties' motions to certify/decertify classes are due March 2, 2017. Signed by District Judge James D. Peterson on 01/03/2017. (mfh) (Entered: 01/03/2017)

01/04/2017 Reset Deadlines as to Motions to Certify Class: Motion to Certify Class under Rule 23 due 3/2/2017. (jat) (Entered: 01/04/2017)

01/11/2017 [98](#) OPINION & ORDER granting in part [47](#) Motion for Conditional Certification of Class; granting [53](#) Motion for Summary Judgment; denying [78](#) Motion to Amend Complaint; denying [89](#) Motion for Leave to File; denying [90](#) Motion to Stay. Fish Window Cleaning Services, Inc. is dismissed from this case. The parties must confer on the appropriate language for a notice to potential class members and submit a proposed notice for the court's approval by January 25, 2017. Signed by District Judge James D. Peterson on 1/11/17. (jat) (Entered: 01/11/2017)

01/25/2017 [99](#) Disregard; re-filed as [100](#) . Modified on 1/25/2017. (kwf) (Entered: 01/25/2017)

01/25/2017 [100](#) Proposed Notice by Plaintiffs Andrew J. Pope, Joshua Rave of *Pendency of Lawsuit*. (Ho, Yingtao) Modified on 1/25/2017. (lak) (Entered: 01/25/2017)

02/08/2017 [101](#) ORDER: Plaintiffs Andrew J. Pope and Joshua Rave ordered to file a proposed notice to potential class members by February 22, 2017. Signed by District Judge James D. Peterson on 2/8/17. (jat) (Entered: 02/08/2017)

02/23/2017 [102](#) Motion for Court Approval of FLSA Class Notice and Opt In Form by Plaintiffs Andrew J. Pope, Joshua Rave. Response due 3/2/2017. (Attachments: # [1](#) Consent to Opt In Form) (Ho, Yingtao) (Entered: 02/23/2017)

02/23/2017 [103](#) Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [102](#) Motion for Court Approval of FLSA Class Notice and Opt In Form, (Attachments: # [1](#) Exhibit 1 - Email, # [2](#) Exhibit 2 - Response) (Ho, Yingtao) Modified on 2/24/2017. (lak) (Entered: 02/23/2017)

02/23/2017 [104](#) Stipulation for Conditional Certification of Class by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 2/24/2017. (lak) (Entered: 02/23/2017)


02/24/2017 [105](#) Motion to Withdraw *Motion for Court Approval of FLSA Class Notice and Opt-In Form* by Plaintiffs Andrew J. Pope, Joshua Rave. Response due 3/3/2017. (Attachments:

[1](#) Exhibit 1 - 2/23/17 Email) (Ho, Yingtao) Modified on 2/24/2017. (lak) (Entered: 02/24/2017)

- 02/24/2017 [106](#) Notice by Plaintiffs Andrew J. Pope, Joshua Rave of *Consent to Opt In Form*. (Ho, Yingtao) Modified on 2/24/2017. (lak) (Entered: 02/24/2017)
- 02/27/2017 [107](#) ORDER accepting in part [104](#) Stipulation for Conditional Certification of Class; granting [105](#) Motion to Withdraw the [102](#) Motion for approval of class notice and opt-in form. Signed by District Judge James D. Peterson on 2/27/17. (jat) (Entered: 02/27/2017)
- 02/27/2017 Set Deadlines as to Motions to Certify Class: Motion to Certify/Decertify Class under Rule 23 due 4/24/2017. (jat) (Entered: 02/27/2017)
- 03/20/2017 [108](#) Stipulation to Extend Opt-In Deadline by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 3/20/2017. (lak) (Entered: 03/20/2017)
- 03/21/2017 109 ** TEXT ONLY ORDER **
The parties stipulate to extend to April 26, 2017, the deadline for potential plaintiffs to file opt-in notices. Dkt. [108](#) . They explain that the extension is necessary because defendants delayed in providing a list of putative class members to plaintiffs. The parties should have notified the court as soon as the need for an extension became apparent. The class notice distribution and opt-in deadlines previously set by the court, Dkt. [107](#) , do not provide much flexibility but are necessary to keep the case on schedule. To avoid undue prejudice to plaintiffs, the court will accept the stipulation in part and allow a short extension: potential plaintiffs may file opt-in notices until April 24, 2017. To accommodate this extension, the court will also extend the deadline for motions to certify/decertify the class to April 27. Signed by District Judge James D. Peterson on 3/21/17. (jat) (Entered: 03/21/2017)
- 03/21/2017 Reset Deadlines as to Motions to Certify Class: Motion to Certify/Decertify Class under Rule 23 due 4/27/2017. (jat) (Entered: 03/21/2017)
- 03/27/2017 [110](#) Stipulation to Stay Scheduling Order by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) (Entered: 03/27/2017)
- 03/28/2017 111 ** TEXT ONLY ORDER **
The parties indicate that they have reached a settlement in principle and stipulate to stay all scheduling deadlines pending the court's ruling on a joint motion for preliminary approval of settlement, which the parties promise to file by April 7. Dkt. [110](#) . The parties have already requested and received numerous extensions, see Dkt. 18 ; Dkt. 36 ; Dkt. 44 ; Dkt. 46 ; Dkt. 63 ; Dkt. 97 ; Dkt. 109 , so the court is wary of further extensions. The court will construe the parties' stipulation as a motion to strike the deadlines and GRANT it in part. The deadlines for opt-in notices and motions to certify/decertify the class are STRUCK. The court will not re-set these deadlines: if the settlement falls through or is not approved by the court, the case will proceed on only the named plaintiffs' claims. The July 21 summary judgment deadline and January 22, 2018 trial date remain firmly in place. Signed by District Judge James D. Peterson on 3/28/2017. (jls) (Entered: 03/28/2017)
- 04/07/2017 [112](#) Joint Motion for Preliminary Approval of Settlement Agreement of *Class Settlement* by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) (Entered: 04/07/2017)
- 04/07/2017 [113](#) Joint Brief in Support of [112](#) Motion to Approve Settlement Agreement of *Class Settlement* by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) (Entered: 04/07/2017)
- 04/07/2017 [114](#) Settlement Agreement by Plaintiffs Andrew J. Pope, Joshua Rave, (Attachments: # [1](#) Exhibit A - Preliminary Settlement Approval Order, # [2](#) Exhibit B - Class Action, # [3](#) Exhibit C - Opt In Claim Form,

[4](#) Exhibit D - Final Settlement Approval Order) (Ho, Yingtao) (Entered: 04/07/2017)

- 04/07/2017 [115](#) Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [112](#) Motion to Approve Settlement Agreement. (Ho, Yingtao) (Entered: 04/07/2017)
- 04/25/2017 [116](#) ORDER granting [112](#) Parties' Motion for Preliminary Approval of Collective Action Settlement Agreement. Settlement Approval Hearing set for 9/28/2017 at 10:00 AM. Signed by District Judge James D. Peterson on 4/25/17. (jat) (Entered: 04/25/2017)
- 05/08/2017 [117](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Nicholas Restivo, Joshua Bell, Kevin Hanke, Moue Moua, Wesley L. Fleischer*) (Ho, Yingtao) Modified on 5/9/2017. (lak) (Entered: 05/08/2017)
- 05/15/2017 [118](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Randall Matthis Gurney, Ryan Rasmussen, Austin Alek Johnson, Travis DeGree, Tyler Boss*) (Ho, Yingtao) Modified on 5/15/2017. (lak) (Entered: 05/15/2017)
- 05/22/2017 [119](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Donald Sanders, Jordan Black, Nicholas E. Nelson*) (Ho, Yingtao) Modified on 5/22/2017. (lak) (Entered: 05/22/2017)
- 05/31/2017 [120](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Christopher Schloemer, Joseph Pope, Jamie Jack Kendall*) (Ho, Yingtao) Modified on 5/31/2017. (lak) (Entered: 05/31/2017)
- 06/22/2017 [121](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Marc Keller, Sandra Harold-Bartle and Michael Woehrle*) (Ho, Yingtao) (Entered: 06/22/2017)
- 07/12/2017 [122](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Brandon Zarnoth and Derek Eggert*) (Ho, Yingtao) (Entered: 07/12/2017)
- 07/21/2017 [123](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Jacob M. Peterson and Andrew M. Clark*) (Ho, Yingtao) Modified on 7/23/2017: Second and fourth pages are blank. Scanned double sided? (lak) (Entered: 07/21/2017)
- 07/24/2017 Reset Hearing to accommodate the court's calendar: Settlement Approval Hearing reset for 9/27/2017 at 01:00 PM. (jat) (Entered: 07/24/2017)
- 07/27/2017 [124](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Ross Rivard*) (Ho, Yingtao) Modified on 7/28/2017: Second page is blank. (lak) (Entered: 07/27/2017)
- 08/14/2017 [125](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Matt Barnier and Clinton Steinmetz*) (Ho, Yingtao) Modified on 8/15/2017: Second and fourth pages are blank. Scanned double sided? (lak) (Entered: 08/14/2017)
- 08/15/2017 [126](#) Notice of Consent to Join Lawsuit by Plaintiffs Andrew J. Pope, Joshua Rave. (*Nicholas Knutson*) (Ho, Yingtao) (Entered: 08/15/2017)
- 09/05/2017 [127](#) Final Motion to Approve Settlement Agreement by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 9/5/2017. (lak) (Entered: 09/05/2017)
- 09/05/2017 [128](#) Joint Brief in Support of [127](#) Final Motion to Approve Settlement Agreement by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 9/5/2017. (lak) (Entered: 09/05/2017)
- 09/05/2017 [129](#) Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [127](#) Final Motion to Approve Settlement Agreement, (Attachments: # [1](#) Exhibit 1 - Employee Summary, # [2](#) Exhibit 2 - Spreadsheet) (Ho, Yingtao) Modified on 9/5/2017. (lak) (Entered: 09/05/2017)

- 09/05/2017 [130](#) Motion for Attorney Fees *and Incentive Awards* by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) (Entered: 09/05/2017)
- 09/05/2017 [131](#) Brief in Support of [130](#) Motion for Attorney Fees *and Incentive Awards* by Plaintiffs Andrew J. Pope, Joshua Rave. (Ho, Yingtao) Modified on 9/5/2017. (lak) (Entered: 09/05/2017)
- 09/05/2017 [132](#) Declaration of Yingtao Ho filed by Plaintiffs Andrew J. Pope, Joshua Rave re: [130](#) Motion for Attorney Fees, (Attachments: # [1](#) Exhibit 1 - Statement of Attorney Fees, # [2](#) Exhibit 2 - Statement of Attorney Costs) (Ho, Yingtao) Modified on 9/5/2017. (lak) (Entered: 09/05/2017)
- 09/25/2017 [133](#) Motion to Appear by Telephone at Settlement Approval Hearing by Defendants Anthony Espeseth, Espeseth, Inc. (Wallo, William) (Entered: 09/25/2017)
- 09/25/2017 134 ** TEXT ONLY ORDER **
Defendants' motion for leave to appear by telephone [133](#) is GRANTED. Counsel should provide the court with the phone number at which they can be reached prior to the settlement approval hearing. Signed by District Judge James D. Peterson on 9/25/2017. (arw) (Entered: 09/25/2017)
- 09/27/2017 [135](#) Minute Order of Proceedings held before District Judge James D. Peterson: Settlement Approval Hearing held on 9/27/2017. Motion for Final Approval of Settlement Agreement [127](#) is granted. Motion for Attorney Fees and Incentive Awards [130](#) is granted. [:08]. (Court Reporter JD.) (jat) (Entered: 09/27/2017)
- 09/27/2017 [136](#) OPINION & ORDER: Plaintiffs Andrew J. Pope and Joshua Rave's motion for final approval of the settlement agreement, Dkt. [127](#) , is GRANTED. Plaintiffs' motion for attorney fees and incentive awards, Dkt. [130](#) , is GRANTED. Plaintiffs' counsel is awarded \$15,000 in attorney fees and \$1,656.52 in costs. This case is DISMISSED with prejudice. Signed by District Judge James D. Peterson on 9/27/17. (jat) (Entered: 09/27/2017)
- 09/27/2017 [137](#) JUDGMENT in favor of defendant Fish Window Cleaning Services, Inc. granting summary judgment. JUDGMENT in favor of Andrew J. Pope, Joshua Rave against Espeseth, Inc., Anthony Espeseth in the amount of \$49,020.00. (jat) (Entered: 09/27/2017)
- 10/09/2017 [138](#) NOTICE OF APPEAL by Plaintiffs Andrew J. Pope, Joshua Rave as to [98](#) Order on Motion for Conditional Certification of Class, Order on Motion for Summary Judgment, Order on Motion to Amend Complaint, Order on Motion for Leave to File, Order on Motion to Stay. Filing fee of \$ 505, receipt number 0758-2119081 paid. Docketing Statement filed. (Attachments: # [1](#) Exhibit 1 - Docketing Statement) (Ho, Yingtao) Modified on 10/10/2017: Docketing statement is filed twice; once attached to the complaint and once as an exhibit. The district court case number on the docketing statement is incorrect. (lak) (Entered: 10/09/2017)
- 10/09/2017  [139](#) Bill of Costs by Defendant Fish Window Cleaning Services, Inc.. Motions referred to Peter A. Oppeneer, Clerk of Court. Objection to Bill of Costs due 10/19/2017. Brief in Support to Bill of Costs due 10/30/2017. Brief in Reply in Opposition to Bill of Costs due 11/3/2017. (Perkins, Heather) (Entered: 10/09/2017)