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DISTRICT COURT
IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, individually and on)
behalf of those similarly situated,)
)
Plaintiff,)
)
v.)
)
MICRON ELECTRONICS, INC., a)
Minnesota corporation,)
)
Defendant.)
_____)

CASE NO. CV 01-244-S-BLW
ORDER

Currently pending before the Court for its consideration are the following motions: (1) Plaintiffs' Motion to Shorten Time on Plaintiffs' Motion to Extend Time to Respond to 563 Requests for Admission and Interrogatories (Docket No. 175), filed April 30, 2004; (2) Plaintiffs' Motion for Protective Order (Docket No. 176), filed May 3, 2004; (3) Plaintiffs' Motion to Shorten Time for Hearing on Motion for Protective Order (Docket No. 178), filed May 3, 2004; and (4) Stipulated Motion to Stay Certain Litigation Proceedings Pending June 16, 2004 Mediation and to Establish New Briefing Schedule on Final Class Certification (Docket No. 188), filed May 21, 2004. The Court concludes that the decisional process would not be aided by oral argument and issues its decision as follows.

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On April 30, 2004, Plaintiffs filed their motion for a two-week extension of time to respond to 563 interrogatories. On May 3, 2004, the Court granted Plaintiffs' request for the two week extension of time to answer the interrogatories. Having granted the motion for extension of time, the Court finds that Plaintiffs' motion to shorten time for consideration on the motion to extend is MOOT.

On May 21, 2004, the parties filed their stipulated motion to stay certain litigation proceedings pending mediation. The Court has reviewed the parties' stipulation and will grant the stipulation insofar as it relates to those pre-trial non-dispositive matters referred to Honorable Mikel H. Williams. To the extent the parties seek to reset the briefing schedule on the issue of final class certification, the Court directs the parties to address such request to Judge Winmill's chambers by either stipulation or motion.

On May 3, 2004, Plaintiffs filed a motion for protective order and a corresponding motion to shorten time for hearing. Plaintiffs specifically sought to preclude Defendant from further deposing Kim Smith, arguing that Ms. Smith had been deposed for seven hours and that Defendant would not agree to a reasonable time limit in which to continue the deposition. In the May 21, 2004 stipulation to stay certain litigation proceedings, the parties expressly agree to suspend currently set or requested depositions until after June 16, 2004. The parties further agree that, in the event the case does not settle on June 16, 2004, they will resume completion of any outstanding depositions at that time. Given the parties have agreed to suspend currently set or requested depositions pending the outcome of mediation, the Court will treat Plaintiffs' motion for protective order as withdrawn without prejudice to re-file. Accordingly, Plaintiffs' motion to shorten time is unnecessary and is deemed MOOT.

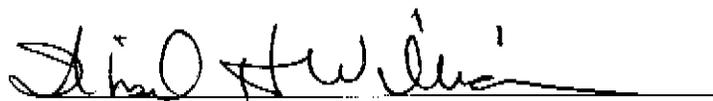
ORDER

Based on the foregoing, the Court being otherwise fully advised in the premises, **IT IS**

HEREBY ORDERED that:

- (1) Plaintiffs' Motion to Shorten Time on Plaintiffs' Motion to Extend Time to Respond to 563 Requests for Admission and Interrogatories (Docket No. 175), filed April 30, 2004, is MOOT;
- (2) Plaintiffs' Motion for Protective Order (Docket No. 176), filed May 3, 2004, is WITHDRAWN WITHOUT PREJUDICE;
- (3) Plaintiffs' Motion to Shorten Time for Hearing on Motion for Protective Order (Docket No. 178), filed May 3, 2004, is MOOT; and
- (4) Stipulated Motion to Stay Certain Litigation Proceedings Pending June 16, 2004 Mediation and to Establish New Briefing Schedule on Final Class Certification (Docket No. 188), filed May 21, 2004, is GRANTED IN PART AND DENIED IN PART.

DATED: June 15, 2004.


MIKEL H. WILLIAMS
UNITED STATES MAGISTRATE JUDGE

United States District Court
for the
District of Idaho
June 17, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:01-cv-00244

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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 Judge Edward J. Lodge
 Chief Magistrate Judge Larry M. Boyle
 Magistrate Judge Mikel H. Williams

Visiting Judges:

Judge David O. Carter
 Judge John C. Coughenour
 Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date:

6-17-04

BY:

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(Deputy Clerk)