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U.S. COURTS  
02/03/01 PM 1:53  
CLERK

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINKLEY, JACQUELINE T. HLADUN,  
MARILYN J. CRAIG, JEFFERY P.  
CLEVENGER, and TIMOTHY C.  
KAUFMANN, individually and on behalf of  
those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

) Case No. CIV 01-0244-S-BLW

) **AFFIDAVIT OF JAIME NAVA**

STATE OF IDAHO )

) ss.

County of Canyon )

I, Jaime Nava, being first duly sworn, state that the following facts are true and correct and based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

**AFFIDAVIT OF JAIME NAVA - 1**

Boise-145185.2 0026493-00046

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1. I was employed by Micron Electronics, Inc. ("Micron Electronics") in April of 1996. From approximately April of 1996 to December of 1998, I worked for Micron Electronics as an inside sales representative in Consumer/Small Business sales. From approximately January of 1999 to November of 1999, I worked for MicronPC, Inc. ("MPC") as an Account Developer.

2. From approximately December of 1999 to March of 2000, I worked for MPC as a supervisor in Consumer sales. From approximately March of 2000 to February of 2001, I worked for MPC as a supervisor in Small Business sales. From approximately March of 2001 to May of 2001, I worked for Micron Commercial Computer Systems, Inc. ("MCCS") as a supervisor in Commercial sales.

3. I no longer work for any company owned or operated by Micron Electronics.

4. I have read and reviewed the overtime policy in the Team Member Handbook and the overtime and timekeeping policies in the Employment Policy Manual, and the policies are consistent with the practices I employed as a supervisor and adhered to as an inside sales representative.

5. As a supervisor in Consumer and Small Business sales, I understood that MPC was a separate subsidiary with its own compensation plan, commissions, incentives, business hours and customers. We serviced customers who had less than 500 employees. I supervised between six and twelve inside sales representatives at a time.

6. As a supervisor in Commercial sales, I understood that MCCS was a separate subsidiary with its own compensation plan, commissions, incentives, business hours and customers. We serviced customers who had 500 or more employees.

7. As a supervisor, it was my practice to approve all overtime that was submitted by inside sales representatives under my supervision. My Small Business team worked more overtime than any other team since we started our group without any accounts. Despite the amount of overtime, I never felt pressure from upper management to keep overtime hours at a minimum.

8. I never altered an inside sales representative's timesheet for the purpose of reducing overtime hours. It was my understanding that inside sales representatives under my supervision were complying with company policy and recording all of the time they worked. None of the inside sales representatives under my supervision ever told me they were working off the clock or not recording all of their time.

9. I supervised several inside sales representatives who I understand are involved in this lawsuit against Micron Electronics such as Carren Mattson, Kimberley Smith and Christopher R. Wing.

10. Although Carren Mattson was never an inside sales representative, she was an hourly employee under my supervision. I never told her, or any other employees under my supervision, they were not allowed to record more than forty hours per week.

11. I never told Kimberley Smith, or any other inside sales representatives I supervised, they were not allowed to record more than forty-seven hours per week. There were occasions when I changed or modified Ms. Smith's timesheets. Attached as **Exhibit A** is a true and correct copy of a timesheet adjustment I submitted on behalf of Ms. Smith in December of 2000. Ms. Smith was unable to submit her time because she was out of town for a funeral.

12. When I was an inside sales representative, I recorded and was paid for all of the overtime I worked. I never worked off the clock, nor was I ever told or pressured to work off the clock by any of my supervisors.

13. As an inside sales representative, my supervisors approved all of the overtime I submitted. I understood it was my responsibility to accurately record my time. To my knowledge, my supervisors never altered my timesheets for the purpose of reducing overtime hours.

DATED this 20<sup>th</sup> day of August, 2002.

Jaime Nava  
Jaime Nava

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of August, 2002.

Deanna Brothers  
Notary Public for Idaho  
Residing in: Boise Id  
My Commission Expires: 08/19/06

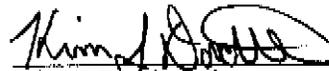


CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of August, 2002, a true and correct copy of the foregoing **AFFIDAVIT OF JAIME NAVA** was served on the following individuals by the manner indicated:

William H. Thomas  
Daniel E. Williams  
HUNTLEY, PARK, THOMAS,  
BURKETT, OLSEN & WILLIAMS  
250 S. Fifth Street, Suite 660  
Boise, Idaho 83701-2188

By Hand Delivery  
 By Facsimile  
 By U.S. Mail  
 By Overnight Delivery

  
\_\_\_\_\_  
Kim J Dockstader

**EXHIBIT “A”**

Erica Galeai

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From: M01qamaint@micronpc.com  
Sent: Wednesday, January 03, 2001 1:48 PM  
To: payroll@micronpc.com  
Subject: Payroll Timesheet Adjustment

Supervisor: jnava  
Employee\_Name: kimberley smith  
Employee\_Number: 501389  
Week\_Ending\_Date: 12/30/00

Comments: Kimberley was out of the office on Wed. Thurs, and Friday attending a family (brother) funeral in Texas

Tuesday  
Day1StartTime: 08:00  
Day1StopTime: 14:00  
Day1Break: 0  
Day1\_Earning\_Type: TOP Scheduled Pay  
Day1\_Premium:



Wednesady  
Day2StartTime: 08:00  
Day2StopTime: 14:00  
Day2Break: 0  
Day2\_Earning\_Type: Bereavement  
Day2\_Premium:

+24 Bereavement

Thursday  
Day3StartTime: 08:00  
Day3StopTime: 14:00  
Day3Break: 0  
Day3\_Earning\_Type: Bereavement  
Day3\_Premium:

Friday  
Day4StartTime: 08:00  
Day4StopTime: 14:00  
Day4Break: 0  
Day4\_Earning\_Type: Bereavement  
Day4\_Premium:

Day5StartTime:  
Day5StopTime:  
Day5Break:  
Day5\_Earning\_Type:  
Day5\_Premium:

Day6StartTime:  
Day6StopTime:  
Day6Break:  
Day6\_Earning\_Type:  
Day6\_Premium: