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U.S. DISTRICT &  
BANKRUPTCY COURTS

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FILED BY COURT CLERK  
COURT CLERK

Attorneys for Defendant Micron Electronics, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINCKLEY, 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

**AMENDED NOTICE OF HEARING AND  
RE-SETTING OF HEARING ON ALL  
PENDING DISPOSITIVE AND RELATED  
MOTIONS**

YOU ARE HEREBY NOTIFIED that, pursuant to a telephone conference held with the Court on August 6, 2004 and pursuant to the instruction of the Court following stipulation of counsel for the parties, the hearing previously set for August 10, 2004 (Notice of Hearing, Docket No. 203) has been re-set for September 7, 2004 at 1:00 p.m. (MST) on the pending

**AMENDED NOTICE OF HEARING AND RE-SETTING OF HEARING  
ON ALL PENDING DISPOSITIVE AND RELATED MOTIONS - 1**

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motions set forth below. The hearing will be held before United States District Judge B. Lynn Winmill at the United States District Courthouse, 550 W. Fort Street, Boise, Idaho 83724.

YOU ARE HEREBY FURTHER NOTIFIED that the pending motions set for hearing on this date shall include the following:

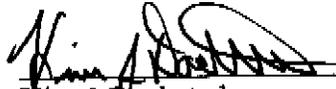
1. **Defendant's Motion for Partial Summary Judgment re: Payment of Commission Premiums for Overtime (docket nos. 179-183).** Plaintiffs have filed a statement of non-opposition to this Motion (docket no. 222), to which the Defendant has filed a reply (docket no. 239), and the Motion is fully submitted for consideration by the Court after hearing pursuant to Rule 56. Defendant's counsel shall prepare a proposed order and findings for submission to the Court and Plaintiffs' counsel prior to the hearing.
2. **Defendant's Motion for Partial Summary Judgment re: Statutes of Limitation (docket nos. 193-198).** This Motion is contested by the parties, and oral argument will be heard on this Motion at the hearing.
3. **Defendant's Motion to Strike Plaintiffs' Statement of Material Facts (docket nos. 242-243).** This Motion relates to the motion referenced in item number 2, above, and will be heard at the same time. Plaintiffs' response to this Motion is not yet due.
4. **Defendant's Motion for Partial Summary Judgment re: Plaintiffs' Claims of Altering Employees' Timecards (docket nos. 199-202).** Plaintiffs have filed their statement of non-opposition to this Motion (docket no. 237), and the Motion is fully submitted for consideration by the Court after hearing pursuant to Rule 56. Defendant's counsel shall prepare a proposed order and findings for submission to the Court and Plaintiffs' counsel prior to the hearing.
5. **Plaintiffs' Motion for Partial Summary Judgment (docket nos. 223-226).** Defendant's response to this Motion is not yet due.
6. **Defendant's Motion to Strike Consents and Dismiss Claimants (docket nos. 189-191).** Plaintiffs have filed a response and partial objection to this Motion (docket no. 206-207), to which the Defendant has filed a reply (docket no. 238), and the Motion is fully submitted for consideration by the Court.
7. **Defendant's Motion to Strike Consents and Dismiss Claimants (docket nos. 229-230).** Plaintiffs' response to this Motion is not yet due.

**AMENDED NOTICE OF HEARING AND RE-SETTING OF HEARING  
ON ALL PENDING DISPOSITIVE AND RELATED MOTIONS - 2**

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DATED this 6<sup>th</sup> day of August, 2004.

STOEL RIVES LLP



Kim J Dockstader

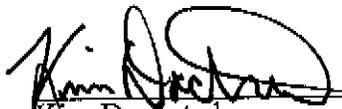
Attorneys for Defendant Micron Electronics, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of August, 2004, I caused to be served a true copy of the foregoing **AMENDED NOTICE OF HEARING AND RE-SETTING OF HEARING ON ALL PENDING DISPOSITIVE AND RELATED MOTIONS** by the method indicated below, addressed to the following:

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Daniel E. Williams  
Christopher F. Huntley  
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250 South Fifth Street  
PO Box 2188  
Boise, Idaho 83701-2188  
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- Via U. S. Mail
- Via Hand-Delivery
- Via Overnight Delivery
- Via Facsimile



Kim Dockstader

**AMENDED NOTICE OF HEARING AND RE-SETTING OF HEARING  
ON ALL PENDING DISPOSITIVE AND RELATED MOTIONS - 3**

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