

U.S. Courts  
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JUL 08 2004

Cameron S. Burke  
Clerk, Idaho

U.S. DISTRICT COURT  
U.S. BANKRUPTCY COURT  
DISTRICT OF IDAHO

JUN 28 2004

LODGED \_\_\_\_\_ FILED \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINCKLEY, JACQUELINE T.  
HLADUN, MARILYN J. CRAIG,  
JEFFERY P. CLEVINGER, 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

**ORDER REGARDING PARTIES'  
AMENDED STIPULATED MOTION TO  
ESTABLISH NEW BRIEFING  
SCHEDULE ON FINAL CLASS  
CERTIFICATION AND ADDRESS  
CERTAIN DISCOVERY MATTERS**

This matter having come before the Court, and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the Parties' Motion is granted and so ordered as follows: <sup>#205</sup>

1. The portions of the Parties' previously filed Stipulation (Docket No. 188) which have not been previously addressed by Magistrate Williams (Docket No. 192) are hereby moot and superceded by this Order.

**ORDER REGARDING PARTIES' AMENDED STIPULATED MOTION TO  
ESTABLISH NEW BRIEFING SCHEDULE ON FINAL CLASS CERTIFICATION AND  
ADDRESS CERTAIN DISCOVERY MATTERS - 1**

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2. At the request of the Parties, and upon their representation that it would not be productive or in the Parties' best interests, the Parties' mediation with Merlyn W. Clark of Clark Dispute Resolution, LLC, set for August 23-24, is hereby vacated and the Parties are released from this Court's prior Order in that regard (Docket No. 172).

3. Plaintiffs' responsive briefing to Defendant's Partial Summary Judgment Motion on Commission Overtime Premiums Issues (Docket Nos. 179-183) is due on **July 7, 2004**.

4. Plaintiffs' responses to certain of Defendant's discovery requests ((i) from Defendant's First Set of Requests for Admissions, the requests which address dates of employment (Nos. 1-2, 5-6, 9-10, 13-14, etc.) and (ii) from Defendant's Second Set of Interrogatories (Nos. 15, and 21-23)) are to be served on Defendant on **July 16, 2004**.

5. Plaintiffs' response to Defendant's Motion to dismiss certain class members (Docket Nos. ) was not covered by the Parties' agreement to stay and Plaintiffs' response to this brief is due under the time frame provided in the Local Civil Rules for the District of Idaho.

6. Pursuant to agreement of the parties and permission of the Court, the hearing on final class certification that was previously set for July 13, 2004 at 8:00 a.m. (Docket No. 166, p.3, ¶ 8), has been vacated and notice served and filed resetting said hearing for September 22, 2004 at 1:00 p.m. (Docket No. 186).

7. The briefing schedule previously set concerning final class certification (Docket No. 166, p.3, ¶ 7) is hereby vacated and reset as follows:

Plaintiffs' motion and supporting briefing for final class certification shall be filed on or before **August 13, 2004**.

**ORDER REGARDING PARTIES' AMENDED STIPULATED MOTION TO ESTABLISH NEW BRIEFING SCHEDULE ON FINAL CLASS CERTIFICATION AND ADDRESS CERTAIN DISCOVERY MATTERS - 2**

All Defendants' response briefing opposing final certification shall be filed on or before September 3, 2004.

Plaintiffs' reply briefing in support of final class certification shall be filed on or before September 13, 2004.

8. The expert disclosure deadlines previously set by the Court (Docket No. 166, p.3, ¶¶ 9-10), are hereby vacated and reset as follows:

Plaintiffs shall disclose the experts they intend to be called at trial regarding non-class certification issues on or before October 15, 2004.

Defendant shall disclose the experts it intends to be called at trial regarding non-class certification issues on or before November 19, 2004.

All rebuttal experts shall be identified on or before December 17, 2004.

9. The Court has agreed to so modify briefing and discovery schedules upon the Parties' express representation that this schedule shall not prejudice, compromise or alter the trial date previously set in this case for July 11, 2005. (Docket No. 166, p. 1, ¶ 1.)

DATED this 8<sup>th</sup> day of July, 2004.

  
\_\_\_\_\_  
B. LYNN WINMILL  
Chief United States District Judge

**ORDER REGARDING PARTIES' AMENDED STIPULATED MOTION TO  
ESTABLISH NEW BRIEFING SCHEDULE ON FINAL CLASS CERTIFICATION AND  
ADDRESS CERTAIN DISCOVERY MATTERS - 3**

United States District Court  
for the  
District of Idaho  
July 12, 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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Chief Judge B. Lynn Winmill  
 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: \_\_\_\_\_

7-12-04

BY: \_\_\_\_\_

(Deputy Clerk)