

**ORIGINAL**

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U.S. COURTS

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CAMERON S. BURKE  
CLERK IDAHO

**Attorneys for Plaintiffs**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

**KIMBERLEY SMITH and MICHAEL )  
B. HINKLEY, individually and on behalf )  
of those similarly situated, )  
 )  
Plaintiffs, )  
vs. )  
 )  
MICRON ELECTRONICS, INC., a )  
Minnesota corporation, )  
 )  
Defendant. )  
\_\_\_\_\_ )**

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

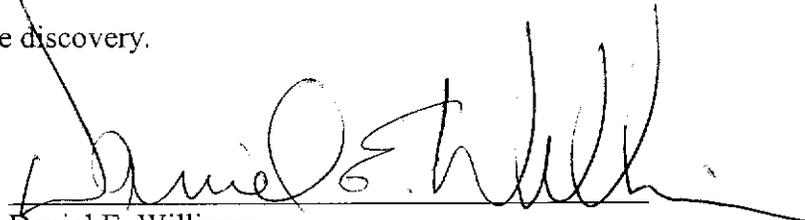
**AFFIDAVIT OF DANIEL E.  
WILLIAMS RE: REQUEST FOR  
SCHEDULING CONFERENCE**

STATE OF IDAHO )  
 )ss.  
County of Ada )

DANIEL E. WILLIAMS, being first duly sworn on oath, deposes and says:

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1. He is one of the attorneys for plaintiffs in the above-captioned matter;
2. This case arises under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, *inter alia*, from Defendant’s practice of working its hourly commission sales employees “off-the-clock” and failing to pay overtime at the correct premium rate. Based on available employment information, Plaintiffs believe that there are potentially hundreds of employees who have worked for Defendant over a relevant time period and are “similarly situated” under the terms of the FLSA. At the earliest reasonable opportunity, Plaintiffs plan to move the Court to certify a class conditionally to provide notice to those employees and give them an opportunity to opt-in to this action.
3. Although Plaintiffs disagree with it, there is authority under the FLSA suggesting that the statute of limitations period continues to run for individual claimants until they file their own individual Consent forms. As a result, Plaintiffs wish to begin discovery as soon as possible in order that they might be able to move the Court for conditional certification in a timely manner, so that members of the class will not lose their rights prior to receiving notice due to the operation of the limitations period.
4. Plaintiffs therefore submit that good cause exists for setting an early Scheduling Conference so as to require the parties to meet and confer under D.Id.L.Civ.R. 16.1, make initial disclosures and allow Plaintiffs to commence discovery.



Daniel E. Williams

Subscribed and sworn to before me this 3<sup>rd</sup> day of July, 2001.



Glenys McPherson  
Notary Public for Idaho  
Residing at Boise, Idaho  
My Commission Expires: 11/7/06

CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of July, 2001, a true and correct copy of the foregoing instrument was served upon opposing counsel as indicated below:

Kim J. Dockstader  
Gregory C. Tollefson  
STOEL RIVES LLP  
101 S. Capitol Blvd., Suite 1900  
Boise, ID 83702-5958

Via Hand Delivery  
 Via Facsimile 389-9040  
 Via U. S. Mail

Daniel E. Williams  
Daniel E. Williams