

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

2003 MAR -5 P 12:57

KIMBERLY SMITH and MICHAEL)
 B. HINKLEY, Individually and on Behalf)
 of those Similarly Situated,)
)
 Plaintiffs,)
)
 v.)
)
 MICRON ELECTRONICS, INC.,)
 a Minnesota Corporation,)
)
 Defendant.)

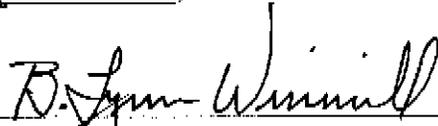
Case No. CV-01-244-S-BLW

ORDER

The Court has before it a motion to exclude testimony of 13 affiants, and to shorten time for a hearing on the motion. The motions relate to a motion for the conditional certification of a class, which the Court granted. The Court earlier allowed the filing of two other affidavits, noting that they pertained to the second phase of this litigation where the Court takes a hard look at the conditional certification to determine if it remains appropriate. That is true with these 13 affidavits as well. The Court will therefore examine them in the second phase of the class certification process. Because the Court has granted the motion to conditionally certify the class, the motion to shorten time is moot. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion to exclude (docket no. 137) is DENIED, and the motion to shorten time (docket no. 141) is DEEMED MOOT.

Dated this 5th day of March, 2003.


 B. LYNN WINMILL
 CHIEF JUDGE, UNITED STATES DISTRICT COURT

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United States District Court
for the
District of Idaho
March 5, 2003

* * 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: 3-5-03

BY: *CSB*
(Deputy Clerk)