

OCT -2 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

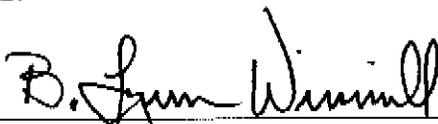
Case No. CV-01-244-S-BLW

ORDER

Defendant Micron submitted two affidavits the day before the oral argument on the motion for conditional class certification. Because the two affidavits were responding to plaintiffs' affidavits, it was proper for Micron to file the affidavits so close to the hearing date. The issues covered in the affidavits, however, relate to the second phase of the litigation, as discussed in the Court's Memorandum Decision filed September 27, 2002. The Court will therefore order that the two affidavits be filed, and will consider them in the second phase of the certification process. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion to allow filing of affidavits (docket no. 151) is GRANTED, and the Clerk of the Court is directed to file the attached affidavits of Robert Griffard and Teresa Hill.

Dated this 1st of October, 2002.



B. LYNN WINMILL
CHIEF JUDGE, UNITED STATES DISTRICT COURT

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United States District Court
for the
District of Idaho
October 2, 2002

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:01-cv-00244

I certify that a copy of the attached document was 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

Cameron S. Burke, Clerk

Date: 10-2-02

BY: 
(Deputy Clerk)