

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MAURICE JAMES SJOBLUM,
on behalf of himself and a class of employees
and/or former employees similarly situated,

ORDER

Plaintiff,

3:07-cv-0451-bbc

v.

CHARTER COMMUNICATIONS, LLC,
CHARTER COMMUNICATIONS (CCI),
INC. and CHARTER COMMUNICATIONS,
INC.

Defendants.

This is a civil action for monetary, declaratory and injunctive relief under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219, and Wisconsin wage and hour laws, Wis. Stat. chs. 103 and 104 and §§ 109.01-109.11. Plaintiff Maurice Sjoblom alleges that defendants violated federal and state law by not compensating him for certain work activities related to his assigned vehicle and equipment and failed to properly record the hours that he worked, in violation of state law. Plaintiff seeks to bring an opt-in nationwide collective action under the Fair Labor Standards Act and an opt-out Fed. R. Civ. P. 23 class action related to his state claims. Several motions are currently before the court.

Defendants moved to dismiss the state law class claims on October 2, 2007. On October 5, 2007, plaintiff moved for conditional certification of a nationwide collective action under the Fair Labor Standards Act and submitted his affidavit, the affidavit of Jesse Taylor Cone and the expert report of Robert Hauser in support of the motion. On November 8, 2007, defendants filed a brief opposing the motion for conditional certification and moved to strike the affidavits of plaintiff and Cone and Hauser's expert report. On November 20, 2007, defendants moved for oral argument on the motion to dismiss and the motion for conditional certification, asserting that these motions raised a number of factual and legal issues of national significance. Plaintiff responded to the motions to strike on November 21, 2007 and filed an opposition brief to the motion for oral argument on November 27, 2007.

Because I agree that the parties have raised a significant number of factual and legal issues, I will permit oral argument at a motion hearing, which has been set for December 13, 2007 at 2:00 p.m. At the hearing, the parties will be permitted to argue the following motions that are currently before the court:

- Defendants' motion to dismiss
- Plaintiff's motion for conditional certification (including issues related to the proposed content and distribution of the notice)
- Defendants' motion to strike the affidavits of Maurice James Sjoblom and Jesse Taylor Cone

- Defendants' motion to strike plaintiff's expert report

Also before the court are defendants' motions for leave to file reply briefs in support of their motions to strike the affidavits of plaintiff and Cone and Hauser's expert report. Dkt. # 132 and # 133. Defendants generally assert that further briefing will materially assist the court and address factual and legal inaccuracies and suppositions in plaintiff's opposition briefs. I disagree. Moreover, because the court is permitting oral argument on the motions to strike, defendants have no need to file reply briefs. Their motions to do so are denied.

ORDER

IT IS ORDERED that:

1. Defendants' motion for oral argument is AFFIRMED. At the motion hearing previously set by the court for December 13, 2007 at 2:00 p.m., the parties will be permitted to argue the following motions: defendants' motion to dismiss, plaintiff's motion for conditional certification, defendants' motion to strike the affidavits of Maurice James Sjoblom and Jesse Taylor Cone and defendants' motion to strike plaintiff's expert report.
2. Defendants' motion for leave to file a reply brief in support of the motion to strike the affidavits of Maurice James Sjoblom and Jesse Taylor Cone is DENIED.

3. Defendants' motion for leave to file a reply brief in support of the motion to strike plaintiff's expert report is DENIED.

Entered this 7th day of December, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge