

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ROGER LASSEN, JR., *individually and on behalf of all other similarly situated individuals,*

Plaintiff,

v.

HOYT LIVERY, INC., SANTO SILVESTRO,
and LYNDA SILVESTRO,

Defendants.

No. 13-cv-01529 (VAB)

**RULING ON MOTION FOR RECONSIDERATION OR
CERTIFICATION FOR INTERLOCUTORY APPEAL**

Pending before the Court is Defendants' Motion for limited reconsideration of this Court's Order, dated August 5, 2015, granting Plaintiff's Motion for Partial Summary Judgment, or in the alternative to certify the Order for interlocutory appeal [Doc. No. 145]. The Motion is denied.

Defendants seek reconsideration or appeal of a ruling that "deems all 'waiting time' potentially at issue in this case to be compensable work time." Def. Mot. at 1. The Court never made any such ruling. *See* Order, Doc. No. 131. Rather, the Court held that "[o]rdinary waiting time between runs is compensable time." *Id.* at 15. The Court also held that "[t]he amount of damages owed remains to be determined after further proceedings." *Id.* at 17.

In deciding the Motion for Partial Summary Judgment, "the only question [was] whether the evidence shows, drawing all reasonable inferences in favor of Defendants, that any plaintiff worked more than forty hours in any workweek during the relevant period." Order, Doc. No. 131, at 6. The Court granted partial summary judgment as to liability because there was no

genuine issue of fact that “at least some of the drivers worked more than forty hours in a single workweek on some occasions.” *Id.* at 7. The Court was not presented with each and every hour claimed to be compensable by the plaintiffs, and never made the categorical ruling challenged by Defendants in their present Motion.

Because Defendants seek reconsideration or interlocutory appeal of a ruling this Court never made, their Motion [Doc. No. 145] is **DENIED**.

SO ORDERED at Bridgeport, Connecticut, this 17th day of May, 2016.

/s/ Victor A. Bolden
Victor A. Bolden
United States District Judge