

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

DENIS MARC AUDET, MICHAEL  
PFEIFFER, DEAN ALLEN SHINNERS,  
and JASON VARGAS, Individually and on  
Behalf of All Others Similarly Situated,

*Plaintiffs,*

v.

HOMERO JOSHUA GARZA, STUART  
A. FRASER, GAW MINERS, LLC, and  
ZENMINER, LLC, (d/b/a ZEN CLOUD),

*Defendants.*

**No. 3:16-cv-00940-MPS**

**August 12, 2016**

**MOTION FOR CLASS CERTIFICATION AND STAY AND SUPPORTING  
MEMORANDUM**

Plaintiffs hereby move for class certification pursuant to Fed. R. Civ. P. 23 and a stay of all briefing and other proceedings in connection therewith pending entry of a Scheduling Order setting a schedule for all briefing and other proceedings concerning class certification. Plaintiffs make this Motion solely for the purpose of avoiding any dispute over whether this case would become moot in the event Defendant files an offer of judgment pursuant to Fed. R. Civ. P. 68. *See, e.g., Mey v. Frontier Communications Corp.*, Case No. 3:13-CV- 1191 (MPS), Ruling on Defendant's Motion to Dismiss (D. Conn. November 18, 2014).

DATED: August 12, 2016

Respectfully submitted,

PLAINTIFFS

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***Counsel for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of August, 2016, a copy of the foregoing was filed electronically with the Court's ECF system. Notice of this filing will be served upon all counsel of record by operation of the Court's ECF system.

/s/ Mark P. Kindall  
Mark P. Kindall