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Case No. 22CA1791</td></tr>
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Hon. Elizabeth Beebe Volz
Case No. 22CV30998</td></tr>
<tr><td>Petitioners:
BY THE ROCKIES, LLC, AND DUANE LAYTON

v.

Respondent:
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<tr><td colspan="2">BRIEF OF AMICI CURIAE THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA AND COLORADO CHAMBER OF COMMERCE IN SUPPORT OF PETITIONERS</td></tr>
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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28(a)(2)-(3), C.A.R. 29, and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with C.A.R. 29(d) because it contains 4,285 words.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28(2)-(3), C.A.R. 29, and C.A.R. 32.

s/Stephen G. Masciocchi
Signature of attorney or party

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INTEREST OF AMICI CURIAE

The Chamber of Commerce of the United States of America ("U.S. Chamber") is the world's largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than three million companies and professional organizations of every size, in every sector, and from every region of the country.

An important function of the U.S. Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the U.S. Chamber regularly files amicus curiae briefs in cases, like this one, that raise issues of concern to the nation's business community.

The Colorado Chamber of Commerce ("Colorado Chamber") is a private, non-profit, member-funded organization. Its mission is to champion a healthy business climate in Colorado. The four key objectives of that mission include: (1) maintaining and improving the cost of doing business; (2) advocating for a pro-business state government; (3) increasing the quantity of educated, skilled workers; and (4) strengthening Colorado's critical infrastructure (roads, water, telecommunications, and energy). The Colorado Chamber is the only business association that works to improve the business climate for all sizes of business from a statewide, multi-industry perspective.

The U.S. Chamber and Colorado Chamber have a substantial interest in sharing their perspectives with the Court on the issue presented. Amici have many members with employees in Colorado. These members would be negatively impacted if the Court were to affirm the Court of Appeals' holding that a six-year statute of limitations applies to claims under the Colorado Minimum Wage Act. Amici and their members also have a keen interest in the Court reaffirming the appropriate analysis for deciding between competing statutes of limitations and in harmonizing the statutory scheme so that businesses in Colorado can ascertain which rules of the road apply to their conduct.

ISSUE PRESENTED

Whether the court of appeals erred in holding the statute of limitations in the Colorado Wage Claim Act, Section 8-4-122, C.R.S. 2023, does not apply to claims brought under the Minimum Wage Act?

STATEMENT OF THE CASE

Samuel Perez worked for By the Rockies as an hourly employee at a fast-food restaurant in 2016 and 2017. CF, p 4. Five years later, he filed a class action complaint alleging he and similarly situated employees didn't receive required rest and meal breaks and were effectively docked work time. CF, p 5. He claimed this

violated Colorado's Wage Claim Act (WCA) and Minimum Wage Act (MWA), though he asserted a claim for relief only under the MWA. *See* CF, pp 3–7.

By the Rockies moved to dismiss. Noting that the MWA contains no statute of limitations, By the Rockies argued that the two-or-three-year limitations period in the WCA applied, and thus, Perez's claim was time-barred. CF, pp 28–35. Perez responded that the general six-year statute of limitations for actions to recover liquidated or unliquidated, determinable debts applied, and therefore, his claim was timely. CF, pp 58–65.

The district court agreed with By the Rockies, CF, pp 84–90, but the Court of Appeals majority agreed with Perez and reversed, *Perez v. By the Rockies, LLC*, 2023 COA 109. Judge Fox dissented. *Id.*, ¶¶ 22–28 (Fox, J., dissenting).

SUMMARY OF ARGUMENT

This Court should hold that section 8-4-122, the two-or-three-year statute of limitations set forth in the CWA, applies to claims brought under the MWA. In concluding otherwise, the Court of Appeals majority erred by analyzing the "plain language" not of the MWA but of two other statutes. It thus failed to apply this Court's three-tiered test for determining which statute of limitations to borrow where, as here, a statute is silent as to the applicable limitations period. Applying that test, as Judge Fox did in dissent, compels the conclusion that the limitations

period in the CWA—the more specific and most closely analogous statute—governs private causes of action under the MWA.

This conclusion is supported by relevant policy considerations and common sense. Applying a six-year limitations period disrupts the overall statutory scheme, imposes inconsistent recordkeeping burdens on Colorado employers, and revives stale claims, thus undermining the very purpose of statutes of limitations. These burdens are particularly onerous for fast-food and other service-industry employers, where employees typically hold hourly wage jobs for relatively short periods of time. And applying a six-year limitations period contradicts the Legislature's stated intent to harmonize Colorado and federal employment law by adopting a two-or-three-year limitations period for wage claims. Choosing the more specific statute will avoid these negative consequences.

ARGUMENT

I. Under this Court's Settled Approach to Choosing the Applicable Statute of Limitations, a Two-or-Three-Year Limitation Period Applies to Claims Brought Under the Minimum Wage Act.

The MWA contains no express limitations period. This silence creates ambiguity. Yet the Court of Appeals majority glossed over the MWA's ambiguous silence and conducted what it deemed to be a "plain language" analysis. This analysis focused not on the MWA but two other statutes: (1) the WCA, a closely

related statute which specifies a two-or-three-year limitations provision for actions "brought pursuant to" that article, *see* § 8-4-122, C.R.S. (2024), and (2) the general statute of limitations for liquidated or determinable debts, *see* § 13-80-103.5(1)(a), C.R.S. (2024). *Perez*, ¶¶ 8–9.

In focusing only on the language of those two statutes, the majority short-circuited the requisite analysis and failed to apply the test this Court has developed to determine which statute of limitations should apply to a statutory right of action that does not contain a limitations period. *See Reg'l Transp. Dist. v. Voss*, 890 P.2d 663, 668 (Colo. 1995). This was error. Following *Voss*'s directive, the two-or-three-year limitations period found in the analogous WCA, not the general six-year statute, is applicable to the MWA. This conclusion harmonizes the statutory scheme rather than rendering the MWA an outlier.

A. The Minimum Wage Act is Silent and Thus Ambiguous.

When interpreting a statute, Colorado courts analyze the "express language" of the *provision at issue*, "construing words and phrases according to grammar and common usage," and reading the language "in the context of the statute as a whole and the context of the entire statutory scheme." *Jefferson Cnty. Bd. of Equalization v. Gerganoff*, 241 P.3d 932, 935 (Colo. 2010). If the language of that statutory provision is internally clear and consistent, the court's analysis ends. *See*

id.; *see also Devora v. Strodtman*, 2012 COA 87, ¶ 10. But if the language is ambiguous, either because it is predisposed to competing interpretations or because it is silent on a particular point, the court may turn to additional tools, such as "the legislature's intent, the circumstances surrounding the statute's adoption, and the possible consequences of different interpretations to determine the statute's construction." *Elder v. Williams*, 2020 CO 88, ¶ 18; *see People v. Carey*, 198 P.3d 1223, 1229 (Colo. App. 2008) (noting that a statute's "silen[ce] on an issue that would be expected to be within its scope" indicates ambiguity); *Martinez v. People*, 2020 CO 3, ¶ 17 (explaining that "[i]n the face of . . . ambiguous silence," courts are empowered to "turn to extrinsic aids to guide" their statutory analyses).

The MWA is silent on the applicable limitations period, meaning the General Assembly left open the question of how soon a MWA claimant must file suit after a claim accrues under section 8-6-118, C.R.S. (2024).[1] Given the MWA's ambiguity on this point, a court tasked with determining the statute of limitations should "look beyond its text to resolve the ambiguity." *People v. Disher*, 224 P.3d 254, 257 (Colo. 2010).

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[1] For this reason, section 8-6-102, C.R.S. (2024)'s rule of "liberal[] constru[ction]" is of no moment. Because section 8-6-118 contains no limitations period, there is nothing to liberally construe.

But that is not what the majority did here. The majority focused on the language of the *WCA's* limitations provision and determined that it excluded claims brought under the MWA. *Perez*, ¶¶ 9–11. And, almost as an afterthought, the majority equated the MWA's silence on the limitations period to a "clear manifestation" of legislative intent that the general, six-year statute of limitations for recovery of unliquidated, determinable debts applied. *Id.* ¶ 11. The majority then declared the "relevant statutory provisions" to be "unambiguous" and concluded that no further tools were necessary to interpret the MWA. *Id.* ¶ 16. The majority thus never applied the applicable test.

B. Under *Voss*, the Limitations Period from the Closely Related Wage Claim Act Applies to the Minimum Wage Act.

Faced with statutory silence on the limitations period, the majority should have applied the three-tiered test this Court has developed to determine which of two arguably applicable statutes of limitation should apply. Under this test: (1) a later-enacted statute should be applied over an earlier-enacted one; (2) the more specific of the two should be applied; or (3) the longer of the two should be applied. *Voss*, 890 P.2d at 668. The *Voss* test is hierarchical. The first two rules take priority over the third, which is a "rule of last resort." *BP Am. Prod. Co. v. Patterson*, 185 P.3d 811, 814 (Colo. 2008). As between the first two, the more specific statute takes precedence, unless the Legislature "manifestly intends that

the later-enacted general statute prevail over the earlier-enacted specific statute." *Jenkins v. Pan. Canal Ry. Co.*, 208 P.3d 238, 241–42 (Colo. 2009).

Concluding that "there are no competing statutes of limitation," *Perez*, ¶ 11, the majority declined to analyze which statute applies to MWA claims through *Voss*'s lens. It based this conclusion on the "plain language" of the WCA's limitations provision, which provides, "[a]ll actions brought pursuant to this article shall be commenced" in two or three years, depending on alleged willfulness. *See id.* ¶ 10 (alteration in original) (quoting § 8-4-122). According to the majority, section 8-4-122's language limits its application to claims brought under article 4. *Perez*, ¶ 10.

Not so. Section 8-4-122 is permissive, not exclusive. The above-quoted language provides that the two-to-three-year limitations period applies to claims brought under that article, not that it applies *only* to such claims. Nowhere does section 8-4-122 state or imply that its limitations period cannot be borrowed for an analogous cause of action under an analogous article.

As Judge Fox did in dissent, *Perez*, ¶¶ 24–26 (Fox, J., dissenting), the majority should have considered section 8-4-122 to be a competing statute of limitations and applied *Voss* to determine whether it or the six-year general statute of limitations governs MWA claims. Under *Voss*, the two-or-three-year statute of

limitations in section 8-4-122 applies to the MWA's private right of action, as opposed to the six-year statute of limitations in section 13-80-103.5(1)(a), which applies to recovery of liquidated or determinable debts.

First, there is no later-enacted statute. The limitations periods prescribed by sections 8-4-122 and 13-80-103.5(1)(a) were both approved by the General Assembly and became law in 1986. *Perez*, ¶ 25 (Fox, J., dissenting) (citing session laws).[2] Additionally, both statutes pre-date the enactment of the MWA's private right of action. *See id.* *Voss*'s first rule thus has no bearing on the analysis.

Second, section 8-4-122 is the more specific of the two statutes. As the majority acknowledged in passing but otherwise disregarded, statutes of limitations are dictated not by the "particular form of action or the precise character of the relief requested," but by the nature of the right asserted. *Perez*, ¶ 11 (quoting *Hersh Cos. v. Highline Vill. Assocs.*, 30 P.3d 221, 223–24 (Colo. 2001)). Just like the WCA, the nature of the right asserted under the MWA is a claim for unpaid wages. *Compare* § 8-6-118 ("An employee receiving less than the legal minimum wage . . . is entitled to recover in a civil action the unpaid balance . . . of such

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[2] As a practical matter, the date of enactment will usually be a wash given that in 1986, the General Assembly repealed and reenacted the entire limitations scheme to "consolidate, simplify, and make uniform the periods of limitations on civil actions." *Dawson v. Reider*, 872 P.2d 212, 215 (Colo. 1994).

minimum wage . . . ."), *with* § 8-4-109(3)(a) ("If an employer refuses to pay wages . . . the employee . . . may file . . . [a] civil action for the payment.").

Furthermore, because both the WCA and MWA are implemented through Colorado Overtime and Minimum Pay Standards (COMPS) Orders, this Court and other courts often construe the two statutes together. *See, e.g.*, *Gomez v. JP Trucking, Inc.*, 2022 CO 21, ¶ 11; *Pilmenstein v. Wallace*, 2021 COA 59, ¶ 25 ("Both the [WCA] and the [MWA] authorize private rights of action to recover monetary damages."); *Balle-Tun v. Zeng & Wong, Inc.*, No. 21-CV-03106-NRN, 2022 U.S. Dist. LEXIS 87180, at *8 (D. Colo. May 13, 2022) ("Regardless of whether a claim arises under the CWCA or the CMWA, the purpose of the action is to recover some form of allegedly unpaid wages.").

Indeed, the two statutes are so intertwined that in 2020, the Colorado Department of Labor and Employment (CDLE) issued COMPS Order #36, which consolidated the administrative rules regarding recovery of wages and clarified that the rules apply to both the WCA and MWA. *Balle-Tun*, 2022 U.S. Dist. LEXIS 87180, at *12–13. Because Rule 8.1 of COMPS Order #36 applies the two-or-three-year limitations period to administrative claims brought under both statutes, section 8-4-122 necessarily "applies to civil actions brought pursuant to the COMPS order." *Id.* at *14. Holding "otherwise would render [section] 8-4-122 a

nullity whenever a wage claim is brought pursuant to a COMPS Order rather than the CWCA." *Id*.

"In the absence of a clear expression of legislative intent to the contrary, a statute of limitations specifically addressing a particular class of cases will control over a more general catch-all statute of limitations." *Mortg. Invs. Corp. v. Battle Mountain Corp.*, 70 P.3d 1176, 1185 (Colo. 2003). Here, section 8-4-122 speaks directly to claims for unpaid wages. Just as in *Battle Mountain*, this Court should reject the "general and broad limitations provision" of section 13-80-103.5(1)(a) in favor of the more specific limitations period. *Id.* at 1185.

Finally, because the "WCA is more specifically tailored to this situation," this Court does not apply the longer statute, *Balle-Tun*, 2022 U.S. Dist. LEXIS 87180, at *8, which is a "rule of last resort," *BP Am. Prod. Co.*, 185 P.3d at 814. *See also Jenkins*, 208 P.3d at 242 ("[I]f specificity or recency can resolve the conflict, we do not reach the question of the longer limitations period."). The WCA's limitations period thus applies.

C. Applying the Wage Claim Act's Limitations Period to Minimum Wage Act Claims Harmonizes the Statutory Scheme.

Because section 8-6-118 is a part of a larger statutory scheme, it cannot be interpreted in a vacuum. *See Yuma Cnty. Bd. of Equalization v. Cabot Petrol. Corp.*, 856 P.2d 844, 849 (Colo. 1993) ("We construe statutes related to the same

subject matter *in pari materia*, in order to give consistent, harmonious, and sensible effect to all of their parts."). In addition to being consistent with this Court's precedent on borrowing statutes of limitations, applying a two-or-three-year limitations period to actions under section 8-6-118 would harmonize the MWA with the rest of Colorado's wage and labor statutes, whereas a construction resulting in a six-year limitations period would result in utter cacophony.

In Colorado, all labor statutes that authorize private rights of action for unpaid wages or paid leave rights mirror the WCA: each has a two-year limitations period, except for willful violations, in which case the limitations period is sometimes extended to three years. *See* § 8-5-103(2), C.R.S. (2024) (two-year limitations period for suit under the Equal Pay Act); § 8-13.3-411(4)(a), C.R.S. (2024) (two-year limitation period applicable to suit for violation of Colorado's paid sick leave requirements); § 8-13.3-509(6)(c)–(d), C.R.S. (2024) (two-or-three-year limitation period applicable to suit for violation of Colorado's paid medical leave requirements). Not one of these pay-related statutes provides for a *six-year* limitations period. Choosing such an extended limitations period for the MWA, while the remaining provisions comprising the statutory scheme contain a limitations period one-third or one-half that length, would knock the statutory scheme out of whack.

The majority reasoned that application of section 13-80-103.5(1)(a)'s six-year limitations period was "consistent with the statutory scheme" because the Equal Pay Act's private right of action contains a two-year limitations period but, unlike the WCA, does not make an exception for willful violations. *Perez*, ¶ 12 ("[T]he scheme already contemplates different limitations period for claims seeking unpaid wages depending on the nature of the wage violation . . . ."). This reasoning is backwards. If anything, the two-year limitations period specified in the Equal Pay Act militates *against* the conclusion that a MWA claimant is entitled to a limitations period thrice that length. "Allowing a plaintiff to reach back only two or three years for wage claims under the CWCA [and Equal Pay Act], but six years for minimum wage claims under the CMWA, is illogical." *Balle-Tun*, 2022 U.S. Dist. LEXIS 87180, at *8. "Such a holding would apply different statutes of limitations based on the form of action or remedy sought, rather than the nature of the right to be enforced." *Id.* at *8–9.

This illogical result would have real-world implications. Extending the limitations period for MWA claims would incentivize plaintiffs with claims regarding wages and compensation to shop for the most favorable claim. That's arguably what Perez did here. He claimed By the Rockies violated both the WCA

and the MWA but sought relief only under the MWA, the statute under which his claim was not explicitly foreclosed. CF, pp 3–7.

* * *

The majority erred by trying to solve the open question of which limitations period applies to the MWA using a "plain language" approach when the statute in question is silent and has no language to construe. Applying the test this Court developed to resolve this precise issue, and harmonizing the statutory scheme, the two-or-three-year period in the analogous WCA applies.

II. A Six-Year Statute of Limitations Would Amount to Regulatory Bait-and-Switch, Impose Particular Burdens on Service-Industry Employers, and Resurrect Time-Barred Federal Claims.

Statutes of limitation are intended to promote justice, avoid unnecessary delay, and prevent the litigation of stale claims. *Hernandez v. Ray Domenico Farms, Inc.*, 2018 CO 15, ¶ 6. Extending the statute of limitations for claims to recover unpaid wages under the MWA to six years would undermine those rationales. It would be unduly burdensome and unjust to employers, who would be required to defend stale claims. More still, it would bring Colorado law into direct tension with federal law. This Court should avoid these illogical results.

A. The Majority's Reading Imposes New, Retroactive Recordkeeping Burdens on Colorado Employers.

Extending the statute of limitations to six years would unduly burden Colorado employers by, in effect, requiring them to retain employee records for six years, despite a consistent three-year recordkeeping requirement under the WCA and MWA.

Since 2015, both the Colorado General Assembly and the CDLE have required employers to retain employee records for three years. *See* Dep't of Lab. & Emp., Wage Order 31, 7 Colo. Code Regs. 1103-1:12 (2014) (effective on January 1, 2015); S.B. 14-005, 69 Gen. Assemb., 2d Reg. Sess. (Colo. 2014).[3] This decade-old, three-year recordkeeping period makes sense because it "matches the maximum period of liability under the statute of limitations" set out in the CWA—and, as argued above, applicable to the MWA—and evidences a consistent legislative message. *Hernandez*, ¶ 18. This symmetry "supports [the] conclusion

[3] The CDLE had imposed a recordkeeping requirement on employers for over 15 years. *See, e.g.*, Dep't of Lab. & Emp., Wage Order 24, 7 Colo. Code Regs. 1103-1:12(e) (2007) (effective on January 1, 2008). But when the General Assembly adopted a three-year recordkeeping requirement in 2014, S.B. 14-005, 69 Gen. Assemb., 2d Reg. Sess. (Colo. 2014), the CDLE updated its requirement to conform with the new law, *compare* Dep't of Lab. & Emp., Wage Order 30, 7 Colo. Code Regs. 1103-1:12(e) (2013) (effective on January 1, 2014) (two-year requirement), *with* Dep't of Lab. & Emp., Wage Order 31, 7 Colo. Code Regs. 1103-1:12 (2014) (effective on January 1, 2015) (three-year requirement).

that the General Assembly intended that a terminated employee could reach back no further than three years for wages that had been previously unpaid." *Id.*; *see also Balle-Tun*, 2022 U.S. Dist. LEXIS 87180, at *9 ("Requiring employers to keep records for a maximum of three years, but allowing plaintiffs to reach back even further, makes little sense."). Borrowing a six-year statute of limitations would judicially alter this otherwise-consistent requirement and effectively require Colorado employers to retain records for six years, lest they attempt to defend themselves without any records.

Employers justifiably rely on the CDLE's three-year record-keeping requirements in running their businesses. To impose a statute of limitations that effectively alters this requirement would amount to a regulatory bait-and-switch. Implementing a six-year statute of limitations—and thus forcing employers to defend claims for which they have disposed of the relevant records—would eviscerate employers' legitimate reliance interest. And it would render them vulnerable to liability for stale claims they would otherwise defeat. The Court should not countenance this nonsensical result.[4]

[4] Recent amendments to the Equal Pay Act do not compel a different result. Senate Bill 23-105 amended section 8-5-103(3) to expand the relief available to an employee aggrieved by a violation of section 8-5-102, C.R.S. (2024). *See* S.B. 23-105, 73 Gen. Assemb., Reg. Sess. (Colo. 2023). Whereas section 8-5-103(3) previously limited the employee's relief to three years of back pay, Senate

B. A Six-Year Limitation Period Would Impose Particularly Onerous Burdens on Fast-Food and Other Service-Industry Employers.

Departing from this consistent scheme and choosing a six-year statute of limitations would be particularly burdensome to fast-food and service-industry employers who navigate high rates of employee turnover. According to the United States Department of Labor, workers in service occupations had a median tenure of 2.7 years. BUREAU OF LAB. STATIS., U.S. DEP'T OF LAB., PUB NO. 24-1971, EMPLOYEE TENURE IN 2024 at 2 (2024). And within that group, "workers in food preparation and serving related occupations" generally stayed at a given job for a mere two years, the shortest tenure of any job. *Id.*

Imposing a six-year statute of limitations would essentially require service-industry employers to retain employee records for two to three times the median length of their employees' tenures. For example, if a fast-food restaurant's employee were employed for the median two years, the restaurant would be forced to retain that employee's records for *three times* as long as it employed the

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Bill 23-105 doubled this amount. But the amount of relief available is irrelevant to the statute of limitations. As noted above, section 8-5-103(2) establishes a two-year statute of limitations, and section 8-5-202, C.R.S. (2024) requires employers to "keep records of job descriptions and wage rate history" for two years after employment ends. The statute of limitations and recordkeeping requirement align, just as those for MWA claims should.

employee. For a service-industry worker employed for the median 2.7 years, the employer would need to keep records for more than twice the employee's tenure.

The high turnover rate among these employees would also exacerbate concerns over litigating stale claims. With a six-year statute of limitations, employers would be required to defend against claims from a former employee who worked just a few shifts, *six years later*. At that point, witnesses—including other short-term employees—might be difficult to locate or unable to recall details necessary to litigate the claim. Such a scheme "would flout the very purpose of statutes of limitations." *Hernandez*, ¶ 17.

C. The Majority's Reading Would Put Colorado Labor Law into Conflict with Federal Labor Law, Contrary to the Colorado Legislature's Stated Intent.

A six-year statute of limitations would be inconsistent not only with *Colorado's* legislative and regulatory labor scheme but with the *federal* scheme under the Fair Labor Standards Act (FLSA). Importantly, the MWA "governs minimum wages under state law just as the FLSA does under federal law." *Román v. Morconava Grp., LLC*, No. 22-CV-0907-WJM-SKC, 2023 U.S. Dist. LEXIS 127170, at *9 (D. Colo. July 24, 2023) (citation omitted). And the Colorado General Assembly enacted section 8-4-122's statute of limitations to bring Colorado law "into compliance with" the FLSA. *Hernandez*, ¶ 19 (quoting

Hearings on H.B. 86-1231 before the H. Business Affairs and Labor Comm., 55 Gen. Assemb., 2d Sess. (Colo. 1986)). For this reason, section 8-4-122 "utilizes the same two- or three-year framework" as the FLSA's statute of limitations. *Id.* (citing 29 U.S.C. § 255(a)).

If this Court applied a six-year statute of limitations, the MWA "would revive time-barred FLSA claims." *Id.* And "[i]nstead of bringing Colorado's laws 'into compliance' with federal law," as the General Assembly intended, "the state laws would be in direct tension with federal standards." *Id.* Accordingly, "the FLSA's statute of limitations regime supports the application of a two-to three-year statute of limitations" to the MWA. *Román*, 2023 U.S. Dist. LEXIS 127170, at *9 (quoting *Balle-Tun*, 2022 U.S. Dist. LEXIS 87180, at *4).

* * *

This Court should decline to adopt a limitations period that would contradict the very purposes of statutes of limitations. A six-year statute of limitations would depart from Colorado law, impose undue burdens on employers, require employers to defend against stale claims without sufficient evidence, and make a hash of the overall legislative scheme the General Assembly intended to create.

CONCLUSION

For the foregoing reasons, the U.S. Chamber and Colorado Chamber respectfully urge the Court to answer the question presented "yes," hold that the Court of Appeals erred, and rule that the statute of limitations in section 8-4-122 applies to claims brought under the Minimum Wage Act.

DATED this 13th day of November 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on November 13, 2024, I served a copy of the foregoing document to the following via the Colorado Courts E-Filing system:

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