

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00241-EWN-MEH

BIG TREE, INC., a Colorado corporation  
formerly known as Edward Speir Enterprises, Inc., d/b/a 3t Systems,

Plaintiff(s),

v.

NEW DAY FINANCIAL, LLC, also known as First Guaranty Mortgage Corporation,

Defendant(s).

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**ORDER SETTING SCHEDULING/PLANNING CONFERENCE**

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ORDER ENTERED BY MAGISTRATE JUDGE O. EDWARD SCHLATTER

Dated: February 14, 2006

The above captioned case has been referred to Magistrate Judge O. Edward Schlatter pursuant to an Order of Reference entered by Judge Edward W. Nottingham on February 13, 2006.

Pursuant to the Order of Reference referred to above, it is hereby **ORDERED** that a scheduling/planning conference pursuant to F.R.C.P. 16(b) shall be held on **May 17, 2006**, at 9:15 a.m., in United States Courthouse, 901 19<sup>th</sup> Street, Sixth Floor, Denver, Colorado. If this date is not convenient for any counsel, he or she should arrange a telephone conference with opposing counsel and my secretary to reschedule the conference to a more convenient date. Absent exceptional circumstances, no request for rescheduling will be entertained unless made within five days in advance of the date of appearance. The plaintiff shall notify all parties who have not entered an appearance of the date and time of the Scheduling/Planning Conference.

Lawyers whose offices are located outside of the Denver metropolitan area may appear at scheduling and pretrial conferences by telephone, if the original signed copy of the appropriate order has been submitted.

It is further **ORDERED** that counsel for the parties in this case are to hold a pre-scheduling conference meeting and prepare a proposed Scheduling Order in accordance with Fed.R.Civ.P. 26(f), as amended, on or before April 26, 2006. **THE PROPOSED SCHEDULING ORDER SHALL INCLUDE A DISCOVERY CUTOFF**

**DATE NO LATER THAN 15 DAYS PRIOR TO THE DISPOSITIVE MOTION**

**DEADLINE SET BY THE DISTRICT COURT JUDGE.** Pursuant to Fed.R.Civ.P. 26(d), as amended, no discovery shall be submitted until after the pre-scheduling conference meeting, unless otherwise ordered or directed by the district judge in this case. No later than **5 days** prior to the Scheduling Conference, the parties shall submit their proposed Scheduling Order to the Magistrate Judge assigned. In addition, the parties shall comply with the mandatory disclosure requirements of Fed.R.Civ.P. 26(a)(1), as amended.

**The parties shall prepare the proposed Scheduling Order in accordance with the form which may be downloaded in richtext format from the forms section of the Court's website at [www.cod.uscourts.gov](http://www.cod.uscourts.gov) Instructions for downloading in richtext format are posted in the forms section of the website.**

All out-of-state counsel shall comply with D.C.COLO.LR 83.3(C) prior to the Scheduling/Planning Conference.

**Counsel are further advised that they must file an original and two copies of all pleadings with the clerk's office. One of these copies will be provided to the magistrate's chambers. See D.C. Colo. LCivR 10.1L.**

**The Parties are further advised that they shall not assume that the Court will grant the relief requested in any motion. Failure to appear at a court-ordered conference or to comply with a court-ordered deadline which has not been vacated by court order may result in the imposition of sanctions.**

In addition to filing an appropriate notice with the clerk's office, counsel must file a copy of any notice of withdrawal, notice of substitution of counsel, or notice of change of counsel's address or telephone number with the clerk of the United States Magistrate Judge assigned to the case.