

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01234-EWN-MEH

RAY D. HOSTEEN,

Plaintiff,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

ORDER SETTING SCHEDULING/PLANNING CONFERENCE

ORDER ENTERED BY MAGISTRATE JUDGE MICHAEL E. HEGARTY

Dated: June 29, 2006

The above captioned case has been referred to Magistrate Judge Michael E. Hegarty pursuant to an Order of Reference entered by Judge Edward W. Nottingham on June 28, 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 **September 19, 2006**, at 9:15 a.m., in Courtroom A601 of the United States Courthouse, 901 19th 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 Chambers 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. Please notify my chambers at (303) 844-4507 if telephonic appearance is to occur.

It is further **ORDERED** that counsel for the parties in this case are to hold a pre-scheduling conference meeting and jointly prepare a proposed Scheduling Order in accordance with Fed.R.Civ.P. 26(f), as amended, on or before **August 29, 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.

The parties shall submit their jointly prepared proposed Scheduling Order, pursuant to District of Colorado Electronic Case Filing (“ECF”) Procedures V.L. **no later than five (5) business days** prior to the scheduling conference. The proposed Scheduling Order to be submitted to the Magistrate Judge under the ECF Procedures must be submitted in a useable format (i.e., Word or WordPerfect only) and shall be e:mailed to the Magistrate Judge at Hegarty_Chambers@cod.uscourts.gov.

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 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.

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.

Finally, the parties or counsel attending the conference should be prepared to informally discuss settlement of the case. There is no requirement to submit confidential settlement documents/letters to the Court beforehand or to have parties present who shall have full authority to negotiate all terms and demands presented by the case.

Please remember that anyone seeking entry into the Alfred A. Arraj United States Courthouse will be required to show a valid photo identification. See D.C.COLO.LCivR 83.2B.