

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Phillip S. Figa

Civil Action No. 06-cv-02002-PSF-MJW

TRUSTEES OF THE OPERATING ENGINEERS' HEALTH AND WELFARE
TRUST FUND FOR COLORADO;
TRUSTEES OF THE COLORADO OPERATING ENGINEERS' VACATION FUND;
TRUSTEES OF THE CENTRAL PENSION FUND OF THE INTERNATIONAL
UNION OF OPERATING ENGINEERS AND PARTICIPATING EMPLOYERS; and
TRUSTEES OF THE COLORADO JOURNEYMEN AND APPRENTICE TRAINING
FUND FOR OPERATING ENGINEERS,

Plaintiffs,

v.

XKE CONTRACTORS OR STORAGE, INC.,
f/k/a XKE Contractors, Inc., a Colorado corporation,

Defendant.

ORDER SETTING RULE 16 PRETRIAL SCHEDULING CONFERENCE

THIS MATTER comes before the Court pursuant to F.R.Civ.P. 16 and
D.C.COLO.LCivR 16.1 for the setting of a pretrial scheduling conference. IT IS
HEREBY ORDERED that the parties shall appear on **Friday, November 3, 2006 at
1:30 p.m.**, in Courtroom A602 of the U.S. District Court for the District of Colorado,
Sixth Floor, of the Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado.

It is,

FURTHER ORDERED that, because this scheduling conference may be set
before the defendant has been served or has appeared in the case, counsel for the

plaintiff is responsible for notifying the defendant of the setting of the first Rule 16(b) Conference. If plaintiff's counsel is unable to notify the defendant, then plaintiff's counsel shall so notify the Court, at least five (5) business days prior to the scheduled Rule 16(b) Conference, so that the conference can be rescheduled. Counsel shall comply with the Instructions for Preparation of Scheduling Order (see Appendix F of the Local Rules of Practice in the United States District Court for the District of Colorado). Copies of the Local Rules are available under the "Local Rules" button at <http://www.cod.uscourts.gov> and from the Clerk of the Court. The Proposed Joint Scheduling Order is due **at least five days before the Scheduling Conference.** If the Scheduling Order is not timely submitted, the conference will be vacated. There will be no exceptions to this policy.

DATED: October 11, 2006

BY THE COURT:

s/ Phillip S. Figa

Phillip S. Figa
United States District Judge