

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 07-cv-00968-REB-CBS

(Consolidated with Civil Action Nos. 07-cv-00971-REB-CBS, 07-cv-01087-REB-CBS, 08-cv-02298-REB-CBS, 08-cv-02437-REB-CBS, 09-cv-00835-REB-CBS, and 09-cv-01145-REB-CBS)

TRUDIE M. ISKOWITZ, et al.,

Plaintiffs,

v.

CESSNA AIRCRAFT COMPANY, et al.,

Defendants.

**ORDER DENYING MOTION TO RESET
TRIAL PREPARATION CONFERENCE AND TRIAL**

Blackburn, J.

This matter is before me on the **Motion To Amend Order Setting Trial and Trial Preparation Conference** [#208]¹ filed April 30, 2010. I deny the motion.

The motion was filed by Thomas J. Byrne, lead counsel for defendants Martinair, Inc., and Circuit City Stores, Inc. Counsel indicates in the motion that he is counsel for a defendant in another case which set to begin trial in the United States District Court for the District of Colorado on August 2, 2010. That case is ***USAU, Inc., et al. v. Pilatus Business Aircraft, Ltd, et al.***, Civil Action No. 01-cv-02056-RPM (the Pilatus case). Counsel seeks a continuance of the trial preparation conference in this case, currently set for August 6, 2010, at 2:30 p.m., because the trial preparation conference

¹ “[#208]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

conflicts with a part of the trial in the Pilatus case. In addition, counsel seeks a delay in the commencement of the trial in this case, which trial currently is set to begin on August 23, 2010. Counsel notes that trial in the Pilatus case is scheduled to continue into the week of August 16, 2010, meaning the Pilatus trial would end just before the trial in this case begins. Counsel asks that the commencement of trial in this case be delayed until September 7, 2010.

Trial in the Pilatus case began on August 2, 2010, and now is set to continue through August 12, 2010. Given my current docket and the trial schedule in the Pilatus case, I am not able to reschedule the trial preparation conference in this case to a day and time that resolves the conflict faced by counsel for Martinair and Circuit City. I anticipate, however, that the presence at the trial preparation conference of counsel other than lead counsel for Martinair and Circuit City will provide lead counsel with an adequate summary and assessment of the business conducted at the trial preparation conference.

Addressing the request to delay the commencement of trial in this case, I note that trial in the Pilatus case now is scheduled to end on August 12, 2010, about ten days before trial in this case is set to begin. Particularly given the revised schedule in the Pilatus case, I conclude that there is no need to delay the commencement of trial in this case.

THEREFORE, IT IS ORDERED as follows:


1. That the **Motion To Amend Order Setting Trial and Trial Preparation Conference** [#208] filed April 30, 2010, is **DENIED**;

2. That Thomas J. Byrne is **EXCUSED** from attending the Trial Preparation Conference; and

3. That the **Trial Preparation Conference Order** [#209] entered May 3, 2010, is **AMENDED** to waive the requirement that lead counsel for the defendants Martinair, Inc., and Circuit City Stores, Inc., attend the Trial Preparation Conference.

Dated August 2, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge