

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Wiley Y. Daniel

Civil Action No. 07-cv-01136-WYD-KMT

MATHEW TINLEY,

Plaintiff,

v.

POLY-TRIPLEX TECHNOLOGIES, INC., a Florida corporation; and
W. CHRISS BLANE,

Defendants.

ORDER

THIS MATTER is before the Court on review of Defendants' Notice of Scheduling Conflict, filed December 10, 2009. I note that on November 13, 2009, after consultation with counsel for both parties, a 10-day jury trial was set in this matter to commence Monday, April 5, 2010. In the Notice of Scheduling Conflict, counsel for Defendants states that sometime in "mid-November" he was contacted to serve as lead trial counsel for a case pending in United States District Court for the Northern District of Georgia (the "Georgia case"). At the time he began work on the Georgia case, trial in that case was scheduled to begin on January 11, 2010. Counsel for Defendants entered his appearance in the Georgia case on December 10, 2009. After he filed his entry of appearance, he discovered that the Georgia case had recently been moved off the trial calendar for January 11, 2010 and placed on the trial calendar for April 12, 2010, which overlaps with the scheduled trial dates in this case. In the Notice of Scheduling Conflict,

counsel for Defendants requests guidance as to how to proceed.

This case was filed in 2007 and I will not reset the scheduled trial *sua sponte*. If counsel for Defendants wishes to reschedule the trial in this case he will need to confer with opposing counsel and file an appropriate motion. Upon receipt of such motion, I will schedule a hearing and require all counsel to personally be present.

Dated: December 11, 2009

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge