

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 08-cv-00867-MSK-KLM

MEDCORP, INC., an Ohio corporation,

Plaintiff and Counterdefendant,

v.

PINPOINT TECHNOLOGIES, INC., a Delaware corporation, and
ZOLL DATA SYSTEMS, INC., a Delaware corporation,

Defendants and Counterclaimants.

ORDER VACATING FINAL PRETRIAL CONFERENCE

THIS MATTER is set for a Final Pretrial Conference on December 3, 2009. After reviewing the Proposed Final Pretrial Order, Exhibit List, Witness List, and docket report, however, it is apparent that holding a Final Pretrial Conference at this time would be premature.

There are a number of reasons for rescheduling the Final Pretrial Conference. Among them are that the parties are not prepared to proceed to trial. The discovery period just ended, and the deadline for filing of discovery motions has not yet passed. The dispositive motion deadline is not until January 2010, and the parties have indicated their intention on filing additional motions for summary judgment.

The Proposed Final Pretrial Order reflects that the issues for trial have not yet been narrowed or refined. The parties do not estimate the time necessary for trial. The listing of a party's "proposed stipulations" suggests that the parties are not yet prepared to stipulate to undisputed facts. In addition, although the parties comprehensively set forth their claims and

defenses and anticipated evidentiary support, portions of the Proposed Final Pretrial Order are non-compliant with the Court's practice procedures. The Exhibit List does not comport with the format published on the Court's website, does not list the witness through which the exhibit will be presented, and does not number the exhibits (exhibits should not be identified by Bates stamp number). The Witness List does not comport with the format published on the Court's website (witnesses should not be categorized by the party who intends to call the witness and the time¹ allocated to testimony in response to various types of examination is not necessary).

IT IS THEREFORE ORDERED that

- (1) The Final Pretrial Conference scheduled for December 3, 2009 is **VACATED**.
- (2) The parties shall jointly contact chambers within ten days of the dispositive motion deadline to reschedule the Final Pretrial Conference.

Dated this 1st day of December, 2009

BY THE COURT:



Marcia S. Krieger
United States District Judge

¹ The sole purpose of the estimate of time for anticipated testimony is to assure that adequate trial time is set. The time estimate for the testimony is not binding on any party.