

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 08-cv-01228-CMA-KLM

PRECISION FITNESS EQUIPMENT, INC.,

Plaintiff,

v.

NAUTILUS, INC.,

Defendant,

v.

COMMERCIAL FITNESS PRODUCTS, INC.,
COMMERCIAL FITNESS PRODUCTS OF GEORGIA, INC.,
COMMERCIAL FITNESS PRODUCTS OF KENTUCKY, INC.,
COMMERCIAL FITNESS PRODUCTS OF PUERTO RICO, INC., and
RICHARD WASSERLAUF,

Third-Party Defendants.

**ORDER REGARDING THIRD-PARTY DEFENDANTS'
NOTICE OF UNAVAILABILITY**

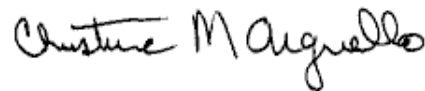
This matter is before the Court on Third-Party Defendants' Notice of Unavailability (Doc. # 178), submitted by Jan Douglas Atlas, as attorney for Plaintiff/Counterclaim Defendant Precision Fitness Equipment of Pompano Beach and Third-Party Defendants. The Court hereby advises that such "notice" is not an appropriate filing in this court. The Court further notes that over the course of the two years this case has been pending in this Court, the only counsel of record for Plaintiff or Third-

Party Defendants has been Samantha Haimo. Attorney Jan Atlas has never entered an appearance as counsel in this case.

To the extent that this Court reads this “notice” as vaguely purporting to be a “motion for continuance” of the Final Trial Preparation Conference and Trial (“FTPC”) dates set by this Court on September 13, 2010 (see Doc. # 175), that motion is DENIED. Both the FTPC date of November 19, 2010, and the trial date of November 30, 2010, were discussed with and cleared by counsel of record, Samantha Haimo and Matt Smith, and these dates will proceed as set.

DATED: September 20, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge