

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Craig B. Shaffer**

Civil Action: 08-cv-01592-PAB-CBS
Date: March 17, 2009

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Linda Kahoe

ROBERT LONCAR, *et al.*

George M. Allen

Plaintiff(s),

v.

WESTERN PEAK, LLC, *et al.*

Brian T. Moore

James F. Fosnaught

Defendant(s).

COURTROOM MINUTES/MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 8:57 a.m.

Court calls case. Appearances of counsel.

Initial discussion regarding Proposed Scheduling Order, [#70], filed March 13, 2009.

Discussion regarding reasons why parties did not hold a Rule 26(f) conference per Court's order in open court per courtroom minutes on February 20, 2009.

Discussion regarding Rule 26(a) disclosures.

THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE:

Deadline for Amendment of pleadings/Joinder of parties: **May 15, 2009.**

Discovery Cut-off: **September 30, 2009.**

Dispositive Motions deadline: **October 30, 2009.**

Parties shall designate affirmative experts **on or before July 1, 2009.**

Parties shall designate rebuttal experts **on or before August 14, 2009.**

Plaintiffs may designate up to 4 experts for each group of collective parties, and Defendants may designate up to 3 experts for each group of collective parties.

Depositions are limited to the number specified in the Scheduling Order.

Interrogatories, Requests for Production of Documents, and Requests for Admissions shall be served **no later than August 27, 2009.**

Counsel may not file any OPPOSED discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference call adding Magistrate Judge Shaffer as the last connection. The Court will hear arguments and attempt to mediate a resolution. The Court will instruct counsel at that time as to whether or not to file a discovery motion.

SETTLEMENT CONFERENCE is set for **May 28, 2009 at 1:30 p.m.**

Attorney(s) and Client(s)/Client Representative(s), including an adjustor if an insurance company is involved, with full settlement authority **are to be present in person** for the Settlement Conference.

Each party shall submit an Updated Confidential Settlement Statement to Magistrate Judge Shaffer **on or before May 21, 2009** outlining the facts and issues in the case and the party's settlement position. In addition, each party shall disclose what it is willing to offer or accept in settlement.

Parties participating in ECF shall e-mail Confidential Settlement Statements, which are fifteen (15) pages or less including attachments, in PDF format to Shaffer_Chambers@cod.uscourts.gov. ALL Confidential Settlement Statements that are over fifteen (15) pages including attachments are to be submitted to the court as hard copies and shall be delivered to the office of the Clerk of the Court in an envelope marked "PRIVATE PER MAGISTRATE JUDGE SHAFFER'S ORDERS."

FINAL PRETRIAL CONFERENCE is set for **January 19, 2010 at 9:15 a.m.**

Final Pretrial Order is due **no later than FIVE DAYS before the Final Pretrial Conference.** (See the court's website for Instructions for Preparation and Submission)

- Scheduling Order is signed and entered with interlineations.

Defendants made an oral motion to withdraw Doc. 35, Defendants' Motion to Dismiss First Amended Complaint for Lack of Standing, filed 10/3/2008, and to withdraw Doc. 38, Cynthia M. Peters and Prosperity Bookkeeping, Inc., DBA CMP Financial's Second Motion to Dismiss Pursuant to F.R.C.P. 12(b), filed 10/3/2008.

ORDERED: Defendants' Motion to Dismiss First Amended Complaint for Lack of Standing [Doc. #35, filed 10/3/2008] is WITHDRAWN.

ORDERED: Cynthia M. Peters and Prosperity Bookkeeping, Inc., DBA CMP Financial's Second Motion to Dismiss Pursuant to F.R.C.P. 12(b) [Doc. #38, filed 10/3/2008] is WITHDRAWN.

ORDERED: Unopposed Motion for Further Two-Day Extension of Time to File Answer or Otherwise Respond to Second Amended Complaint [Doc. #71, filed 3/16/2009] is GRANTED.

HEARING CONCLUDED.

Court in recess: 10:00 a.m.

Total time in court: 01:03

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