

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. MAGISTRATE JUDGE GUDRUN J. RICE

Civil Action No. 08-cv-02448-MSK-GJR

THE SATER DESIGN COLLECTION, INC.,

Plaintiff,

v.

FRED BISHOP ENTERPRISES, INC.,
FRED W. BISHOP III,
AUTODRAFT DESIGN, INC.,
AUTODRAFT, LLC,
GILBERT MAYNARD, and
DEBRA MAYNARD

Defendants.

ORDER SETTING
SCHEDULING/PLANNING CONFERENCE

The above captioned case has been referred to Magistrate Judge Gudrun Rice pursuant to the Order of Reference entered by Judge Marcia S. Krieger on November 13, 2008.

Pursuant to the order of reference, IT IS HEREBY **ORDERED** that a Scheduling/Planning Conference pursuant to Fed.R.Civ.P. 16(b) shall be held on **March 16, 2009**, commencing at **1:30 p.m.** in Courtroom 323, 3rd Floor of the Wayne Aspinall Federal Building, 400 Rood Avenue, Grand Junction, Colorado. If this date is not convenient, counsel should confer with opposing counsel and contact my chambers to reschedule the conference. **Absent exceptional circumstances, no request for**

rescheduling will be considered unless made five business days prior to the date of the conference.

Lawyers whose offices are located outside the western slope of Colorado may appear at scheduling and pretrial conferences by telephone, if the appropriate proposed order had been submitted to Chambers in a useable format by the appropriate deadline.

Please contact chambers at 970.241.8932 to arrange appearance by telephone.

The plaintiff shall notify all parties who have not entered an appearance of the date and time of the Scheduling/Planning Conference.

IT IS **ORDERED** that counsel/pro se parties in this case are to hold a pre-scheduling conference meeting and **jointly prepare a proposed Scheduling Order** in accordance with Fed.R.Civ.P. 26(f), as amended, and the instructions accompanying the form scheduling order, on or before **February 23, 2009**. Pursuant to Fed.R.Civ.P. 26(d), as amended, no discovery shall be submitted until after the Rule 26(f) conference meeting, unless otherwise ordered or directed by the court.

No later than five (5) calendar days prior to the Scheduling/Planning conference, counsel/pro se parties shall submit their proposed Scheduling Order in the format available on the Court's website at: www.cod.uscourts.gov under magistrate judges forms (in PDF) in compliance with the Court's Electronic Case Filing Procedures which are also available on the Court's website. An additional copy of the proposed scheduling order is to be provided to my chambers at Rice_Chambers@cod.uscourts.gov by e-mail attachment with the subject line stating "proposed Scheduling Order" and in WordPerfect format.

In addition to the instructions for completing the Scheduling Order, which may be found on the court's website with the scheduling order form, counsel and pro se parties should consider whether electronic discovery will be needed. Specifically, in those cases in which: (i) the parties' substantive allegations involve extensive computer-generated records; (ii) a substantial amount of disclosure or discovery will involve information or records in electronic form (i.e., e-mail, word processing, databases); (iii) expert witnesses will develop testimony based in large part on computer data and/or modeling; or (iv) any party plans to present a substantial amount of evidence in digital form at trial, the parties shall confer regarding what efforts will be needed to preserve computer records and data, facilitate computer-based discovery and who will pay costs, resolve privilege issues, limit discovery costs and delay, and avoid discovery disputes relating to electronic discovery. The parties shall include these issues, if appropriate, in the proposed scheduling order and shall be prepared to discuss them at the scheduling/planning conference.

Further, on or before 14 days after the Rule 26(f) pre-scheduling conference meeting, the parties shall comply with the mandatory disclosure requirements of Fed.R.Civ.P. 26(a)(1), as amended.

Parties who are pro se or do not have access to the internet may obtain the scheduling order form and instructions from the Clerk's Office, Room A105, in the Alfred A. Arraj United States Courthouse, 901 - 19th Street, Denver, Colorado (80294). Scheduling Orders prepared by parties not represented by counsel, or without access to electronic case filing, are to be submitted to the Clerk of Court on paper.

Finally, the parties or counsel attending the Conference should be prepared to informally discuss settlement of the case. There is no requirement to submit confidential settlement documents/letters to the Court beforehand or to have parties present who shall have full authority to negotiate all terms and demands presented by the case.

All out-of-state counsel shall comply with D.C.COLO.LCivR 83.3 before the Scheduling/Planning conference.

It is the responsibility of counsel/pro se parties to notify the Court of his/her entry of appearance, notice of withdrawal, notice of substitution of counsel, or notice of change of address, e-mail address, or telephone number by complying with the Court's Electronic Case Filing Procedures or paper-filing the appropriate document with the Court.

The parties are further advised that they shall not assume the Court will grant the relief requested in any motion. Failure to appear at a court-ordered conference or to comply with a court-ordered deadline which has not been vacated by court order may result in the imposition of sanctions, under Rule 16(f), Fed.R.Civ.P.

DATED: January 08, 2009 at Grand Junction, Colorado.

BY THE COURT:

s/Gudrun J. Rice

Gudrun J. Rice
United States Magistrate Judge