

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02582-MSK-KLM

PETER D. THURLOW, JR., and
MICHELLE A. MARTINEZ,

Plaintiff,

v.

COUNTRYWIDE FINANCIAL CORPORATION, a Delaware corporation,
COUNTRYWIDE HOME LOAN, INC., a New York corporation,
BANK OF NEW YORK and all persons unknown claiming any legal or equitable right, title
lien or interest in the property described in this Complaint adverse to Plaintiff's title thereto,
and
DOES, INCLUSIVE,

Defendant(s).

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court *sua sponte*.

On January 21, 2009, Defendants submitted a proposed Scheduling order in this case [Docket No. 7]. Although signed by defense counsel, the pleading was not signed by Plaintiffs, who are proceeding *pro se*. Further, defense counsel stated that they had made multiple attempts to contact Plaintiffs for the purpose of holding a Rule 26(f) conference, but were unable to reach Plaintiffs. Therefore, no Rule 26(f) conference was held, and defense counsel states that "plaintiffs have not approved nor contributed to this proposed scheduling order." *Proposed Scheduling Order* [#7] at 1.

Plaintiffs have failed to comply with the Local Rules of Practice for the United States District Court for the District of Colorado as well as the Federal Rules of Civil Procedure. Pursuant to D.C.Colo.LCivR. 16.1, "Plaintiff(s) shall prepare the proposed scheduling order, unless counsel or the *pro se* parties have agreed otherwise." (emphasis added). Plaintiffs have failed to meet this obligation. Second, pursuant to D.C.Colo.LCivR 26.1(A), Plaintiffs are required to satisfy Fed. R. Civ. P. 26(f), which mandates that they are "jointly responsible for arranging [a pre-scheduling conference], for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan." Plaintiffs have also failed to meet this requirement.

Accordingly, IT IS HEREBY **ORDERED** that the Scheduling Conference set for January 27, 2009 is **RESET** for **March 10, 2009 at 11:30 a.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

Plaintiffs are ordered to confer with defense counsel to create a Scheduling Order, as required by the Court's Order dated December 3, 2008 [Docket No. 5]. **Plaintiffs are specifically warned that their failure to confer to create a proposed Scheduling Order, or their failure to follow any Court order, will result in the imposition of sanctions, up to and including dismissal of their case.**

BY THE COURT:

____s/ Kristen L. Mix_____
United States Magistrate Judge

Dated: January 23, 2009