

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00193-REB-MEH

VOLVO FINANCIAL SERVICES, a division of VFS US LLC, a Delaware limited liability company,

Plaintiff,

v.

PREMIERE EQUIPMENT RENTALS, LLC, an Arizona limited liability company,
R.J. REAL ESTATE ENTERPRISES, LLC, an Arizona limited liability company,
ERIC RADEWAHN, a/k/a Eric John Radewahn, a/k/a Eric J. Radewahn, an individual,
SUSAN RADEWAHN, a/k/a Susan Mary Radewahn, a/k/a Susan M. Radewahn, an individual,
ANDREW PIOTROWSKI, a/k/a Andrew James Piotrowski, a/k/a Andrew J. Piotrowski, an individual, and
MICHELLE PIOTROWSKI, an individual,

Defendants.

MINUTE ORDER AND RECOMMENDATION

Entered by Michael E. Hegarty, United States Magistrate Judge, on August 11, 2009.

Pending before the Court is the Joint Request for Modification of Scheduling Order and Trial Preparation Order Re Expert Witnesses and Trial Date [filed August 3, 2009; docket #47]. The Court **denies without prejudice** the portion of the motion requesting a modification to the expert witness deadlines, for failure to consider the Final Pretrial Conference set for January 4, 2010. The Court **recommends** that the District Court grant the portion of the motion requesting a modification to the trial date for the religious reasons stated.¹ Thus, after speaking with the District Court, the Court recommends the trial date set for March 29, 2010, be vacated and reset to begin July 19, 2010, or as soon thereafter as Judge Blackburn's calendar permits [Trial Preparation Conference TBD].

¹Be advised that all parties shall have ten (10) days after service hereof to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned. Fed. R. Civ. P. 72. The party filing objections must specifically identify those findings or recommendations to which the objections are being made. The District Court need not consider frivolous, conclusive or general objections. A party's failure to file such written objections to proposed findings and recommendations contained in this report may bar the party from a *de novo* determination by the District Judge of the proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 676-83 (1980); 28 U.S.C. § 636(b)(1). Additionally, the failure to file written objections to the proposed findings and recommendations within ten (10) days after being served with a copy may bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Court. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *Niehaus v. Kansas Bar Ass'n*, 793 F.2d 1159, 1164 (10th Cir. 1986).