

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00591-REB-KLM

VIGILANT INSURANCE COMPANY, a New York corporation,

Plaintiff,

v.

ATMOS ENERGY CORPORATION, a Texas corporation, and  
TONY VEIT BUILDERS, INC., a Colorado corporation,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on **Plaintiff Vigilant [sic] Motion to Amend Scheduling Order** [Docket No. 41; Filed January 28, 2010] (the "Motion"). Defendant Tony Veit Builders responded [Docket No. 43; Filed January 28, 2010], and Plaintiff replied [Docket No. 44; Filed February 5, 2010]. Plaintiff indicated in the Motion that Defendant Atmos Energy Corporation did not oppose the relief requested.

As a preliminary matter, the Court notes that Plaintiff's Motion does not comply with D.C. COLO. LCivR 6.1D, which requires that any motion for extension of time "state a date certain for the requested extension of time." Plaintiff is cautioned that it must comply with the Local Rules in the future. Any future filings that fail to comply will be summarily stricken.

The current discovery deadline in this matter was set for January 29, 2010. The Court previously granted the parties an extension of time until January 4, 2010 for disclosures of expert witnesses [Docket No. 36]. Plaintiff now requests an extension of the

discovery deadline so that it will have an opportunity to depose Defendants' experts. Plaintiff notes Defendant was unable to provide deposition dates for its experts prior to the discovery deadline.

Defendant Tony Veit Builders opposes the extension. However, Defendant apparently was not able to make its experts available for deposition before January 29, 2010. Instead, Defendant proposed that the depositions of its experts take place on February 19, 2010.

Defendant Atmos Energy Corporation does not oppose the Motion, but Plaintiff does not indicate exactly when the depositions of Defendant Atmos Energy's experts will take place, stating only that the parties intend to set them for a mutually agreeable date in February.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. The discovery deadline in this matter is extended until **March 1, 2010**, as to depositions of expert witnesses only.

Dated: February 8, 2010