

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00717-CMA-BNB

BROKER'S CHOICE OF AMERICA, INC., and
TYRONE M. CLARK,

Plaintiffs,

v.

NBC UNIVERSAL, INC.,
GENERAL ELECTRIC CO.,
CHRIS HANSEN,
STEVEN FOX ECKERT, and
MARIE THERESA AMOREBIETA,

Defendants.

ORDER

By a minute order [Doc. # 42, filed 11/23/2009] I set a hearing on Plaintiffs' Motion to Compel Disclosures by Defendant NBC Universal, Inc. (the "Motion to Compel"), for January 7, 2010, at 3:00 p.m. I also set a scheduling conference for the same date and time. Subsequently, it has been brought to my attention that the district judge entered the following order:

THE COURT: All right. Plaintiff is given 30 days within which to file its Amended Complaint. The Court will note that pursuant to Iqbal, the Supreme Court did state that while Rule 8 does allow broader pleading, it does not unlock the doors of discovery for a plaintiff that has--it does not unlock the doors of discovery for a plaintiff that has armed itself with nothing more than conclusions.

So the Court is not going to allow--the discovery stay will remain in effect.

Reporter's Partial Transcript [Doc. # 38, filed 10/23/2009] at p.26 line 19 through p.27 line 1.

In view of the order of the district judge, it was error for me to set a scheduling conference. Accordingly,

IT IS ORDERED that the hearing on the Motion to Compel shall occur on January 7, 2010, at 3:00 p.m., as previously scheduled.

IT IS FURTHER ORDERED that the scheduling conference set for January 7, 2010, is VACATED.

Dated December 4, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge