

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Civil Action No. 09-cv-00766-MSK-MJW

EARL J. GOULD,

Plaintiff,

v.

THE CANADA LIFE ASSURANCE COMPANY, a foreign corporation; and  
THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, an Indiana corporation,

Defendants.

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**AMENDED ORDER SETTING HEARING UNDER FED.R.CIV.P. 16**

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THIS MATTER comes before the Court on Plaintiff's Motion to Vacate or Modify to Address Preliminary Issues Pertinent to a non-ERISA LTD insurance claim (Motion) (#8) filed April 21, 2009. Having reviewed the Motion,

**IT IS HEREBY ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part. The Motion is **DENIED** as to vacation of the Rule 16 hearing. In court hearing remains set for **June 11, 2009, at 4:00 p.m.**, United States District Court for the District of Colorado, Courtroom A901, 901 19<sup>th</sup> Street, Alfred A. Arraj U.S. Courthouse, Denver, Colorado. The Motion is **GRANTED** as to the request for modification and the Court's previous Order at docket entry #2 is **AMENDED** as follows:

1. Parties shall appear by counsel, or if unrepresented appear in person;
2. At least **twenty-one (21)** days prior to the conference, counsel (or a *pro se* party) shall confer to discuss the matters identified in FED. R. CIV. P. 16(c). These include but are not limited to:

- a. Necessity of joinder of any party;
  - b. Need for any amendments to pleadings;
  - c. Whether resolution by summary judgment is likely;
  - d. Discovery needs and scheduling;
  - e. Prospects for settlement;
  - f. Personal and subject matter jurisdictions;
  - g. Identification of legal and factual issues;
  - h. Length of trial;
  - i. Referral of action to the Magistrate Judge; and
  - j. Such other matters as any party considers conducive to the just, speedy, and inexpensive determination of this action.
3. At this hearing, counsel should be prepared to advise the Court as to what procedure should be used to best facilitate the just, speedy and inexpensive determination of this action.

DATED this 22<sup>nd</sup> day of April, 2009.

**BY THE COURT:**



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Marcia S. Krieger  
United States District Judge