

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Michael J. Watanabe**

**Civil Action No.** 09-cv-00826-LTB-MJW

FTR - Courtroom A-502

**Date:** March 18, 2010

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

COREY A. SHIVELY,

Eric V. Field

Plaintiff(s),

v.

MATT ROCK,  
ARI ZAVARUS,  
LARRY BRONES, and  
JULIE TOLLIS,

Nicole S. Gellar

Defendant(s).

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**COURTROOM MINUTES / MINUTE ORDER**

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**HEARING: SHOW CAUSE HEARING / RULE 16(b) SCHEDULING CONFERENCE**

**Court in Session:** 8:30 a.m.

Court calls case. Appearances of counsel. Plaintiff is also present.

It is noted all defendants have now been served. Therefore,

**It is ORDERED:** The ORDER TO SHOW CAUSE [Docket No. 18, Filed November 03, 2009 and continued February 04, 2010] is deemed satisfied and is vacated.

The Court takes notice of defendants' Notice that Docket No. 38 and Docket No. 39 are moot. Therefore,

**It is ORDERED:** Defendants' MOTION TO DISMISS PURSUANT TO FED.R.CIV.P. 12(B)(6) [Docket No. 38, Filed February 22, 2010] is **DENIED AS MOOT**.

**It is ORDERED:** Defendant TOLLIS' ANSWER TO SECOND AMENDED COMPLAINT [Docket No. 39, Filed February 22, 2010] is deemed moot. Docket No. 41 Filed February 24, 2010 is the operative Complaint in this civil action.

Plaintiff makes an Oral Motion for extension of time to respond to Defendants' Motion to Dismiss. With no objection from defendants,

**It is ORDERED:** Plaintiff's ORAL MOTION FOR EXTENSION OF TIME TO RESPOND is **GRANTED**. Plaintiff shall have to and including **MARCH 29, 2010** within which to respond to defendants' Motion to Dismiss First Amended Complaint (Doc. 41) Pursuant to Fed. R. Civ. P. 12(b)(6) [Docket No. 45, filed March 05, 2010].

**The following will confirm the actions taken and dates set at the scheduling conference held this date:**

The Court is in receipt of defendants' initial confidential settlement statement. Plaintiff has not submitted his. Plaintiff shall submit his initial confidential settlement statement **on or before MARCH 26, 2010**, as a pdf attachment e-mailed to [Watanabe\\_Chambers@cod.uscourts.gov](mailto:Watanabe_Chambers@cod.uscourts.gov)

Parties shall complete Fed. R. Civ. P. 26(a)(1) disclosures **on or before APRIL 09, 2010**.

Joinder of Parties/Amendment to Pleadings: **MAY 03, 2010**

Discovery Cut-off: **SEPTEMBER 01, 2010**

Dispositive Motions Deadline: **OCTOBER 01, 2010**

Each side shall be limited to three (3) expert witnesses, and two (2) rebuttal experts without further leave of Court.

Parties shall designate experts **on or before JULY 19, 2010**

Parties shall designate rebuttal experts **on or before AUGUST 19, 2010**

Interrogatories, Requests for Production, and Requests for Admissions shall be served on or before **JULY 30, 2010**.

Each side shall be limited to twenty-five (25) Interrogatories, twenty-five (25) Requests for Production, and ten (10) Requests for Admissions, without leave of Court.

Each side shall be limited to five (5) fact depositions, plus experts. Each deposition shall be limited to one (1) day of a maximum of seven (7) hours, absent leave of Court. All depositions, fact and expert witnesses, shall be completed **no later than SEPTEMBER 01, 2010**.

A **SETTLEMENT CONFERENCE** set for **MAY 25, 2010 at 10:00 a.m.** in Courtroom A-502, Fifth Floor, Alfred A. Arraj United States Courthouse, 901 19<sup>th</sup> Street, Denver, Colorado 80294.

Updated Confidential Settlement Statements are due to Magistrate Judge Watanabe (*not the trial judge*) via e-mail, as a PDF attachment, at [Watanabe\\_Chambers@cod.uscourts.gov](mailto:Watanabe_Chambers@cod.uscourts.gov) **on or before MAY 20, 2010**.

■ **In the subject line** of the e-mail, counsel shall list the case number, short caption, date of the conference, and "confidential settlement statement."

All attorneys, parties and/or client representatives, including an adjustor if an insurance company is involved, with full settlement authority shall be present **in person** at the settlement conference. Anyone seeking entry into a United States Courthouse is required to show a valid

current photo identification. See D.C.COLO.LCivR 83.2. Failure to comply with this requirement may result in denial of entry to the courthouse.

**FINAL PRETRIAL CONFERENCE** set for **DECEMBER 03, 2010 at 8:30 a.m.**

Courtroom A-502, Fifth floor, Alfred A. Arraj United States Courthouse, 901 19<sup>th</sup> Street, Denver, Colorado 80294.

The proposed final pretrial order shall be filed, and then sent as a Word or WordPerfect attachment to [Watanabe\\_Chambers@cod.uscourts.gov](mailto:Watanabe_Chambers@cod.uscourts.gov), on or before **NOVEMBER 29, 2010**.

**In the subject line** of the e-mail, counsel shall list the case number, short caption, and "proposed final pretrial order." (See [www.cod.uscourts.gov](http://www.cod.uscourts.gov) for more information.)

Valid photo identification is required to enter the courthouse. In accordance with Fed.R.Civ.P. 16(d), the conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties.

**TRIAL:** The following are currently set before The Honorable Lewis T. Babcock:

Trial Preparation Conference: January 07, 2011 at 9:00 a.m.

Two (2) day trial to the Court: February 07, 2011 at 9:00 a.m.

Parties are directed to [www.cod.uscourts.gov](http://www.cod.uscourts.gov) and shall fully comply with the procedures of the judicial officer assigned to try this case on the merits.

Scheduling Order is signed and entered with interlineations **MARCH 18, 2010**

Hearing concluded.

**Court in recess:** 8:53 a.m.

Total in-court time: 00:23

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