

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01000-WYD-MEH

RICHARD MADDOX, Conservator of the Estate and Affairs of Virginia Maddox,

Plaintiff,

v.

STEPHEN VENEZIO,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 22, 2009.

Defendant's Unopposed Motion to Reschedule Scheduling/Planning Conference [filed July 21, 2009; docket #10] is **granted in part and denied in part**. Defense counsel states that he learned of the July 23, 2009 Scheduling Conference in this matter on July 20, 2009.¹ However, defense counsel entered his appearance and filed an Answer in this case on June 29, 2009 [dockets #8 and #9], and provides no explanation for his inability to review the Court's orders in this case on the ECF system. Moreover, counsel provides no reason for the requested 44-day extension within which to prepare for a scheduling conference in this case. Nevertheless, to accommodate defense counsel's court schedule, this Court will grant a brief extension of time. No further requests for extension will be entertained.

The Scheduling Conference set for July 23, 2009, is hereby **vacated** and **reset** to **August 19, 2009, at 9:30 a.m.** in Courtroom 203 on the second floor of the Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

Lawyers whose offices are located outside of the Denver metropolitan area may appear at scheduling and pretrial conferences by telephone, if the appropriate proposed order has been submitted to Chambers in a useable format by the appropriate deadline. Please contact Chambers at (303) 844-4507 to arrange appearance by telephone.

It is further ORDERED that counsel for the parties in this case are to hold a pre-scheduling conference meeting and jointly prepare a proposed Scheduling Order in accordance with Fed. R. Civ. P. 26(f) on or before **July 29, 2009**. Pursuant to Fed.R.Civ.P. 26(d), no discovery shall be

¹If this is true, then Plaintiff failed to comply with this Court's May 8, 2009 order requiring that he "notify all parties who have not entered an appearance of the date and time of the Scheduling Conference." The Court notes further that, although there is no mention of it, the parties likely have not participated in the required Fed. R. Civ. P. 26(f) meeting.

submitted until after the pre-scheduling conference meeting, unless otherwise ordered or directed by the Court.

The parties shall file the proposed Scheduling Order with the Clerk's Office, and in accordance with District of Colorado Electronic Case Filing ("ECF") Procedures V.L., **no later than five (5) business days** prior to the scheduling conference. **The proposed Scheduling Order is also to be submitted in a useable format (i.e., Word or WordPerfect only) by email to Magistrate Judge Hegarty at *Hegarty_Chambers@cod.uscourts.gov*.**

Parties not participating in ECF shall file their proposed Scheduling Order on paper with the clerk's office. However, if any party in this case is participating in ECF, it is the responsibility of that party to file the proposed scheduling order pursuant to the District of Colorado ECF Procedures.

The parties shall prepare the proposed Scheduling Order in accordance with the form which may be downloaded in richtext format from the Standardized Order Forms section of the Court's website, found at http://www.co.uscourts.gov/forms_frame.htm. All Scheduling Conferences held before a Magistrate Judge utilize the same scheduling order format, regardless of the District Judge assigned to the case.

Any out-of-state counsel shall comply with D.C. Colo. LCivR 83.3C prior to the Scheduling Conference.

The parties are further advised that they shall not assume that the Court will grant the relief requested in any motion. Failure to appear at a Court-ordered conference or to comply with a Court-ordered deadline which has not be vacated by Court order may result in the imposition of sanctions.

Finally, the parties or counsel attending the Conference should be prepared to informally discuss settlement of the case. There is no requirement to submit confidential settlement documents/letters to the Court beforehand or to have parties present who shall have full authority to negotiate all terms and demands presented by the case.

Please remember that anyone seeking entry into the Byron G. Rogers United States Courthouse will be required to show a valid photo identification. *See* D.C. Colo. LCivR 83.2B.