

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01295-PAB-MEH

JUSTIN METCALF,  
WILLIAM CURRIER, and  
HERMAN CHRISTOPHE,  
individually and on behalf of similarly situated individuals,

Plaintiffs,

v.

FCI AND ASSOCIATES, INC.,  
DAN FITCH, and  
MIKE BUCHART,

Defendants.

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**RECOMMENDATION TO STAY PROCEEDINGS**

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**Michael E. Hegarty, United States Magistrate Judge.**

This matter comes before the Court *sua sponte*. This Court met with (on October 28, 2009), and will continue to meet with, the parties in this action in an effort to resolve the litigation short of trial. The parties have agreed to engage in certain actions taken toward early resolution, which include an exchange of information and which will require some time to complete. Therefore, in support of the parties' continued efforts toward resolving this matter and as a matter of judicial economy and efficiency, the Court RECOMMENDS<sup>1</sup> that the District Court stay all proceedings in

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<sup>1</sup>Be advised that all parties shall have ten (10) days after service hereof to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned. Fed. R. Civ. P. 72. The party filing objections must specifically identify those findings or recommendations to which the objections are being made. The District Court need not consider frivolous, conclusive or general objections. A party's failure to file such written objections to proposed findings and recommendations contained in this report may bar the party from a *de novo* determination by the District Judge of the proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 676-83 (1980); 28 U.S.C. § 636(b)(1). Additionally, the failure to file written objections to the proposed findings and recommendations within ten (10) days after being

this case until and including February 1, 2010. At that time, if the matter is not resolved, this Court will set the matter for a status conference at which the Court will set a schedule for continued discovery in this case.

Dated at Denver, Colorado, this 18th day of December, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is fluid and cursive, with "Michael" and "E." being more formal and "Hegarty" being more stylized.

Michael E. Hegarty  
United States Magistrate Judge

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served with a copy may bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Court. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *Niehaus v. Kansas Bar Ass'n*, 793 F.2d 1159, 1164 (10th Cir. 1986).