

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01385-CMA-MEH

HOME DESIGN SERVICES, INC.,

Plaintiff,

v.

CHRIS KENDRICK CONSTRUCTION and
CHRIS KENDRICK,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 21, 2009.

Defendants' Motion to Move Rule 16(b) Scheduling Conference of August 19, 2009 and Extension of Time for 26(f) Pre-Scheduling Meeting Deadline of July 29, 2009 [filed July 21, 2009; docket #6] is **granted** as follows. The proposed order filed as a motion titled Order Re: Defendants' Motion to Reschedule August 19, 2009 Hearing and Extend July 29, 2009 Deadline [filed July 21, 2009; docket #7] is **denied as duplicative**.

The Fed. R. Civ. P. 16(b) Scheduling Conference set for August 19, 2009, at 9:30 a.m. is **vacated** and **reset** to Friday, **September 18, 2009, at 9:00 a.m.** in Courtroom 203 on the second floor of the Byron G. Rogers United States Courthouse located at 1929 Stout Street, Denver, Colorado. If this date is not convenient, counsel should confer with opposing counsel and contact my Chambers to reschedule the conference. Absent exceptional circumstances, no request for rescheduling will be entertained unless made **five business days prior** to the date of the conference.

The plaintiff shall notify all parties who have not entered an appearance of the date and time of the Scheduling Conference.

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 **August 28, 2009**. Pursuant to Fed.R.Civ.P. 26(d), no discovery shall be 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.