

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-01632-CMA-BNB

MARK SMITH, individually and on behalf
of other similarly situated persons,

Plaintiff,

v.

PIZZA HUT, INC.,

Defendant.

AMENDED ORDER

This matter arises on **Plaintiffs' Motion to Compel Defendant to Produce Witnesses and Suggestions In Support** [Doc. # 329, filed 11/27/2012] (the "Motion to Compel").

I held a hearing on the Motion to Compel this morning. I am informed by counsel that the discovery dispute can be resolved by the parties provided the defendant produces required data and the plaintiff has sufficient time after receiving the data to review it and provide it to plaintiffs' expert for evaluation. Preparation of the data for production is underway.

IT IS ORDERED:

(1) A status conference to address scheduling issues is set for **February 5, 2013, at 10:00 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. Counsel may attend the status conference by telephone by contacting the court at the designated time at 303-844-6408;

(2) Prior to the status conference, counsel and (if appropriate) their consultants shall conduct a telephone conference call or meeting to address technical issues concerning the nature of the data available, to format in which it is maintained, the format in which it will be produced, and any other necessary technical matters so that a final schedule can reasonably be set at the status conference based on the best available information;

(3) On or before **February 4, 2013, at 12:00 noon**, counsel shall submit a joint status report with their suggestions about the final schedule;

(4) The Motion to Compel [Doc. # 329] is DENIED without prejudice in view of the parties' representation that the discovery dispute can be resolved in connection with setting a final schedule; and

(5) The deadlines for expert disclosures, discovery cut-off, and dispositive motions are VACATED pending the status conference.

Dated December 18, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge