

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,

Plaintiffs,

v.

PIZZA HUT, INC.,

Defendant.

ORDER

This matter arises on the **Expedited Motion and Request for Hearing** of Defendant **Pizza Hut, Inc. for Amendment of Scheduling Order Regarding Depositions and for Rescheduling of Proposed Pretrial Order and Final Pretrial Conference** [Doc. # 383, filed 1/27/2014] (the “Motion”). I held a hearing on the Motion this morning and made rulings on the record, which are incorporated here.

As I indicated on the record, although I am denying at this time the defendant’s request for additional depositions of trial witnesses, I am inclined to allow those depositions for some or all of the trial witnesses once they are known, on a showing of reasonable need, and in a manner which minimizes cost and inconvenience. After the parties disclose the trial witnesses in the final pretrial order, they are directed to confer in an attempt to reach agreement about additional depositions. If an agreement can be reached, the parties shall file a joint motion requesting the adoption of the agreement. If no agreement is reached, nothing in this order precludes the defendant from renewing its request for additional depositions of trial witnesses.

IT IS ORDERED that the Motion [Doc. # 383] is DENIED as follows:

- (1) The final pretrial conference remains set for April 1, 2014, at 9:30 a.m., in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado; and
- (2) The request for additional depositions of trial witnesses is denied subject to review after the final pretrial order is entered.

Dated February 13, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge