

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02080-REB-KLM

SPACECON SPECIALITY CONTRACTORS, LLC,

Plaintiff,

v.

RICHARD BENSINGER, an individual,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Motion for Leave to Unilaterally Set Discovery Hearing and D.C.COLO.LCIVR 7.1 Certification** [Docket No. 58; Filed May 21, 2010] (the "Motion"). Defendant has filed a response in opposition to the Motion [Docket No. 60; Filed May 24, 2010].

The parties disagree on whether there was an attempt to confer before Plaintiff filed the Motion. Plaintiff asserts that Defendant has not responded to outstanding discovery requests. Plaintiff further asserts that Defendant did not agree to Plaintiff's proposal to schedule a discovery hearing. Defendant disputes Plaintiff's account. Defendant's counsel asserts that the parties have attempted to resolve the discovery requests and that Defendant does not oppose the scheduling of a discovery hearing. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.

IT IS FURTHER **ORDERED** that the parties shall meet and confer and use their best efforts to resolve the discovery disputes prior to seeking the Court's intervention.

IT IS FURTHER **ORDERED** that if unresolved discovery disputes remain after counsel for the parties meet and confer, Plaintiff's counsel shall initiate a joint conference call with opposing counsel and contact chambers at (303) 335-2770 in order to schedule a mutually agreeable time for the discovery hearing. The length of any discovery hearing will be limited to one hour.

Dated: May 26, 2010