

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

Civil Action No. 09-cv-02858-CMA-BNB

ILONA KIRZHNER,

Plaintiff,

v.

DAVID SILVERSTEIN,  
EVERGREEN INDUSTRIES, INC., a Colorado corporation, f/k/a Breakthrough Management  
Group International, Inc., f/k/a Breakthrough Management Group, Inc.,  
DAVID SILVERSTEIN INVESTMENTS, LLC, a Colorado limited liability company, and  
DSI INVESTMENTS, LLC, a Colorado limited liability company,

Defendants.

---

**ORDER**

---

This matter arises on the following:

(1) **Defendants' Motion for Rule 26(c) Protective Order Concerning All**

**Discovery Pending Consideration of Defendants' Rule 11 Sanctions Motion on the Contract  
and Fraud Claims and the Motions to Dismiss** [Doc. # 35, filed 4/5/2010] (the "Motion for  
Protective Order"); and

(2) **Plaintiff's Partially Unopposed Motion to Extend Discovery Deadlines and to  
Re-Schedule Settlement Conference** [Doc. # 54, filed 7/6/2010] (the "Motion to Extend").

The district judge has granted in part and denied in part the defendants' motions to  
dismiss, see Order [Doc. # 59, filed 7/23/2010], and the contract claims and fraud claim have  
survived dismissal in whole or in part. Consequently, the Motion for Protective Order is now  
moot.

I held a scheduling conference on March 24, 2010, establishing pretrial deadlines. On April 5, 2010, the defendants filed the Motion for Protective Order. The parties agree that the effect of filing the Motion for Protective Order was to stay all discovery pending its resolution. The Motion for Protective Order is now moot, and will be denied. Consequently, good cause exists to support the Motion to Extend.

IT IS ORDERED that the Motion for Protective Order [Doc. # 35] is DENIED as moot.

IT IS FURTHER ORDERED that the Motion to Extend [Doc. # 54] is GRANTED,<sup>1</sup> and the case schedule is modified to the following extent:

Discovery Cut-Off: **February 4, 2011**

(All discovery must be completed by the discovery cut-off. All written discovery must be served so that responses are due on or before the discovery cut-off.)

Dispositive Motions Deadline: **February 4, 2011**

Expert Disclosures:

- (a) The parties shall designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **November 1, 2010**
- (b) The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **December 1, 2010**

Final Pretrial Conference: The final pretrial conference set for January 7, 2011, at 8:30 a.m., is VACATED and RESET to **March 18, 2011, at 9:00 a.m.** A Final Pretrial Order

---

<sup>1</sup>I previously vacated the settlement conference, see Doc. # 58, rendering moot the Motion to Extend insofar as it concerns the settlement conference.

shall be prepared by the parties and submitted to the court no later than March 11, 2011.

IT IS FURTHER ORDERED each party shall submit a confidential settlement statement to the magistrate judge on or before **August 20, 2010**, outlining the facts and issues in the case and containing a specific offer of compromise, including a dollar amount the client will accept or pay in settlement and any other essential terms of a settlement.

Dated July 27, 2010.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge