

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02977-REB-KLM

IOWA PACIFIC HOLDINGS, LLC,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER CORPORATION,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Emergency Motion to Modify Scheduling Order** [Docket No. 94; Filed March 14, 2011] (the "Motion"). Plaintiff seeks a 45-day extension of the deadline for the completion of nonexpert discovery, which is currently April 8, 2011, and a 60-day extension of the deadline for filing dispositive motions, which is currently April 25, 2011. Plaintiff argues that extension of these deadlines is warranted because a discovery dispute with Defendant has necessitated a delay in scheduling the depositions of two Amtrak employees, Teresa Hughey and Michael Franke. *Motion* [#94] at 3. Plaintiff also seeks to reset the Final Pretrial Conference.

The Court finds that Plaintiff has not shown that an extension of the discovery and dispositive motion deadlines is warranted at this time. More than three weeks remain before the discovery deadline. If Plaintiff diligently acts to follow the Court's prescribed procedures for resolving discovery disputes, it is likely that the dispute delaying the depositions of Teresa Hughey and Michael Franke will be resolved quickly, thus enabling Plaintiff to complete the depositions before April 8, 2011. The Court also finds that Plaintiff has not provided any reason justifying its request to reset the Final Pretrial Conference. As the trial of this matter is set to commence on June 27, 2011, and the Trial Preparation Conference is set for June 10, 2011, lengthy extensions of case management deadlines are not appropriate. Accordingly,

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

Dated: March 14, 2011