

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00056-RPM-MEH

NICHOLAS BARBERIO,

Plaintiff,

v.

B&V DESIGN INC., d/b/a BTW FINANCIAL COMPANY,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on March 29, 2010.

Plaintiff's Motion to Vacate Scheduling Order and Conference [filed March 26, 2010; docket #7] is **granted in part and denied in part**. The Scheduling Conference set in this case for March 30, 2010, is **vacated and rescheduled for April 28, 2010, at 9:45 a.m.** in Courtroom 203 on the second floor of the Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

If this date is not convenient for any counsel, he or she should confer with opposing counsel and my chambers to obtain a more convenient date. Absent exceptional circumstances, no request for rescheduling will be entertained unless made five days in advance of the date of appearance. The plaintiff shall notify all parties who have not entered an appearance of the date and time of the Scheduling/Planning Conference.

Lawyers whose offices are located outside of the Denver metropolitan area, including Plaintiff's counsel, may appear at the Scheduling Conference by telephone, if the original signed copy of the appropriate proposed scheduling order has been submitted. Counsel are to arrange appearance by telephone with my Chambers by calling (303) 844-4507 within three days in advance of the conference.

It is further ORDERED that counsel for the parties in this case are to hold a pre-scheduling conference meeting and prepare a proposed Scheduling Order in accordance with Fed. R. Civ. P. 26(f), as amended, on or before **April 14, 2010**. Pursuant to Fed. R. Civ. P. 26(d), as amended, no discovery shall be submitted until after the pre-scheduling conference meeting, unless otherwise ordered or directed by the district judge in this case.

The parties shall submit their proposed scheduling order, pursuant to District of Colorado Electronic Case Filing ("ECF") Procedures V.L. **no later than five (5) business days** prior to the scheduling conference. The proposed Scheduling Order to be submitted to the Magistrate Judge under the ECF Procedures must be submitted in a useable format (i.e., Word or WordPerfect only) and shall be emailed to the Magistrate Judge at *Hegarty_Chambers@cod.uscourts.gov*.

Attorneys and/or pro se parties not participating in ECF shall submit their proposed scheduling order on paper to the Clerk's Office. However, if any party in this case is participating in ECF, it is the responsibility of that party to submit the proposed scheduling order pursuant to the District of Colorado ECF Procedures.

The parties shall prepare the proposed Scheduling Order in accordance with the form which may be downloaded in richtext format from the forms section of the court's website at www.co.uscourts.gov. Instructions for downloading in richtext format are posted in the forms section of the website.

All out-of-state counsel shall comply with D.C. Colo. LCivR 83.3C prior to the Scheduling/Planning conference.

The parties are further advised that they shall not assume that the court will grant the relief requested in any motion. Failure to appear at a court-ordered conference or to comply with a court-ordered deadline which has not be vacated by court order may result in the imposition of sanctions.

Please remember that anyone seeking entry into the Byron G. Rogers United States Courthouse will be required to show a valid photo identification. *See* D.C. Colo. LCivR 83.2B.