

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00152-WYD-KLM

KATHLEEN BAKER,

Plaintiff,

v.

FORD MOTOR CREDIT COMPANY, LLC, d/b/a Ford Motor Credit Company,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendant's Motion to Clarify Minute Order and Defendant's Response to Plaintiff's Unopposed Motion to Amend the Scheduling Order** [Docket No. 46; Filed August 2, 2010] (the "Motion").

On July 30, 2010, Plaintiff filed an Unopposed Motion to Amend the Scheduling Order. [Docket No. 43]. In the motion, Plaintiff requested that the Court extend "the deadline for the designation of Plaintiff's rebuttal expert(s) and submission of expert report(s) from August 2, 2010, 2010 to 28 days from the date in which Defendant provides the required information" under Fed. R. Civ. P. 26. (emphasis supplied).

On August 2, 2010, the Court granted the Motion to Amend the Scheduling Order [Docket No. 45]. The Court relied on counsel's representation that the motion was unopposed. Defendant has now filed a Motion to Clarify the Court's Order granting amendment of the scheduling order. Defendant asserts that it does not agree with the statement in Plaintiff's motion [Docket No. 43] that Defendant failed to disclose all information required by Rule 26. However, Defendant admits that it did not provide Plaintiff with the expert's file until August 2, 2010. Moreover, Defendant does not substantively oppose the remedy sought in the Motion to Amend. Defendant requests that Plaintiff be given 30 days, instead of 28 days, to designate her rebuttal expert and provide her expert's report.

The Court also notes that Defendant has not conferred with opposing counsel prior to filing the Motion, as required by D.C.COLO.LCivR 7.1A. In addition, the Motion is included in a response, in violation of D.C.COLO.LCivR 7.1C. The motion must be made in a separate paper.

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

Dated: August 5, 2010