

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

Civil Action No. 10-cv-00385-WJM-BNB

SBM SITE SERVICES, LLC, an Oregon limited liability company,

Plaintiff,

v.

JOHN GARRETT, an individual,

Defendant.

ORDER

This matter arises on the following:

(1) **Defendant Able’s Motion to Stay or, In the Alternative, Continue Hearing on Motion for Preliminary Injunction and for Other Relief** [Doc. # 278, filed 3/7/2011] (“Able’s Motion to Continue”); and

(2) **Defendant John Garrett’s Motion to Continue Hearing on SBM’s Motions for Preliminary Injunctions and Request for an Emergency Telephone Hearing** [Doc. # 280, filed 3/7/2011] (“Garrett’s Motion to Continue”).

I held a hearing on the motions this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED that Able’s Motion to Continue [Doc. # 278] and Garrett’s Motion to Continue [Doc. # 280] are GRANTED IN PART and DENIED IN PART as follows:

- GRANTED insofar as they seek an emergency telephone hearing, which occurred this afternoon;

- GRANTED insofar as they seek to continue the hearing on the plaintiff's motions for preliminary injunction. The preliminary injunction hearing set for March 17, 2011, at 9:00 a.m., is VACATED and RESET to **March 25, 2011, at 9:00 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. Defendants shall file their responses to the motions for preliminary injunction on or before **March 21, 2011**. Counsel shall submit to my chambers, on or before **March 21, 2011**, proposed witness lists, exhibit lists, and the original and two copies of all exhibits. The exhibits must be marked as stated in my minute order of March 2, 2011 [Doc. # 256]; and

- DENIED in all other respects.

IT IS FURTHER ORDERED that any confidential document (regardless of the level of confidentiality designated) to be offered as an exhibit at the hearing on the motions for preliminary injunction may be shown to any person who will be called to testify at that hearing, either in person, by deposition, or by affidavit, provided the witness executes an affidavit in a form agreed to by the parties that the witness will not disclose the information contained in the confidential document for any purpose other than as may be necessary in connection with this case.

IT IS FURTHER ORDERED that the Scheduling Conference and the hearing on Defendants' Joint Motion for Appointment of a Special Master [Doc. # 233] and Defendant John Garrett's Motion for a Protective Order [Doc. # 277] set for March 25, 2011, at 3:00 p.m., are VACATED, to be reset at a later date.

I note that since January 21, 2011, the date I allowed the plaintiff to amend its complaint, the Court has been inundated with filings. In particular, there have been more than 100 docket

entries in that 6-1/2 week period. The parties are cautioned to exercise restraint and judgment in connection with their filings.

Dated March 9, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge