

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Craig B. Shaffer**

Civil Action: 10-cv-00519-DME-CBS
Date: September 24, 2010

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Linda Kahoe

EUGENE H. MATHISON,

Pro se (via phone)

Plaintiff,

v.

USA, *et al.*,

Mark S. Pestal

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: PRELIMINARY SCHEDULING CONFERENCE

Court in session: 8:30 a.m.

Court calls case. Appearance of counsel. *Plaintiff appears pro se via phone.*

Discussion regarding Motion for Clarification of Minute Order of July 19, 2010, doc #[30], filed 7/23/2010.

ORDERED: Motion for Clarification, doc #[30], is **DENIED as MOOT.**

Discussion regarding Motion to Compel and for Costs Pursuant to Fed.R.Civ.P. 37, doc #[34], filed 8/24/2010. Mr. Mathison makes an oral Motion to Withdraw the Motion to Compel.

ORDERED: Plaintiff's oral Motion to Withdraw is **GRANTED.** The Motion to Compel, doc #[34], is **WITHDRAWN WITHOUT PREJUDICE.**

Discussion regarding Motion for Summary Judgment Pursuant to Fed.R.Civ.P. 56, doc #[35], filed 8/24/2010.

Discussion regarding Defendant's Motion for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment, doc #[38], filed 9/9/2010. The court states that Mr. Pestal has not shown good cause. The court refers to Rule 56(f).

Mr. Mathison states he has not received a copy of the Motion for Time.

Discussion regarding settlement.

The court suggests that this matter be continued for two weeks to give Mr. Pestal the opportunity to gather medical records; identify what he needs to do to respond to the Motion for Summary Judgment; and to confer with his client to determine the best way to respond to Mr. Mathison's opening settlement offer.

ORDERED: A Further Preliminary Scheduling Conference is set for **OCTOBER 7, 2010 at 1:30 p.m.** *Mr. Mathison is directed to make arrangements with his case manager to participate in this conference telephonically, and to call the court at 303.844.2117 promptly at the scheduled time.*

HEARING CONCLUDED.

Court in recess: 9:01 a.m.

Total time in court: 00:31

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