

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00567-REB-MEH

NATIONAL ASSOCIATION OF INVESTORS CORPORATION, a Michigan non-profit corporation,

Plaintiff,

v.

BIVIO, INC., a Delaware corporation,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 27, 2010.

Plaintiff/Counter-Defendant's Notice of Motion and Motion to Re-Schedule Settlement Conference and Amend Scheduling Order [[filed July 23, 2010; docket #15](#)] is **granted in part and judgment is reserved in part** as follows. The motion is granted as to Plaintiff's request to reschedule the settlement conference. Plaintiff represents that Defendant opposes the relief requested, however, the Court reminds the parties that settlement is a voluntary process and is most successful when all parties want to participate. The Court believes that engaging in settlement negotiations when one party is not prepared to do so would be unproductive. Accordingly, the Settlement Conference set for July 28, 2010, is hereby **vacated**. The parties shall conference together and call Chambers at (303) 844-4507 on or before **August 5, 2010**, to reschedule. Furthermore, this Court may contact the parties *ex parte* to discuss settlement prospects in light of the contents of the parties' respective confidential letters.

The Court **reserves judgment** as to Plaintiff's request for an extension of time to serve discovery past July 15, 2010. Plaintiff shall reply in support of this request on or before **July 29, 2010**.