

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 and Third Party Plaintiff,

v.

ICLUBCENTRAL INC.,

Third Party Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on November 18, 2010.

The Joint Motion to Modify Scheduling Order [filed November 12, 2010; docket #46] is **granted in part** and **denied in part** as follows. The motion is **granted** to the extent the discovery deadline is re-opened and extended up to and including **January 17, 2011**. The deadline for serving Interrogatories, Requests for Admission and Requests for Production is **December 8, 2010**. The deadline for filing dispositive motions is re-opened and extended up to and including **December 30, 2010**. The parties represent that they do not anticipate calling any expert witnesses. (See docket #46-1.) The motion is **denied** to the extent the parties request the resetting of the trial preparation conference and the trial date.¹ (See docket #46.) The parties may resubmit this request in the form of a separate motion directed to the District Court. If the District Court resets the trial setting, this Court may revisit these deadlines at that time.

The Telephonic Motion Hearing regarding this matter set for November 18, 2010, at 3:00 p.m. MST is hereby **vacated**. The Settlement Conference remains set for **January 24, 2011**. (Docket #45.)

The Final Pretrial Conference scheduled for December 21, 2010, is **vacated** and **rescheduled** to **January 24, 2011**, at **10:00 a.m.** in Courtroom 203 on the second floor of the Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

¹Presently set for March 11 and 28, 2011, respectively.

The parties shall submit their proposed pretrial order, pursuant to District of Colorado Electronic Case Filing (“ECF”) Procedures V.L. **no later than five (5) business days** prior to the pretrial conference. The proposed pretrial order to be submitted to the Magistrate Judge under the ECF Procedures must be submitted in a useable format (i.e., WordPerfect or Word 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 pretrial 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 pretrial order pursuant to the District of Colorado ECF Procedures. All out-of-state counsel shall comply with D.C. Colo. LCivR 83.3C prior to the pretrial conference.

The parties shall prepare the proposed pretrial order in accordance with the form which may be downloaded from the forms section of the court’s website at <http://www.cod.uscourts.gov/Forms.aspx>. Instructions for downloading are posted in the forms section of the website.

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.