

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 January 12, 2011.

Defendant's request for fees in its Renewed Motion to Compel [filed December 29, 2010; docket #61] is **denied**. After the discussion on the record and review of the parties' filings, the Court does not believe an award of fees is due at this time. However, the Court emphasizes to the parties that should delay or other non-cooperation in the production of discovery occur between the date of this minute order and the deadline set forth below, the Court will likely impose a sanction commensurate with the violation at that time, upon motion and consistent with Rule 37.

In light of the District Court's vacating of the trial and trial preparation conference [docket #72], Defendant's Motion to Modify Scheduling Order and Request for Pretrial Conference [filed December 29, 2010; docket #63] is **granted** as follows. The discovery deadline and deadline for filing of any additional dispositive motion is extended up to and including **March 31, 2011**.

The Settlement Conference set for January 24, 2011, is **vacated**. Should the parties decide that a Court-facilitated settlement conference would be useful, the parties may conference together and call Chambers at (303) 844-4507 to discuss available dates.

The Final Pretrial Conference scheduled for January 24, 2011, is **vacated** and **reset to April 29, 2011, at 9:45 a.m.** in Courtroom A501 on the fifth floor of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

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 Alfred A. Arraj United States Courthouse will be required to show a valid photo identification. See D.C. Colo. LCivR 83.2B.